

Harmful Practices

7



Patriarchy is at the heart of harmful practices. Drama performance by Somnjalose High School during the eZulwini Municipality Mayors walk
Photo: Thandokuhle Dlamini

KEY POINTS

- The Constitutions of five SADC countries have claw back clauses. This means they provide for gender equality on one hand but make other guarantees that undermine that provision. Three Constitutions fail to address the contradictions between the constitution, customary laws and practices.
- The average regional score for the Gender Responsive Assessments of Constitutions and laws in SADC is 57%. The lowest rated area (average 49%) is access to justice.
- While all SADC countries meet the requirement of the minimum age of 18 for marriage for men, only three countries (Malawi, Mozambique and South Africa) stipulate 18 as the minimum age of marriage for women and men with no exceptions, i.e. are compliant with the SADC Protocol on Gender and Development.
- In eight SADC countries (Angola, DRC, Madagascar, Malawi, Mozambique, Tanzania, Zambia and Zimbabwe) over one third of all young women are married by the age of 18.
- In Tanzania, the promulgation of a law prohibiting female genital mutilation in 1998 has not ended the practice.
- Widows in Southern Africa still face various forms of harmful cultural practices including forced widow inheritance, accusations of witchcraft including accusations of killing their deceased husbands, gender based violence, property grabbing and other forms of inhuman, humiliating and degrading treatment.
- In Swaziland widows are openly discriminated against by State institutions. Discriminatory practices include being barred from participating in politics and other public life/spaces, being barred from getting close to the King or the Queen mother or even obtaining mundane services like applying for a passport.

Introduction



Harmful cultural or traditional practices are a form of gender based violence in that they are mainly targeted at women and girls simply because they are women or girls. The practices are perpetrated by communities for so long, often for generations. As a result they are regarded by communities and in particular those who push or support the practices as part of the culture or way of doing things for those communities thus assuming an aura of morality within society.¹ Harmful cultural practices have a serious bearing on the sexual and reproductive health rights of women and girls. Examples of harmful cultural practices include early forced and child marriages, widow inheritance, property grabbing, female genital mutilation (FGM), and honour killings amongst others.

The SADC Protocol on Gender and Development states that "States Parties and policies must ensure that policies and programmes... take account of the unequal status of women, the particular vulnerability of the girl child as well as harmful practices and biological factors that result in women constituting the majority of those infected and affected by HIV and AIDS".² For

example early or child marriage often results in early pregnancies and infection of the affected children with sexually transmitted diseases, including HIV. This in turn has long term effects on the health and wellbeing of the child, including potentially impacting the right to life as young girls often die in child birth or from HIV and AIDS related illnesses and complications. Female Genital Mutilation (FGM) may also expose women and girls to HIV infections, as does widow inheritance and virginity testing amongst other practices. Most of the harmful cultural practices that are perpetrated on women are executed in and around a culture of coercion, discrimination and violence, which increases women and girls' vulnerability and violation of their SRHR.

It is important to acknowledge that not all cultural practices are harmful and focus on the elimination of those that are. It is also important to analyse and decipher those practices that are regarded as positive, so that they are not used as a decoy to smuggle in, justify and hide harmful practices.

This chapter places significant focus on child marriage as a harmful practice. Child marriage is defined as "any marriage where at least one of the parties is less than 18 years of age".³ A child marriage is also a form of forced marriage in that as a child or children, or both parties to the marriage could not have given their full, free and informed consent.

The practice has been a cause for concern the world over, including Southern Africa. The adoption of the *SADC Model Law on Eradicating Child Marriage and Protecting Children Already in Marriage* by the SADC Parliamentary Forum in 2016 marked a turning point in the region in acknowledging the scourge, and the need for governments to put in place measures to contain it.

¹ NHS Health Scotland, (2019), 'Harmful traditional practices' available at: <http://www.healthscotland.scot/health-topics/gender-based-violence/harmful-traditional-practices> (accessed 15 July 2019)

² Article 27 (2), SADC Protocol on Gender and Development

³ United Nations Office of the High Commissioner on Human Rights (Undated), 'Child, early and forced marriage, including in humanitarian settings' available at: <https://www.ohchr.org/EN/Issues/Women/WRGS/Pages/ChildMarriage.aspx> (accessed 16 July 2019)

Table 7.1: Key Indicators on Harmful Practices

INDICATORS	Angola	Botswana	DRC	Eswatini	Lesotho	Madagascar	Malawi	Mauritius	Mozambique	Namibia	Seychelles	South Africa	Tanzania	Zambia	Zimbabwe
Constitution															
The Constitution has claw back clauses	No	Yes	No	Yes	Yes	No	Yes	Yes	No	No	No	No	No	No	No
The Constitution addresses contradictions between the constitution, laws and practices	Yes	No	No	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Gender Responsive Assessment of Constitutions and Laws (all Articles refer to the SADC Protocol on Gender and Development)															
Gender Responsive Assessment of Constitutions and Laws (GRA) overall %	50	43	39	30	50	49	73	54	32	68	73	62	67	58	74
Constitutional rights (Article 4) %	52	52	60	24	44	56	84	60	56	72	60	68	48	52	72
Laws and practise (Article 6) %	40	40	N/A	30	52	64	66	62	N/A	56	72	46	62	56	56
Access to justice (Article 7) %	48	30	42	6	42	24	56	48	34	68	78	64	56	62	76
Persons with disability (Article 9) %	80	40	40	60	40	80	60	N/A	80	80	60	100	100	80	100
Widows and widowers (Article 10) %	70	50	60	0	60	60	80	80	40	80	100	90	100	100	100
Marriage and family rights (Article 8) %	47	50	70	57	40	63	93	37	50	87	73	63	77	60	83
Early Child Marriages															
Minimum legal age of consent to marriage for women	15	21	15	16	16	18	18	18	18	18	15	18	15	21	18
Minimum legal age of consent to marriage for men	18	21	18	18	18	18	18	18	18	18	18	18	18	21	18
Exceptions for women	15	18	None	Possible no age	Possible no age	Possible no age	None	16	None	Possible no age	Possible no age	None	Legislation under appeal	16	None
Exceptions for men	16	18	None	Possible no age	Possible no age	Possible no age	None	16	None	Possible no age	Possible no age	None	Legislation under appeal	16	None
Percentage young women married by Age 18	30	n/d	37	5	17	41	42	n/d	48	7	n/d	6	31	31	32
Percentage young women married by Age 15	8	n/d	10	1	1	12	9	n/d	14	2	n/d	1	5	6	4

Source: Gender Links and Girls Not Brides.

Table 7.1 summarises key indicators on harmful practices. It shows that:

- The Constitutions of five SADC countries (Botswana, Eswatini, Lesotho, Malawi and Mauritius) have claw back clauses. This means they provide for gender equality on one hand but make other guarantees that undermine that provision.
- Three Constitutions (Botswana, Eswatini and Mauritius) fail to address the issue of contradictions between the constitution, customary laws and practices.
- The average regional score for the Gender Responsive Assessments of Constitutions and laws in SADC is 57%. The highest rated areas (average 71%) are disability and widowers rights. The lowest (average 49%) is access to justice.
- While all SADC countries meet the requirement of the minimum age of 18 for marriage for men, six countries (Angola, DRC, Eswatini, Lesotho, Seychelles and Tanzania) are in violation of this provision of the SADC Protocol on Gender and Development for women. Three countries (Angola, Mauritius and Zambia) allow exceptions to the 18 year rule. Botswana makes an exception to its 21 year age of marriage to the minimum requirement of 18.

Five countries (Eswatini, Lesotho, Madagascar, Namibia and Seychelles) make exceptions without stipulating age. In Tanzania this is under review. Only three countries (Malawi, Mozambique and South Africa) stipulate 18 as the minimum age of marriage for women and men with no exceptions, i.e. are compliant with the SADC Protocol on Gender and Development.

- In eight SADC countries (Angola, DRC, Madagascar, Malawi, Mozambique, Tanzania, Zambia and Zimbabwe) over one third of all young women are married by the age of 18.

Much work still needs to be done at national level to put in place laws, policies and other measures to eradicate child marriage and other harmful practices as espoused in the Model Law and the SADC Protocol on Gender and Development. Other focus areas in this chapter will include harmful cultural practices that impact on widows such as widow inheritance, witchcraft accusations, property grabbing, mourning rites and practices as well as other forms of violence and discrimination that are perpetrated against widows in the name of culture. The chapter will also cover FGM with a focus on Tanzania as the only country in Southern Africa with high levels of FGM.



Community drama in Bongatsara, Madagascar, challenges harmful practices.

Photo: Colleen Lowe Morna

Constitutional and legislative provisions



Article 4:1: State parties shall enshrine gender equality and equity in their Constitutions and ensure that any provisions, laws or practices do not compromise these.

A key source of contradictory and discriminatory laws and practices emerges from parallel legal systems of statutory, customary and in some cases religious laws. Some Constitutions give customary law overriding authority over the constitutions (Claw back clauses). Examples include the Constitution of Botswana⁴ and the Constitution of Lesotho.⁵ This means that women cannot challenge any harmful or discriminatory

customary practices as long as they are deemed to be part of customary law and the women are deemed to be subject to that customary law. The courts have however often come in to protect women by insisting that customary laws must comply with international human rights standards even in situations where the constitutions might not be compliant.⁶



Zambian Court of Appeal

The Courts are often a beacon of hope in shaping and condemning traditional or cultural practices that impair the rights and dignity of women. In some instances however, the courts may come short and fail to send a strong message about the evils of harmful cultural practice. In the recent Zambian case of *Try Hamenda vs The People*,⁷ the Court of Appeal in Zambia upheld a High Court sentence of 30 years imprisonment for Try Hamenda after he was convicted of raping a 12 year old minor (the offence is also called defilement in Zambia).

The accused argued that the sentence was excessive and induced a sense of shock. Amongst the reasons advanced by the accused for a more lenient sentence was that he had acted in the manner he did in line with "Tonga tradition which is a notorious fact that one can abduct a woman and have sexual intercourse with her and later formalize the marriage." The Court of Appeal rejected the accused person's request to have the sentence reduced citing that the complainant was a minor and that she was tortured during the rape. But it failed to make any pronouncements regarding the harmful cultural practice of bride abduction.

Carmel Rickard has called this a "missed chance for judges to condemn 'barbaric' practice."⁸ Considering that this case was in the Court of Appeal in Zambia and that the Appeal Bench comprised three women judges, the court missed a critical opportunity to roundly condemn the practice, sending a strong message about the courts' intolerance of such actions. Courts are urged to take opportunities such as these to condemn harmful cultural practices. This in turn may lead to law reform and changed practices and attitudes within communities.

Source: Zambia Court of Appeal, 2019

⁴ S 15 (4) (c) and (d) allow discrimination on the basis of personal law and customary law respectively

⁵ S 18 (4) (b) and (c) allow discrimination on the basis of personal law and customary law respectively

⁶ Mmusi and Others v Ramantele and Another 2012 2 BLR 590 HC

⁷ <https://www.judiciaryzambia.com/2019/07/09/app-008-2018-try-hamenda-vs-the-people-june-2019-coram/>

⁸ Rickard, C (2019), 'A Matter of Justice: Missed chance for judges to condemn barbaric practice' available at: <https://legalbrief.co.za/diary/a-matter-of-justice/story/missed-chance-for-judges-to-condemn-barbaric-practice/> (accessed 19 July 2019)

Table 7.2: Key gender provisions of SADC Constitutions

Country/Constitution	Angola	Botswana	DRC	Eswatini	Lesotho	Madagascar	Malawi
Provides for non- discrimination generally	Yes, Article 23	Yes, Section 15	Yes, Articles 11, 12 and 13	Yes, Section 20	Yes, Chapter II, Sections 1 and 18	Yes, Article 8	Yes, Section 20
Provides for non- discrimination based on sex specifically	Yes, Article 21	Yes, Section 3	Yes, Articles 14, 36 and 45	Yes, Section 20	Yes, Section 18	Yes	Yes, Article 20
Provides for non- discrimination on the basis of sex and others e.g. marital status, pregnancy	Yes, Article 21	Yes, Section 15	Yes, Articles 40	Yes, Section 20 (2)	Yes, Section 18	Yes, Article 8	Yes, Sections 13 and 20
Provides for the promotion of gender equality	Yes, Articles 21 and 35	No	Yes, Article 14	Yes, Section 28	Yes, Chapter III, Sections 26 and 30	Yes	Yes, Article 13
Has other provisions that relate to gender equality	Yes, Articles 36 and 77	No	Yes, Article 16	Yes, Section 28	Yes, Section 26	Yes, Article 17	Yes, Sections 19 and 18
Has claw back clauses	No	Yes, Section 15	No	Yes, Section 20	Yes, Section 18	No	Yes, Section 26
Addresses contradictions between the constitution, laws and practices	Yes, Article 239	No		Yes, Section 2 and Article 20	Yes, Section 18	Yes, Article 160	Yes, Article 5

Table 7.2 provides an in-depth analysis of the gender provisions in SADC Constitutions. This shows that:

- All SADC Constitutions provide for non-discrimination generally, and for discrimination based on sex specifically, and other related indicators such as marital status and pregnancy.
- All constitutions except Botswana and Seychelles specifically provide for the promotion of gender equality.
- All constitutions except Botswana, Mauritius and DRC have other provisions that relate to gender equality.

- Five countries have claw back clauses, and three do not specifically address the contradictions between constitutional provisions and customary law.

**All SADC Constitutions
provide for non-
discrimination generally**

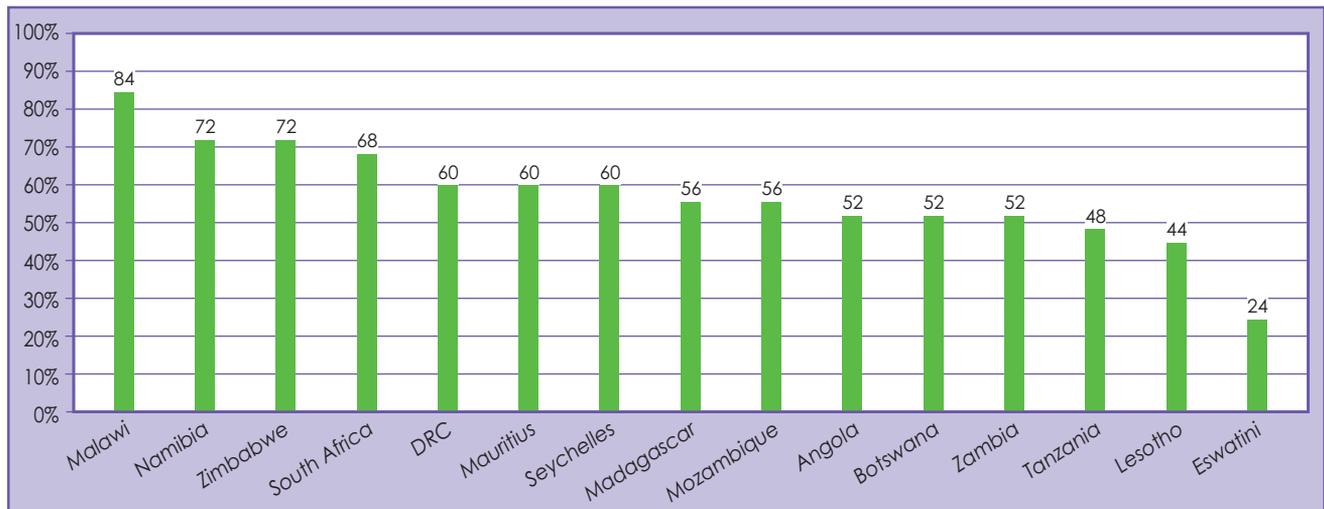
Mauritius	Mozambique	Namibia	Seychelles	South Africa	Tanzania	Zambia	Zimbabwe
Yes, Article 3	Yes, Article 35	Yes, Article 10	Yes, Article 27	Yes, Chapter 1	Yes, Article 13	Yes, Article 23	Equality and Non-Discrimination Section in the Declaration of Rights
Yes, Section 16	Yes, Article 36	Yes, Article 10	No	Yes, Chapter 2, Section 9	Yes, Article 9	Yes, Article 23	Section 23, Declaration of Rights
Yes, Section 16	Yes, Article 39	Yes, Article 14	Yes, Article 30	Yes, section 9	Yes, Article 16	Yes, Article 23	Section 23, Declaration of Rights
Yes, Article 16	Yes, Article 120	Yes, Article 95	No	Yes, Section 9	Yes, Article 66	Yes, 231	Gender equality a Founding Value and Principles; gender balance a National Objective
No	Yes, decriminalisation of homosexuality and termination of pregnancy	Yes, Article 8	No	Yes, Section 12	Yes, Article 13	Yes, Articles 45, 69 and 231	The Declaration of Rights in the new Constitution has been expanded to include equality and non-discrimination
Yes, Section 16	No	No	No	No	No	No	The new Constitution invalidates customary law and practices that infringe on women's rights
No	Yes, Article 143	Yes, Article 19	Yes, Article 5	Yes, Chapter 7, Sections 15 and 30	Yes, Article 30	Yes, Article 1(1)	Lawmakers began a law review and reform process following the 2013 elections, but progress has been slow in achieving alignment

Source: Gender Links

The Gender Responsiveness of Constitutions and Laws Analysis (GRA) seeks to assess the level of legal and constitutional reforms in line with the provisions of the SADC Protocol on Gender and Development and other normative frameworks addressing gender equality and women's rights. In 2019, the assessment looked at whether Constitutions have been reviewed in line with the SADC Gender Protocol and other regional and international gender instruments; whether there are legislative measures/programmes involving policy

makers, religious and traditional leadership to raise awareness and eliminate harmful practices; whether countries comply with the SADC Gender Protocol Provisions on 18 years as the minimum age for marriage. Additional indicators include whether there are campaigns on child marriages and the level of support to such campaigns by political leaders as well as evidence, both negative and positive in political discourse around the issues of child marriages.

Figure 7.1: GRA of Article 4 - constitutional rights



Source: Gender Links.

The outcome of this analysis in 2019 is reflected in Figure 7.1. Scores range from 24% in Eswatini to 84% in Malawi. It is interesting to note that countries with strong constitutional provisions for gender equality such as Namibia, Zimbabwe, South Africa and Mozambique did not necessarily

score the highest. This is because the assessment covered provisions *and* practice. The overall average of 57% shows that SADC countries still have some way to go in ensuring the full realisation of women and girls' rights as provided by their Constitutions.

Discriminatory legislation



Article 6: State parties shall review, amend or repeal all discriminatory laws and specifically abolish the minority status of women.

Several countries in the SADC region still have discriminatory laws on their statute books. These include laws that provide differentiated inheritance rights between men and women, boys and girls (Lesotho), laws that have limitations on maternity leave (in South Africa, a woman can go on four months' maternity leave but her employer is not obliged to pay her during that

period),⁹ laws that discriminate against and criminalise the LGBTI community (all the SADC countries except DRC, Mozambique, Angola, Seychelles and South Africa) and claw back clauses in constitutions that effectively allow for discrimination on the grounds of gender (for example in Botswana, Eswatini and Lesotho).

⁹ Even though the employer is not obliged to pay a woman during maternity leave, the woman can claim a maternity benefit from the Unemployment Insurance Fund (UIF) provided they she was contributing to the fund for at least four months before going on maternity leave. Whilst South Africa has a generous four months maternity leave, the non-compulsion for an employer to pay the woman whilst she is on maternity leave means that many women go without money at a time when they need it most.

Discriminatory practices in SADC countries - frequently under harmful customary laws and practices - include:

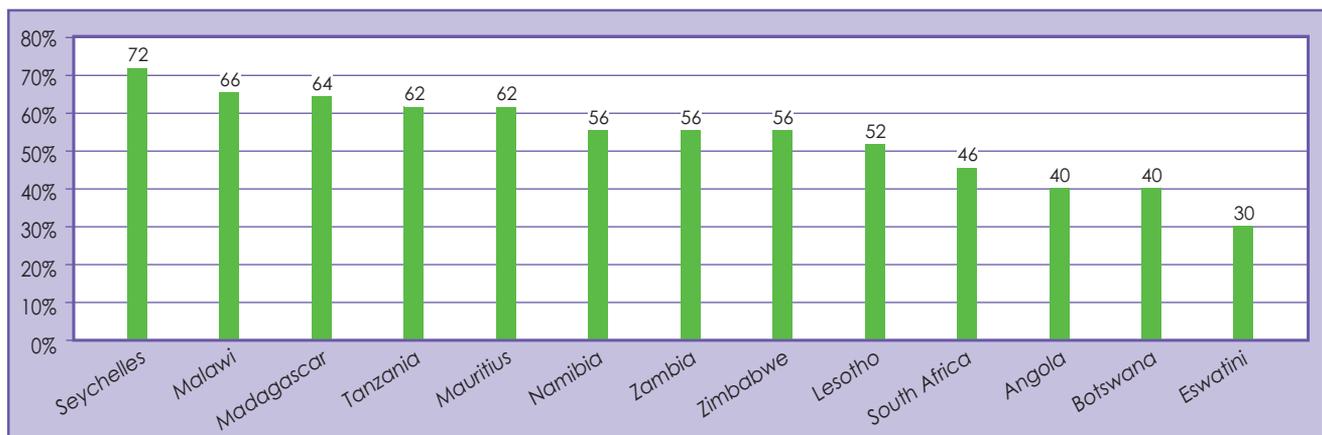
- Child marriage;
- Age of consent frequently lower for girls than boys;
- Being "given away" in marriage;
- Forced marriage;
- Marital rape;
- Domestic violence;
- Not being allowed to divorce;
- No ability to travel without permission;
- Accusations of witchcraft;
- Not being deemed good enough to be guardian for children; and
- Economic disempowerment.



guarantee the rights of marginalised groups (eg indigenous women, sex workers, sexual minorities); abolished the minority status of women; ensured that bride price (lobola) payment is not mandatory or abused to undermine the rights of women; that women can purchase land or immovable property without approval of their spouses, fathers or brothers; obtain birth certificates, identity documents, media interviews, photos, videos and passports without the consent of their spouses. A key consideration concerned enacting and enforcing legislative and other measures to eliminate gender based violence; integrated GBV services within an accessible distance; victim friendly services at police stations; health services equipped to address GBV; increase in reported cases of GBV and proportion of reported GBV cases successfully prosecuted.

The GRA of Article 6 considered if countries had reviewed, amended and or repealed all laws that discriminate on the ground of sex or gender;

Figure 7.2: GRA of Article 6 - laws and practise



Source: Gender Links.

With a regional average of 47%, this set of questions had the lowest scores in the GRA. There is a strong perception that discriminatory laws and practices persist in SADC countries. At 72% Seychelles scored the highest. Eswatini (30%) scored the lowest. Despite 25 years of gender justice reforms post-apartheid South Africa scored 46%. These numbers reflect the gap between the rhetoric and the reality of gender equality.

The OECD Development Centre's Social Institutions and Gender Index (SIGI)¹⁰ is a cross-country measure of discrimination against women in social institutions (formal and informal laws, social norms, and practices) across 160 countries including SADC countries.¹¹ The SIGI 2019 covers four dimensions of discriminatory social institutions: discrimination in the family, restricted physical integrity, restricted access to productive and financial resources and restricted civil liberties.

¹⁰ <http://www.genderindex.org/> Accessed 3 June 2019

¹¹ www.genderindex.org , accessed 2 July 2016

Elements of SIGI 2019



Source: Social Institutions and Gender Index, 2019.

The SIGI's variables quantify discriminatory social institutions such as unequal inheritance rights, child marriage, household responsibilities, divorce, violence against women, female genital mutilation, missing women, reproductive autonomy, secure access to land rights, access to justice

and political voice amongst others. Through its 160 country profiles, country classifications and unique database, the SIGI provides a strong evidence base to address the discriminatory social institutions that hold back progress on gender equality and women's empowerment.

SIGI Ratings:

Very low - Robust legal frameworks and measures that provide equal rights in the family code and in access to resources and assets and that promote women's civil liberties ($SIGI < 0.04$).

Low - Strong laws providing equal rights for women and men in the family code, in access to resources and assets, and in civil liberties ($0.04 < SIGI < 0.12$).

Medium - Inconsistent or conflicting legal frameworks covering the family code, women's access to resources and assets, and civil liberties ($0.12 < SIGI < 0.22$).

High - Discrimination embedded in customary laws, social norms and practices and by inappropriate legal protections against gender discrimination in all dimensions of social institutions ($0.22 < SIGI < 0.35$).

Very high - High levels of discrimination in legal frameworks and customary practices; very poor implementation measures ($0.35 > SIGI$).

Table 7.3: SADC Countries rating on Social Institutions and Gender Index 2019

Country	SIGI rating				
	Very low	Low	Medium	High	Very high
Mozambique					
Namibia					
South Africa					
DRC					
Lesotho					
Zambia					
Zimbabwe					
Madagascar					
Malawi					
Tanzania					
Angola*					
Botswana*					
Comoros*					
Mauritius*					
Kingdom of Eswatini*					
Seychelles*					

*SIGI rating not applicable.

Source: Adapted from OECD Social Institutions and Gender Index (SIGI) study, 2019

Of the countries rated, some countries have improved; others have regressed, whilst others have remained constant since the last assessment in 2014. DRC and Zambia significantly improved from very high levels of discrimination to medium. Table 7.3 shows that South Africa and Namibia remained on low levels of discrimi-

nation; Zimbabwe maintained medium levels of discrimination and Tanzania maintained high levels of discrimination. Mozambique improved from medium to low, Malawi regressed from medium to high, Lesotho regressed from low to medium and Madagascar regressed drastically from low levels to high levels of discrimination.

Access to justice



Article 7: Equality in accessing justice

1. State parties shall put in place legislative and other measures which promote and ensure the practical realisation of equality for women. These measures shall ensure:

- Equality in the treatment of women in judicial and quasi-judicial proceedings, or similar proceedings, including customary and traditional courts and national reconciliation processes;
- Equal legal status and capacity in civil and customary law; including, amongst other things, full contractual rights, the right to acquire and hold rights in property, the right to equal inheritance and the right to secure credit;
- The encouragement of all public and private institutions to enable women to exercise their legal capacity;
- Positive and practical measures to ensure equality for women as complainants in the criminal justice system;

- The provision of educational programmes to address gender bias and stereotypes and promote equality for women in the legal systems;
 - That women have equitable representation on, and participation in, all courts, including traditional courts, alternative dispute resolution mechanisms and local community courts; and
 - Accessible and affordable legal services for women.
-

Access to justice is defined as “the ability of people to seek and obtain a remedy through formal or informal institutions of justice, and in conformity with human rights standards.”¹² Across the region lack of resources, low levels of literacy and lack of information are emerging as the three main challenges women face when exercising their legal capacity. Men dominate traditional courts and it is highly unlikely that women will get a fair hearing in these courts. Numerous recent cases show that the justice on paper accorded to women by Constitutions and Protocols is not translating into reality. Religion and culture also plays a role in limiting access to justice.

Access to justice improves where there is investment of judicial personnel, public rights education and investment on facilities. Police and social workers also need to be trained on gender equality and how to handle cases of abuse, discrimination and harmful traditional practices. Women need to assume more leadership positions in the legal field.

Accessing justice in Southern Africa, especially for women, remains a struggle. In most situations, lack of resources, the complexity of the formal justice system and the failure of the traditional/customary justice systems to accord women their rights represent hindrances to accessing justice. Legal aid organisations have often stepped in to provide free legal assistance for women as a way of ensuring they can access justice. Such organisations include the Women and Law in Southern Africa Research and Educational Trust, various women lawyers' associations and various judges' associations.

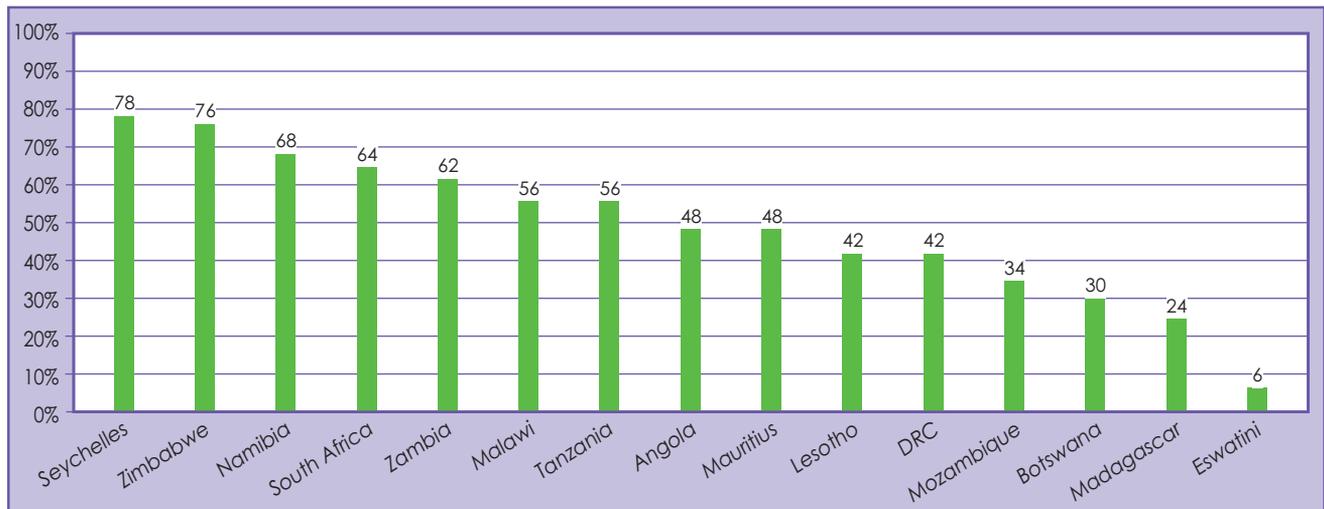
Governments also step in once in a while, although such efforts are often ad hoc and insufficient.

The GRA assessed whether countries have put in place legislative and other measures which promote and ensure the practical realisation of equality for women; ensured equality in the treatment of women in judicial and quasi-judicial proceedings or similar proceedings, including customary and traditional courts, and national reconciliation processes. It includes evidence of measures to promote equal treatment of women in judicial proceedings in civil, traditional and criminal courts, as well as national reconciliation processes. Other criteria are: equal legal status and capacity in civil and customary law, including, full contractual rights, the right to acquire and hold rights in property, the right to equal inheritance and the right to secure credit; awareness programmes on women's rights and the justice system; training of the judiciary on gender equality and women's rights and existence of state-supported free legal aid for women.

Legal aid
organisations have
often stepped in to
provide free legal
assistance...

¹² Maregere, T. P (2018), 'Justice in Transition and the Complexities of Access' available at: <https://www.accord.org.za/conflict-trends/justice-transition-complexities-access/> (accessed 19 July 2019)

Figure 7.3: GRA of Article 7 - Access to justice



Source: Gender Links.

With an average GRA score of 49%, access to justice was another area of women's rights found to be weak in SADC. The scores range from 6% in Eswatini to 78% in Seychelles. There is no direct correlation between levels of development in

the different countries and access to justice. For example, Botswana scored 30% despite being a middle income country. This shows that access to justice is first and foremost a matter of political will.

Marriage and family rights



Article 8: Marriage and family rights

1. State parties enact and adopt appropriate legislative, administrative and other measures to ensure that women and men enjoy equal rights in marriage and are regarded as equal partners in marriage.
2. Legislation on marriage shall therefore ensure that:
 - (a) No person under the age of 18 shall marry;
 - (b) Every marriage takes place with free and full consent of both parties;
 - (c) Every marriage including civil, religious, traditional or customary, is registered in accordance with national laws; and
 - (d) During the subsistence of their marriage the parties shall have reciprocal rights and duties towards their children with the best interest of the children always being paramount.
3. State parties shall enact and adopt appropriate legislative and other measures to ensure that where spouses separate, divorce or have their marriage annulled:
 - (a) They shall have reciprocal rights and duties towards their children with the best interest of the children always being paramount; and

- (b) They shall, subject to the choice of any marriage regime or marriage contract, have equitable share of property acquired during their relationship.
4. States parties shall put in place legislative and other measures to ensure that parents honour their duty of care towards their children, and maintenance orders are enforced.
 5. States parties shall put in place legislative provisions which ensure that married women and men have the right to choose whether to retain their nationality or acquire their spouse's nationality.

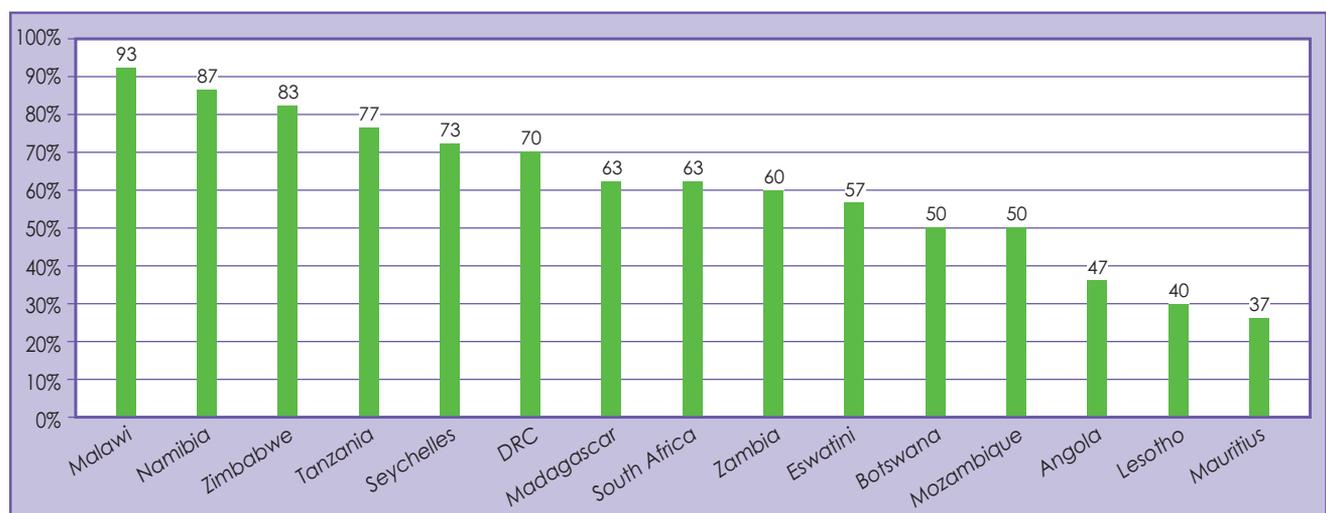
The GRA Analysis on Marriage and Family Rights assesses the extent to which countries have enacted and adopted appropriate legislative, administrative and other measures to ensure that women and men enjoy equal rights in marriage and are regarded as equal partners in marriage. This includes whether married women can retain their maiden surname; if marital rape is criminalised; whether women can choose any contraception method without the consent of their partners. The score assesses the extent to which every marriage, including civil, religious, traditional or customary, is registered in accordance with national laws. It includes provisions for spouses to have equitable share

of property acquired during their relationship and the outlawing of 'wife inheritance'.

With regard to age of marriage, the assessment covers:

- Whether legal age for marriage (for both women and men) is 18 and above.
- There are programmes in place to raise awareness against early and child marriages.
- Forced marriage is criminalised.
- Existence of campaigns against child marriages and their level of support by political leaders; and
- Evidence of changes in political discourse, whether positive or negative.

Figure 7.4: GRA of Article 8 - marriage and family Rights



Source: Gender Links.

The regional average GRA score for marriage and family rights, including child marriages is 63%. This ranges from 37% in Mauritius to 93% in Malawi. The latter reflects the frustration in Mauritius, the only country in SADC not to sign

the SADC Gender Protocol, because of the insistence on 18 as the minimum age of marriage. The former reflects the more buoyant mood in Malawi, which has mounted a major campaign on child marriages over the last five years.

Child marriages



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

CEDAW, Article 16(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.

ICPD 6.11 Countries should create a socio-economic environment conducive to the elimination of all child marriages and other unions as a matter of urgency, and should discourage early marriage.

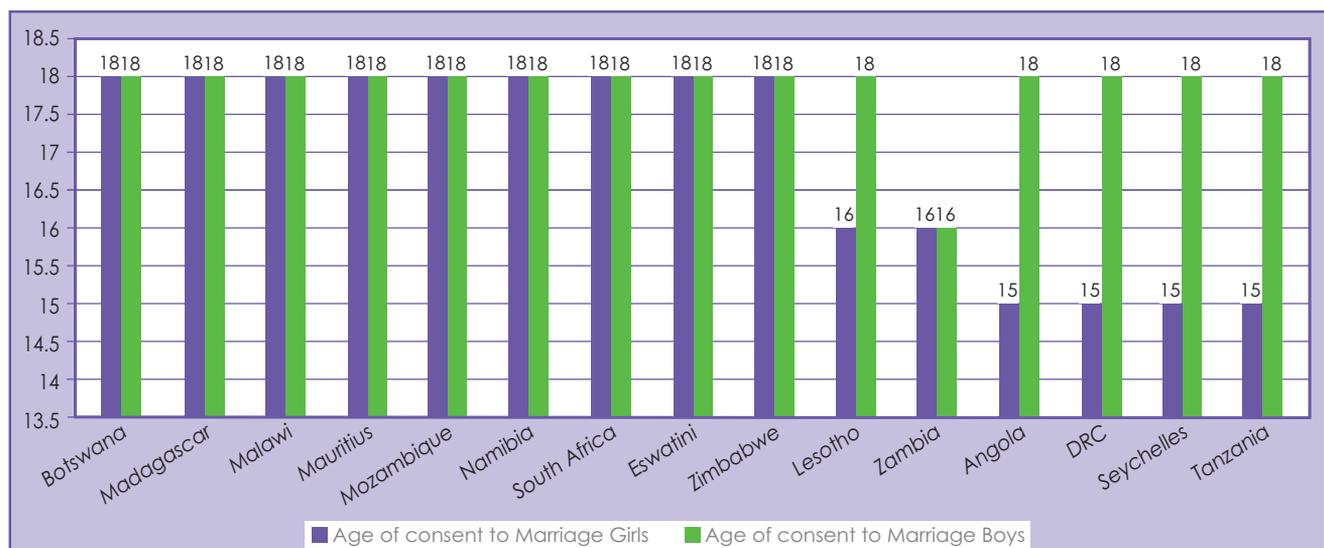
Maputo Protocol Article 6a) no marriage shall take place without the free and full consent of both parties; Article 6b) the minimum age of marriage for women shall be 18 years.

SADC Protocol Article 8.2a: No person under the age of 18 shall marry.

SADC UN CSW RESOLUTION calls upon all governments to enact and intensify the implementation of laws, policies and strategies to eliminate all forms of gender-based violence and discrimination against women and girls in the public and private spheres and harmful practices, such as child, early and forced marriage, female genital mutilation and trafficking in persons, and ensure the full engagement of men and boys in order to reduce the vulnerability of women and girls to HIV;

The SADC Model Law on Child Marriage defines “child marriage” as “a statutory or customary union in which one party is a child or both of the parties are children.¹³ The same Model Law defines a child as any person under the age of 18 years in line with other international human rights instruments.¹⁴

Figure 7.5: Age of consent to marriage for girls and boys by country



Source: Gender Links.

¹³ SADC Model Law on Eradicating Child Marriage and Protecting Children Already in Marriage, s 2.

¹⁴ Article 1 of the Convention on the Rights of the Child defines a child as every human being below the age of 18 years

Despite the numerous global, continental and regional instruments pronouncing 18 as the minimum age of marriage, including the SADC Model Law on Child Marriage adopted by the SADC Parliamentary Forum, laws at national level in many SADC countries directly contradict these commitments. Figure 7.5 shows that:

- In Zambia, young women and men are allowed to marry at 16.
- In four SADC countries (Angola, DRC, Seychelles and Tanzania) young women can marry at 15 (three years below the minimum age).
- In Lesotho, young women can marry at 16 (two years below the minimum age).

In some countries that set the general age of consent to marriage at 18, there are claw back clauses that allow children to be married either with the consent of the parents, a court or a government minister responsible for justice. The justification for allowing such derogation is that it might in the best interest of the child to be married. Mauritius is one example. Exceptions are made for both boys and girls to be married at 16, based on the argument that certain religions in the country permit this. However such derogations can be open to abuse, thereby defeating the whole purpose of eliminating child marriages. In essence child marriage must be outlawed, without exception.



Junior councillors in Norton, Zimbabwe, protest Child Marriages. Photo: Tapiwa Zvaraya

There are various push factors to child marriage. In many instances, parents encourage the marriage of their daughters while they are still children in hopes that the marriage will benefit the parents or families socially and financially. Some parents won't even send their girl children to school, perceiving it as a waste of money and resources. This is unfortunate, given that investing in girls' education is an important strategy in ending child marriages.¹⁵

Traditional or customary practices such as "chigaramapfiwa"¹⁶ in **Zimbabwe** stoke child marriages despite legal and constitutional provisions to the contrary. Despite the Constitutional Court ruling¹⁷ in 2016 declaring child marriage illegal and unconstitutional, child marriage through such practices as chigaramapfiwa remained a cause of concern in 2018.¹⁸ Early pregnancy can lead to complications associated with child birth for children and young women.

Several factors hinder the reduction of child marriages in SADC including:

- Lack of effective and well streamlined birth registration systems making age determination difficult for purposes of enforcing a law on child marriage;¹⁹
- Lack of legal provisions for those who contravene the minimum age of marriage requirement conflicting with the criminal laws on sex with a minor;
- Slow reform in laws on marriage which may frustrate interventions on eradicating child marriage and preventing child marriage;²⁰
- Cultural, religious and traditional practices that impede the advancement of women's rights and goes against State obligations under international human rights instruments²¹; and
- Lack of recognition of, and inadequate provision of sexual reproductive health services and rights (SRHSR) in the general legal framework.²²

¹⁵ Moses Maguranyanga (2018), 'Zimbabwe: Child marriages, a cause for concern', available at: <http://genderlinks.org.za/news/zimbabwe-child-marriages-a-cause-for-concern/> (accessed 4 June 2019)

¹⁶ This is a customary practice where a young girl is married off to her deceased sister or paternal aunt's widower.

¹⁷ Mudzuru & Another v Ministry of Justice, Legal & Parliamentary Affairs (N.O.) & Others (Const. Application No. 79/14, CC 12-15) [2015]

¹⁸ Moses Maguranyanga (2018), 'Zimbabwe: Child marriages, a cause for concern', available at: <http://genderlinks.org.za/news/zimbabwe-child-marriages-a-cause-for-concern/> (accessed 4 June 2019)

¹⁹ <https://www.girlsnotbrides.org/wp-content/uploads/2016/10/model-law-on-eradicating-child-marriage-and-protecting-children-already-in-marriage.pdf>

²⁰ <https://www.girlsnotbrides.org/wp-content/uploads/2016/10/model-law-on-eradicating-child-marriage-and-protecting-children-already-in-marriage.pdf>

²¹ <https://www.girlsnotbrides.org/wp-content/uploads/2016/10/model-law-on-eradicating-child-marriage-and-protecting-children-already-in-marriage.pdf>

²² <https://www.girlsnotbrides.org/wp-content/uploads/2016/10/model-law-on-eradicating-child-marriage-and-protecting-children-already-in-marriage.pdf>

Child brides are neither physically nor emotionally ready to become wives and mothers. Isolated and with limited freedom, married girls often feel disempowered. They are deprived of their fundamental rights to health, education and safety. They face more risks of experiencing dangerous complications in pregnancy and

childbirth, contracting HIV/AIDS and suffering domestic violence. With little access to education and economic opportunities, they and their families are more likely to live in poverty.²³ The example that follows from Tanzania shows how child marriages affect the lives of young women:



Tanzania: Child marriages mar girls' future²⁴



Despite her desire to complete her education, Neema Charles never made it to secondary school as she was forced to get married a year before she completed her primary education. The 16-year old girl from Tarime District in Mara Region of Tanzania dreamt of becoming a doctor but was barred from completing her primary education in 2016 and forced to get married to a 67 year-old man in her village.

"I was in standard six preparing to join standard seven in 2016, but my father told me to stop schooling because he had had talks with a man in the village who was to marry me," she says. The seriousness of the matter never dawned on her until her father ordered her to stop going to school and begin preparations for the marriage.

Neema's academic journey was cut short at the age of 14 and nothing save for a miracle was likely to turn tables in her favour as the father saw nothing wrong with cutting off her education. He was only interested in getting cows.

In her marriage, Charles suffered humiliation and violence. She fled from the village to Dar es Salaam. "The pain I endured was too much, I decided to flee to Dar es Salaam," she notes. In Dar es Salaam, she got married to another man, much younger than the old husband. The young woman with two-children is among the thousands of other young girls now serving as wives in many and poor households in Tanzania.

Tanzania has one of the highest child marriage prevalence rates in the world. On average, almost two out of five girls will be married before their 18th birthday. In 2010, about 37 percent of the women aged 20-24 were married/in union before age 18. Data shows a 10 percent decline since 2004. Experts argue that education is one of the most effective strategies to protect children against marriage. When girls are able to stay in school, an attitudinal change can also occur towards their opportunities within the community.

Source: Anne Robi, Gender Links News Service, 2018

²³ GirlsNotBrides (2019), 'What is the impact of child marriage?', available at: <https://www.girlsnotbrides.org/what-is-the-impact/> (accessed 6 June 2019)

²⁴ <https://genderlinks.org.za/news/tanzania-waging-war-against-dowry/> (accessed 6 June 2019)

Strengthening Laws and policies on Child Marriages in SADC

SADC states adopted the Model Law on Child Marriages in June 2016. The lack of prohibitive child marriage laws itself promotes gender inequality. Member states need to domesticate the provisions of the model law as a matter of urgency.

Table 7.4: Guide to implementing the SADC Model on Child Marriages²⁵

AREA OF GOVERNMENT	GOVERNMENT ACTOR	ROLES AND RESPONSIBILITIES
Legislative branch	Parliament or legislature	Legislative Branch Parliament or legislature The Legislative Branch is the state sphere where laws are created or reformed. It materializes in the form of parliaments and congresses and each country has established specific parliamentary processes for the creation or reform of laws.
<p>Some of the actions that the legislative branch can take to prohibit child marriage and protect children from the harmful effects of child marriage are:</p> <ul style="list-style-type: none"> • Enact laws to prohibit child marriage and the betrothal of girls and boys and allow for the voidance of child marriages under certain circumstances; • Enact laws that specify the minimum age for marriage; • Enact laws that guarantee the right to registration at births and marriage; • Enact laws that prohibit discrimination against a child on any grounds; • Enact laws that guarantee reproductive rights and access to reproductive health services for girls and boys; • Enact laws that ensure children are treated equally before national laws and are accorded equal protection and rights regardless if they were born inside or outside marriage; • Enact laws that protect children from abuse, neglect and harmful practices; • Enact laws that ensure the right to education; • Enact laws to ensure that girls can stay in school after marriage, during pregnancy and after having children; and • Enact laws to guarantee the right privacy and confidentiality of the child. 		
Executive Branch	Office of the President or Prime Minister, Government Ministries, Institutes and Agencies	The Executive Branch is the state sphere where Government actions are carried out. This is called public policy. Public policy may include sectoral plans or policies that can involve more than one Ministry, or Government programs or actions. The Executive Branch includes the various Government Ministries and agencies whose role is to transform social problems through public policies and budgets to address them.
National Institute of Statistics and data collection and production sections of relevant Ministries	The National Institute of Statistics and the data collection arms of Ministries are responsible for verifying, approving, administering and publishing basic national statistical data and to regularly disseminate it to the general public. Some of the actions that data collection agencies can take prevent child marriage and protect children from the harmful effects of child marriage are: Collect and publish disaggregated data on the prevalence of child marriage, number and status of children already in marriage, causes of death of girls aged between 12 and 18 years of age, maintain an up-to-date record of information on the nature and magnitude of child marriage and keep track of emerging child marriage concerns to inform the development, implementation and monitoring and evaluation of public policies.	
Ministry responsible for registration of births	Needs to come up with criteria to determine the age of the person that is to get married when no birth certificate is available.	
Ministry responsible for labour	The Ministry or Department of Finance is responsible for developing and implementing economic policies.	
<p>Some of the actions that the Ministry of Labour can take to prevent child marriage and address the needs of children in marriage and those that are victims of child marriage:</p> <ul style="list-style-type: none"> • Develop and implement youth centred macroeconomic policies that includes regulation of the informal economy, ensure children are appropriately trained to take part in the formal labour market and get appropriately-timed career guidance and establish measures to ensure full participation in economic life for children in marriages and victims of child marriages; and • Promote entrepreneurship for children in marriages and victims of child marriages. 		

AREA OF GOVERNMENT	GOVERNMENT ACTOR	ROLES AND RESPONSIBILITIES
Ministry responsible for social protection	The Ministry responsible for social protection is responsible for putting in place policies, measures and interventions to ensure that a child has access to adequate social protection and social security services.	
Ministries in charge of enforcing prohibition on child marriage	To ensure implementation of laws that prohibit child marriage, the Ministries should appoint public officers as child marriage prohibition officers or as a committee that can prevent child marriage. They should: <ul style="list-style-type: none"> • Collect evidence to prosecute people who break the law; • Raise awareness and sensitize communities of the consequences and effects of child marriage and advise them not to promote, help, or allow child marriage; • Gather and share statistics on children in marriage, including areas with high prevalence. 	
Ministry responsible for Education	The Ministry of Education is responsible for the design, implementation, monitoring and evaluation of educational legislations, policies and programs and ensuring that all children have access to free and compulsory primary and accessible secondary education. In some countries it oversees the structures, human resources, budget and administrative and management of the education sector.	
<p>Some of the actions that the Ministry of Education can take to prevent child marriage and address the needs of children in marriage and those that are victims of child marriage:</p> <ul style="list-style-type: none"> • Ensure that every child has access to free and compulsory primary and accessible secondary education; • Enact policies and programs to ensure that pregnant girls continue and complete their education and take measures to ensure all children have equal access to education, including eradicating discrimination against a pregnant or married child, or victim of child marriage; • Ensure that the curriculum for all educational institutions integrates principles of equality and equity, incorporates life skills and comprehensive sexuality education; and introduces subjects that enhance the integration of the girl child in male dominated disciplines. 		
Ministry responsible for Health	The Ministry of Health is the Government agency responsible for protecting and promoting public health and providing welfare and other social security services. They are responsible for the design, implementation, monitoring and evaluation of health policies, programs and guidelines.	
<p>Some of the actions that the Ministry of Health can take to prevent child marriage and address the needs of children in marriage and those that are victims of child marriage:</p> <ul style="list-style-type: none"> • Put in place child centred health policies that ensure access to health and medical services including quality comprehensive sexual and reproductive health services and information; • Enact programs to reduce infant and child and adolescent mortality, combat disease and malnutrition and abolish harmful practices; • Enact policies and programs that provide comprehensive maternal health services including ante-natal, post-natal and obstetric care, post abortion care, immunization and nutrition programs to a child - who is pregnant or has given birth; • Prevent mother to child transmission of HIV and AIDS by enacting policies and programs to ensure access to HIV and AIDS counselling, testing, treatment and family planning for pregnant and in marriage children and victims of child marriage; and • Ensure and uphold the child's right to privacy and confidentiality of his or her personal information. 		
Judicial System	Court System	The Court System is responsible for interpreting the laws passed by the Legislative Branch and enforced by the Executive Branch. They are responsible for the administration of justice.
<p>Some of the actions that the Judicial System and Courts can take to prevent child marriage and address the needs of children in marriage and those that are victims of child marriage: Courts should/can:</p> <ul style="list-style-type: none"> • Define rules and procedures for the distribution of property acquired during a prohibited marriage and the dissolution/annulment of a voidable child marriage; • Issue a restraining order to anyone that knows or is about to engage or marry a child, independently of what customary or religious laws and practices say; and • Provide legal aid and legal services to victims of child marriage. <p>Courts should ensure the rights of child brides are respected including:</p> <ul style="list-style-type: none"> • On petition of a child, adult person or third-party dissolve/annul the marriage that was contracted before the commencement of the law; • Provide custody, access and maintenance to the offspring; and • Ensure respect of citizenship acquired through marriage. 		

Source: UNFPA ESARO, 2018.

²⁵ <https://esar0.unfpa.org/en/publications/guide-using-sadc-model-law-eradicating-child-marriage-and-protecting-children-already>

Table 7.4 is a guide to the domestication on the Model Law. The challenge in the region is the existence of dual legal systems. Statutory legal provisions do not normally apply to customary laws. Laws on child marriages must regulate statutory and customary legal provisions on marriage.

To guard against the increased health risks and death of these children, the SADC Model Law obliges Member States to provide intervention programmes to support child brides/wives and their families by promoting earlier and more frequent use of family planning, HIV/AIDS and maternal health services.²⁶ Information must be made available to children already in marriage on services and facilities that they can access. In order to reach and provide information and services and facilities to such children, as well as monitor and evaluate the impact of their programmes, governments equally need information on affected children. Required information include geographical prevalence and location as well as the most affected age groups. Such information must be obtained without compromising the child brides' rights to privacy.

Governments must put in place mitigation measures for the child already in marriage, especially for the girl wife/brides already in marriages. Married girls need educational and economic opportunities to help break the cycle of inequality, illiteracy, illness and poverty that frequently perpetuates child marriage.

SADC countries must also incorporate in their laws and constitutions rights and concepts that seek to protect children and promote their enjoyment of rights. These include:

- According specific rights in constitutions and laws;
- Defining "child" in law and constitutions;
- Laws to prohibit child marriage and the betrothal of girls and boys and allow for the voiding of child marriages under certain circumstances;
- Laws that specify the minimum age for marriage;
- Guaranteeing the right to registration at births and marriage;



Young married girls in Kalenga Maka Village, Zambia. Photo: Albert Ngosa

- Prohibition of discrimination against a child on any grounds;
- Equal treatment of children by national laws and according equal protection and rights regardless of whether they were born inside or outside marriage;
- Protection of children from abuse, neglect and harmful practices;
- Right to education; and
- Right to privacy and confidentiality of the child.

The Children's Law or Children's Act is one of the major legal instruments according children the above rights. Countries with a Children's Act in SADC are: Angola (Lei sobre a Protecção e Desenvolvimento Integral da Criança), Botswana (Children's Act) DRC (Loi n°09/001 Portant Protection de l'Enfant (2009), Lesotho (Children's Protection and Welfare Act), Malawi (Children and Young Persons Act), Mauritius (Child Protection Act), Mozambique (Lei n 7/2008: Lei de Promoção e Protecção dos Direitos da Criança), Namibia (Child Care and Protection Act), Seychelles (Children's Act), South Africa (Children's Act), Swaziland (Children Protection Act), Tanzania (Children's Act) and Zimbabwe (Children's Act).

In Comoros, Zambia and Madagascar, children's rights and protection issues are covered in different pieces of legislation such as the Penal Code, Trafficking in Persons Laws, and Laws against child labour. Whilst these laws are critical and important, a comprehensive Children's Act

²⁶ <https://www.girlsnotbrides.org/wp-content/uploads/2016/10/model-law-on-eradicating-child-marriage-and-protecting-children-already-in-marriage.pdf>

that is compliant with the provisions of the SADC Protocol on Gender and Development and other frameworks such as the United Nations Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child remains critical in order to provide effective protection to children.

In most SADC countries, child marriages are criminalised through other legislation such as the law on Sexual Assault in the DRC, the Constitution in Malawi and the Marriage or Sexual Offences Acts in various countries. At present only one SADC country (Mozambique) has specific laws on child marriage.

Mozambique: Child marriages banned without exception²⁷



Gender Links Mozambique in the parliament with other civil society organizations awaiting the law approval. Photo: Celso Gujama

After almost two years of leg work, the Mozambican Parliament approved the “Law on Prevention and Combat of Premature Unions” (Child Marriages) on 19 July 2019. The new law prohibits marriage of children younger than 18 years old, without exception. An adult who marries a minor will be jailed for up to 12 years.²⁸ Mozambique has one of the highest rates of child marriage in the world, with almost half of

girls marrying before 18, and 1 in 10 before their fifteenth birthday.

Although the age of marriage consent in Mozambique is 18, child marriage often prevails due to the parental consent loophole which results in girls dropping out of school, condemned to a life of poverty with few options and choices as child brides.

In 2016, Mozambique launched a National Strategy on Prevention and Fight against Child Marriage. In addition to prohibiting child marriage, the new law assists in mitigating and penalising premature marriages, as well as establishing mechanisms to protect children already in those unions. In December 2018, Mozambique revoked a discriminatory 2003 decree that forced pregnant girls to take classes at night school. Education officials should now monitor schools to ensure that pregnant girls are going to school during the day.

Source: Agnes Odhiambo, Human Rights Watch, 2019

Like Mozambique, Malawi is among the 10 countries in the world with the highest rates of child marriage. In both countries over 50% of children were married before they reached 18 years of age.²⁹ In February 2015, Malawi adopted the Marriage, Divorce and Family Relations Act which set the minimum age of marriage at 18 for boys and girls. However, without amending

the Constitution, the new law created a loophole that could be used to allow child marriages. In 2017, Parliament voted to amend the Constitution to make marriage before the age of 18 illegal, removing a provision that allowed children to marry at 15 with parental consent. Advocacy continues on implementation.

²⁷ <https://www.bbc.com/news/topics/cjnw18q4x11f/mozambique>

²⁸ <https://www.bbc.com/news/topics/cjnw18q4x11f/mozambique>

²⁹ SADC Model Law on Eradicating Child Marriage and Protecting Children Already in Marriage, Article 1.0 (Rationale and Objectives)



Malawi: A Chief's fight against child marriages³⁰



Senior Chief Kachindamoto.

Senior Chief Kachindamoto of Ntakataka Village in Dedza, Malawi has been recognised worldwide for fighting child marriage in Malawi. She has received death threats, been called names, challenged, received awards and international recognition, all because of her fight to end child marriages. She has managed to annul over 900 child marriages in her village within three years and banned sexual initiations of young girls. The chief believes that keeping girls in school is the single most important factor in breaking the cycle of rural poverty and preventing lifelong problems for women - a view supported by the United Nations (UN), the government and other global bodies.

“My opponents here say I am defying our tradition,” she says. “But in my view we are redefining it.” Her ultimate goal is not to terminate existing child marriages, but to prevent them in the first place. This has not gone down well with the people in her village including many sub-chiefs whom she manages. Many male elders argue that the chief is destroying their way of life, their culture. “Some have threatened me, saying things like, ‘You are still quite young. Are you ready to die?’ But I just tell them to go ahead and kill me, because it is the only way they will stop me from protecting our girls.”

Bravery and boldness are in her DNA. In the Malawian Chichewa language, her family name *Kachindamoto* means “Don't mess with fire.” After five years of political lobbying, Kachindamoto and other campaigners succeeded in getting Malawi's parliament to pass a bill in 2015 setting the minimum marriage age for both sexes at 18. “It is good that the law is on our side now, but enforcing it remains a big challenge,” Kachindamoto says. “In many areas people still believe a girl is ready to have sex and babies when she reaches puberty. We have to eradicate these old ways of thinking.”

She has experienced opposition and some have challenged her after she fired some naïve sub-chiefs. Regardless of this, many people are having their mind-set changed. Aside from annulling hundreds of child marriages, one of Kachindamoto's proudest achievements is how she is changing the archaic mind-set of the men under her rule despite resistance. “More and more male sub chiefs and village headmen are coming to me to say they realize the old ways are bad. They want to know how to improve the lives of girls.”

One of the male sub chiefs she fired for breaking her ban six years ago, Pearson Chibanga, returned to her in 2016 to inform her that he had worked hard in an unofficial capacity to help his area eradicate all child marriages.

Source: Penelope Paliani-Kamanga, Gender Links News Service, 2019

Zimbabwe is set to domesticate some of the provisions of the SADC Model Law on Eradicating Child Marriage and Protecting Children Already in Marriage. The Country through the Marriage Bill 2017, which is not yet gazetted but was made

public in May 2019 also seeks to harmonise marriage laws with the 2013 constitution. It sets the minimum age of marriage at 18 for both girls and boys, and extends this age provision to customary law marriages and civil unions. The

³⁰ Paliani-Kamanga P (2018), 'Malawi: A chief's fight against child marriages' available at: <https://genderlinks.org.za/news/malawi-one-womans-fight-against-child-marriages/> (accessed 10 June 2019)

Bill outlaws the marrying, pledging or betrothal of children.³¹ The good provisions in the Zimbabwean Marriage Bill have however been overshadowed by Section 40 of the bill which seeks to provide some form of protection for women in civil partnerships. This has been interpreted by many as legalising adultery and recognising “small houses.”³²

Mauritius is now the only SADC member state that has not signed the SADC Protocol on Gender and Development. During a closed meeting before the formal adoption of the Post 2015 SADC Gender Protocol, Ministers from other countries stood firm on 18 as the minimum age for marriage. Mauritius stated in the final plenary session of the Minister's meeting that it would not

be able to sign the Protocol because of this amendment.³³ Ministers of Gender and Women's Affairs raised concerns at the June 2017 Gender Ministers meeting over Mauritius' reservations to the Post 2015 SADC Gender Protocol on grounds that it contravenes Mauritius Civil Law which allows children to marry at the age of 16 with parental consent.³⁴ This reservation implies that unless Mauritius reviews this law, there is no probability of it signing the Protocol. The Alliance is advocating for Mauritius to review its laws to set the age of marriage at 18 in line with the reviewed Protocol. The campaign was escalated to the Convention for the Elimination of all Forms of Discrimination Against Women (CEDAW) review meeting in Geneva in 2018.



Mauritius: NGOs say No to Child Marriage at the CEDAW 71st session in Geneva³⁵

Gender Links (GL) Mauritius and a senior advocate from Mauritius participated in the 71st session of the CEDAW committee held at the United Nations in October 2018. This was the first time that a Mauritian non-governmental organisation (NGO) presented a shadow report at the United Nations, CEDAW Committee. The shadow report consisted of the inputs from GL Mauritius, Media Watch Organisation (the Alliance focal network in Mauritius), SOS Femmes and the Young Queer Alliance. The shadow reported highlighted Child Marriage which is a major concern in Mauritius.

In their statement, the civil society organisations raised the following points on the issue of Muslim religious marriages and child marriages:

- The amendment of Section 16 (4) (c), which provides for an exception to the non-discrimination provision in cases of personal status matters;



- To date, the legislature has not announced whether it plans to proceed with any constitutional reform, nor has the Muslim Family Council made any recommendation and/or assessment regarding this amendment; and that
- The Mauritian State has not codified a comprehensive personal status law, leaving Muslim women in religious marriages without legal recognition or rights.

³¹ Zimbabwe, Marriage Bill, 2017s 3 and 4

³² 'Small House' is a term used in Zimbabwe to describe an extra marital affair but often specifically refers to the woman in that relationship. Some of the relationships are long term and the partners would be typically behaving and relating like a husband and wife. Children are often born out of such relationship which at law do not have recognition as marriages.

³³ Record: Meeting of Ministers Responsible for Women's Affairs, June 2016. SADC Secretariat, p 3.

³⁴ Ibid

³⁵ <https://genderlinks.org.za/casestudies/gl-mauritius-takes-child-marriages-to-cedaw/> (accessed 6 June 2019)

Religious marriages are not registered by any state authority. Registration is a basic protection. Requiring an authority to monitor marriages ensures that both spouses are not already married and enables the state to track and prevent child marriage. Registration also lays the foundation for substantive rights. Without registration, marriages are not recognised as existing. Religious marriages are not subject to civil marriage laws, and courts do not rule consistently on issues such as custody and survival rights. This legal ambiguity increases inequality and further subordinates Muslim women in Mauritius.

This scrutiny holds religious communities accountable to Mauritian values of non-discrimination and freedom to practice religion, and to the Shariah values of equality and justice. The Mauritian State must strive to codify a comprehensive personal status law to protect women in Muslim religious marriages.

There is no minimum age for religious marriages, leaving young girls vulnerable to child marriages. The most recent example came to light in June 2018, when a 13-year-old girl, who was married in a religious ceremony to a 19 year old man, died due to health complications while pregnant. Such tragedies cannot be permitted to continue.

The Civil Code allows children ages 16-18 to be married with consent of a parent or a judge. In 2014, there were 805 documented marriages of children aged 15-19 in Mauritius, the majority of who were girls. Girls suffer disproportionately from child marriage, risking their health and educational opportunities. A clear ban of child marriage for children under the age of 18 is a critical step in protecting children and reducing discrimination against girls in Mauritius.

Source: Anushka Virahsawmy, Gender Links Mauritius, Gender Links case Study, 2019

Persons with disabilities



Article 9: Persons with disabilities: State parties shall, in accordance with the SADC Protocol on Health and other regional and international instruments relating to the protection and welfare of people with disabilities to which Member States are party, adopt legislation and related measures to protect persons with disabilities that take into account their particular vulnerabilities.

Seven SDG targets specifically mention persons with disabilities (education, accessible schools, employment, accessible public spaces and transport, empowerment and inclusion, and data disaggregation).³⁶

³⁶ United Nations Secretariat of The Convention on The Rights of Persons with Disabilities.

Women with disabilities are at risk of rape and domestic violence. In some cases the violence they experience directly exploits the nature of women's particular impairments. Abusers may purposefully lock wheelchairs away; or smash hearing aids or glasses, while family members and intimate male partners may assault or otherwise abuse women for their disability grants. Sexual harassment and other forms of sexual violence may be sparked by perverse curiosity about the sexuality of 'disabled' women (which is seen as different and strange). Women whose impairments limit their mobility may also be seen as easy targets for rape.

Violence also leads to disability. Spinal injuries incurred through stabbings may result in either quadriplegia or paraplegia, while injuries to the head may also lead to impairment of hearing and/or vision.

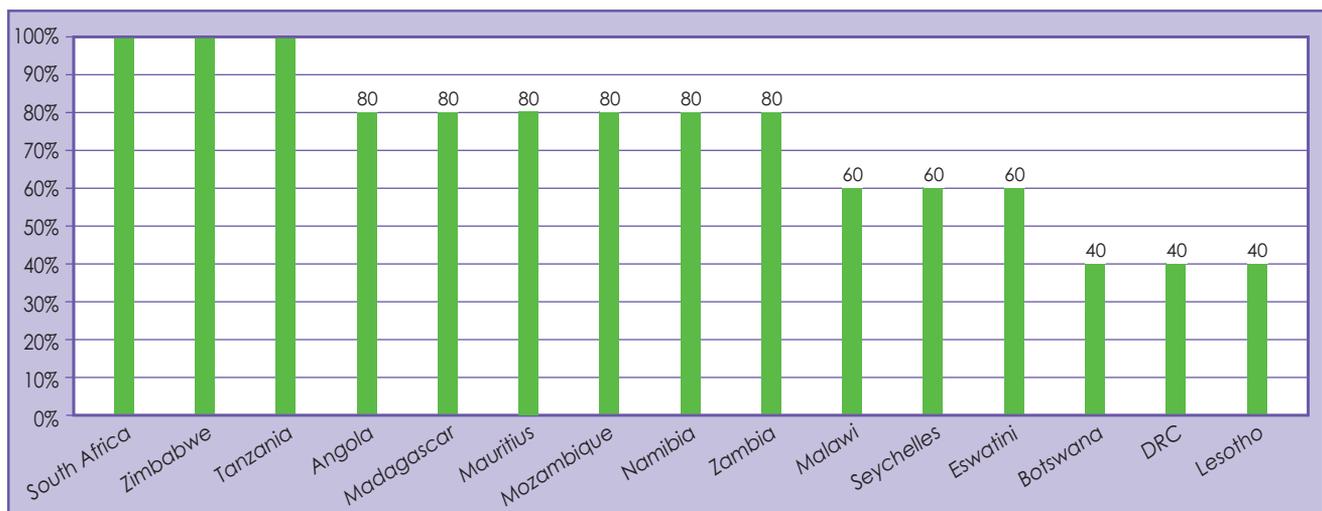
The disabling nature of the built environment further compounds the problems faced by this group of women and limits their access to help. Women with disabilities often need to negotiate precarious roads to access buildings, while ramps often serve cosmetic purposes only being either too steep or too narrow for safe use. Buses, taxis

Women with disabilities are at risk of rape and domestic violence

and trains may also be unsuited to wheelchairs. Few service providers are adequately trained to address the needs of women with intellectual impairments. Almost no information on violence against women is available in Braille and many organisations only start thinking about finding a sign language interpreter when presented with a deaf woman. Patronising and ill-informed attitudes on the part of service providers may also create difficulties for women with disabilities.

The GRA on disability assessed whether there are special measure to promote participation of persons with disabilities in public and private life; if labour laws ensure equal rights and special facilities for persons with disabilities and whether persons with disabilities are protected by law.

Figure 7.6: GRA on Article 9 - Persons with disability



Source: Gender Links.

Figure 7.6 showed that South Africa, Zimbabwe and Tanzania scored themselves highly on the attainment of rights for persons with disability. Malawi, Seychelles, Eswatini, Botswana, DRC and Lesotho still have significant gaps in the attainment of these standards.

Widows and widowers rights



Article 10: Widows' and widowers' rights

1. State parties shall enact and enforce legislation to ensure that widows and widowers:

- (a) Are not subjected to inhuman, humiliating or degrading treatment;
- (b) Automatically become the guardians and custodians of their children when their husband/wife dies unless otherwise determined by a competent court of law;

(c) Have the right to an equitable share in the inheritance of the property of their spouses;

(d) Have the right to remarry any person of their choice; and

(e) Have protection against all forms of violence and discrimination based on their status.

CEDAW, Article 16(b) provides for widows, the same right freely to choose a spouse and to enter into marriage only with their free and full consent; among other protections that are given to widows.

Global and regional instruments protect widows and widowers from harmful cultural practices including widow inheritance *ukungena/kulowa kufa*, property grabbing and other forms of inhumane, humiliating and degrading treatment.

Data on women's status are often not disaggregated by marital status, so at every level of gender statistics, from national to global, widows are not visible. Yet we know that many elderly widows face multiple and intersecting forms of discrimination, based on their gender, age, rural location or disability. Many widows are still young when they lose their husbands, perhaps as a result of conflict or because they were married as children to a much older man. These women face a long lifetime of widowhood. Along with the shock of losing a spouse, the situation for widows is often compounded by stigma and social isolation. In many countries, widows are stripped off their rights to assets such as land, income and property. Without access to social protection, they face destitution.³⁷

Like other parts of the world, widows in Southern Africa face similar or related challenges, even



Community meeting in Botswana debates harmful practices. Photo: Keletso Serole

though various countries have put some legislative measures in place to protect widows and widowers' rights in areas such as property inheritance and the prohibition of property grabbing or forced widow inheritance.

Legislative provisions are frequently undermined by practices and attitudes that compel widows and widowers to comply with otherwise harmful cultural practices. A 2017 report by Human Rights Watch shows that despite the various legal protections, women in Zimbabwe are often routinely dispossessed of their property, including land upon the death of a husband.³⁸

³⁷ UN Women (2017), 'Statement: Widows' rights to independent life and livelihood after loss' available at: <http://www.unwomen.org/en/news/stories/2017/6/statement-un-women-international-widows-day> (accessed 12 July 2019)

³⁸ Human Rights Watch (2017), 'You will get nothing: Violations of Property and Inheritance Rights of Widows in Zimbabwe' available at: <https://www.hrw.org/report/2017/01/24/you-will-get-nothing/violations-property-and-inheritance-rights-widows-zimbabwe> (accessed 12 July 2019)

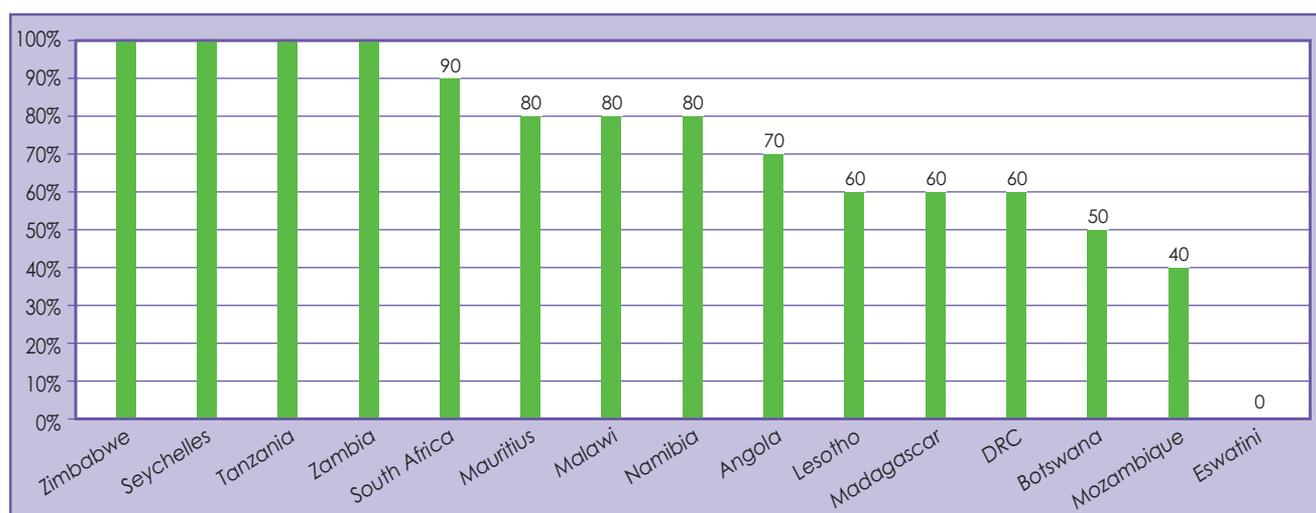
SADC countries need to urgently ensure that:

- Widows and widowers are not subjected to inhuman, humiliating or degrading treatment as espoused in Article 10 (1) (a) of the SADC Protocol on Gender and Development.³⁹ Widowhood rites and practices are often inhuman, degrading the humiliating. In Southern Africa such rites are 'meant to cleanse the widow of perceived defilement related to the death of her husband and to neutralise and/or counter the effects of ritual danger embedded in widowhood'.⁴⁰ Such treatment includes shaving of the head, wearing black clothes and headdress for prolonged periods of time, prohibition from leaving a home and stepping out of the road when a widow meets people whilst walking on the road,⁴¹ amongst many practices.
- Widows and widowers have the right to an equitable share in the inheritance of the property of their spouses.⁴²
- Widows and widowers have the right to remarry any person of their choice.⁴³ The practice of widow inheritance is often meant to deny widows this right, and is also closely linked to patriarchal attitudes that seek to control a widow's sexuality, inheritance and other fundamental rights and freedoms that a widow should otherwise be entitled to as a human

being. Despite laws that outlaw such practices, (such as the Reform of Customary Law of Succession Act, 2010 in South Africa and the Deceased Estates Succession Act, Chapter 6:02 in Zimbabwe), retaining land and other property, or custody and guardianship rights over minor children by a widow is often tied to widow inheritance and marrying one of the deceased's brothers or relatives in lived reality. Marrying a person of their choice also often leads to widows being evicted from their land or homes or being stripped of property by the deceased husband's relatives.

- Widows and widowers have protection against all forms of violence and discrimination based on their status.⁴⁴ Violence against widows is often used a patriarchal control tool to ensure that women comply with demands and orders from (in particular) male members of the deceased husband's family. Perpetrators of violence against women are however also often female relatives of the deceased husband. In cases of property grabbing, violence is often used as a tool and physical and psychological/emotional violence is also used on women when they are accused of causing the deaths of their husbands. Discrimination against widows is also prevalent in Southern Africa.

Figure 7.7: GRA Article on Article 10 - Widows and widowers



Source: Gender Links.

³⁹ Article 20 (a) of the Maputo Protocol also enjoins state parties to ensure 'that widows are not subjected to inhuman, humiliating or degrading treatment'
⁴⁰ Manala, M (2015), 'African traditional widowhood rites and their benefits and/or detrimental effects on widows in a context of African Christianity' HTS Teologiese Studies/Theological Studies 71(3), 1-9
⁴¹ Manala, M (2015), 'African traditional widowhood rites and their benefits and/or detrimental effects on widows in a context of African Christianity' HTS Teologiese Studies/Theological Studies 71(3), 1-9
⁴² Article 10 (1) (c), SADC Protocol on Gender and Development, Article 21 (1), Maputo Protocol
⁴³ Article 10 (1) (d), SADC Protocol on Gender and Development, Article 20 (c), Maputo Protocol
⁴⁴ Article 10 (1) (e), SADC Protocol on Gender and Development

The GRA on Article 10 assessed the existence of national legislation protecting the rights of widows and widowers; whether custody court rulings consider widows and widowers as equal potential custodians of children after the death of a spouse; if widows and widowers are protected by law to receive full inheritance from their late spouse; whether wife inheritance is outlawed; if witchcraft killings/violence linked to widows and widowers is investigated and outlawed. Figure 7.7 reflects a wide range of scores, from top marks in Zimbabwe, Seychelles, Tanzania and Zambia to a score of zero in Eswatini, where the challenges for widows remain severe.

In **Eswatini** widows are not allowed to stand for election to public office until after a two year mourning period. The latest election in Eswatini was in 2018. For that election, Chief Gija Dlamini, the Chairperson of the Elections Management Board (EMB), the Elections and Boundaries Commission (ECB) of Eswatini confirmed that 'women who lost their husbands could register for elections only after the two-year mourning period and cleansing ceremony'.⁴⁵ In the same year (February 2018) the President of the Eswatini Senate Gelane Zwane had to stop attending senate for a period of two years following the death of her husband. Zwane confirmed to The

Times of Swaziland that she would be staying away from Parliament after the death of her husband despite her position as the leader of the Senate.⁴⁶

Similarly on the 16th of February 2018, the Eswatini Minister of Labour and Social Security Winnie Magagula was stopped from attending the opening of Parliament following the death of her husband.⁴⁷ Often there is a belief that the enforcement of harmful cultural practices is confined to local remote and rural communities, or practiced in secrecy. However the developments in Eswatini as stated above indicate that all women, regardless of their status in society, class or levels of education can be subjected to such practices. This calls for holistic and all-inclusive approaches and strategies to ensure that widows and other women are protected from violence, discrimination and other harmful practices that humiliate degrade and strip them of their dignity.

Discriminatory practices continue to hinder women's access to many other public spaces. Widows in mourning remain in seclusion until the spouse is buried and a further month following the burial. This is followed by a period of two to three years of the wearing of mourning clothes, assuming a certain posture when walking, and observing restrictions in appearing in certain public and employment domains.⁴⁸

Societal discrimination against widows is a problem in **Mozambique**, and the rights of widows are not directly addressed in the Family Law Act. For instance, there is a practice of accusing widows of witchcraft and then expelling them from their homes. This is reported to be more common in rural areas, although it can happen anywhere else. Julio Machele in his characterisation of profiles of victims of witchcraft accusations in Mozambique states that "Widows are also often in a precarious position in their family. They fall victim to these accusation when

... there is a belief that the enforcement of harmful cultural practices is confined to local remote and rural communities, or practiced in secrecy

⁴⁵ Rooney, R (2018), 'Widows still can't stand in election' available at: <https://swazimedia.blogspot.com/2018/04/widows-still-cant-stand-in-election.html> accessed 14 July 2019. (accessed 14 July 2019)

⁴⁶ allAfrica (2018), 'Swaziland: President 'Banned' From Swazi Senate' available at: <https://allafrica.com/stories/201802210504.html> (accessed 14 July 2019)

⁴⁷ allAfrica (2018), 'Swaziland: President 'Banned' From Swazi Senate' available at: <https://allafrica.com/stories/201802210504.html> (accessed 14 July 2019)

⁴⁸ CEDAW Report, 2012

they show a behaviour inconsistent with the models imposed by locally effective power relations".⁴⁹

Closely linked to the practice of widow inheritance is the practice of *chigara mapfihwa/umthanyelo* in Zimbabwe, in which a young girl is forced to get married to the widower of her

sister or paternal aunt. In most cases *chigara mapfihwa/umthanyelo* is also linked to early, child or forced marriage and the resultant challenges such as HIV and AIDS infection and early pregnancies and child birth. The 1999 Zimbabwe HIV and AIDS Policy acknowledged the negative role of this harmful cultural practice in the spread of HIV and AIDS.⁵⁰

Other harmful practices



Zimbabwean Senator Hon Priscilla Misihairambwi-Mushonga has been instrumental in advocating for the elimination of harmful cultural practices, the promotion and protection of women's rights and gender equality in the country. Here she makes a contribution during the Quota or Total Equality Conference in Zimbabwe.

Photo: Tapiwa Zvaraya

In addition to the rampant occurrences of child marriages, women, young women and girls face violations of their bodily integrity and other women's rights through numerous other harmful traditional practices. These include practices such as sexual cleansing of widows, prohibition of family planning, elevation of boy children above girl children, widow dispossession/property grabbing, polygamous marriages, initiation rites, wearing of mourning clothes and other mourning rites, beating wives as a sign of love and abductions to force marriage. Specific practices include:

- *Kusasa fumbi/fisi* - A Malawian practice whereby a male has sexual intercourse with a female as an initiation requirement.
- *Kulowa Kufa* - A Malawian practice in which a male member of the community has sexual intercourse with a woman upon the death of her husband.
- Female genital mutilation (not prevalent throughout much of the SADC region, occurs in Tanzania).

- *Ukungena* - Widow inheritance (where a woman is made to marry her husband's brother if she is widowed).
- *Lobola* (bride price).
- *Kuhlanta* - A practice in Swaziland and Zimbabwe respectively where a woman is married off to her sister or aunt's husband.
- *Kulamuta, ukulamuza, chiramu* - A practice in Swaziland and Zimbabwe where a man has sex with a younger sister or paternal niece of his wife.
- Virginity testing - to ascertain the purity of a woman before marriage.
- *Chigaramapfihwa* - A practice in Zimbabwe where a girl/woman is married off to her sister or paternal aunt's widower.
- *Musengabere/Ukuthwalwa/Tjhobediso*/bride abduction - A practice in some countries in Southern Africa including South Africa, Zambia, Lesotho and Zimbabwe where a man abducts a girl or woman and has sex with her and then formalise the marriage later. It is still practiced in some of these countries but not very prevalent in others.

⁴⁹ Machele, J (2018), 'He then became a lion': witchcraft accusations in rural Mozambique', in Green MC, Gunn TJ & Hill M (eds), Religion, Law and Security in Africa. Stellenbosch, 283-296

⁵⁰ Government of Zimbabwe (1999), 'National HIV and AIDS Policy' <http://nac.org.zw/wp-content/uploads/2019/01/National-HIV-and-AIDS-Policy-1999.pdf> (accessed 16 July 2019)

Female genital mutilation



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

Female Genital Mutilation (FGM) is a serious form of harmful cultural practice. The World Health Organisation (WHO) estimates that about 200 million girls and women between the ages of 15-49 have undergone FGM in the world.⁵¹ In Tanzania, 10% of girls and women between the ages of 15-45 have undergone FGM. The law however does not protect FGM victims above the age of 18 years. Similarly Article 11 (1) (c) and Article 11 (2) of the SADC Protocol on Gender and Development seek to protect the girl and boy child from harmful cultural practices including FGM. This protection is not extended to adults.

FGM has serious short and long-term implications on the human rights and health of women and girls, including risks of getting the Human Immunodeficiency Virus (HIV). Other short-term challenges include severe pain, excessive bleeding, shock, genital tissue swelling, infections, urination problems, impaired wound healing, death and psychological trauma. Long term challenges and health risks include death, pain, infections, painful urination, menstrual problems, keloids, obstetric complications, obstetric fistula, perinatal risks and psychological consequences.⁵² Despite these well-established challenges, FGM continues in Tanzania.

Tanzania is characterised as having “discrimination embedded in customary laws, social

WHO estimates that about 200 million girls and women between the ages of 15-49 have undergone FGM in the world

norms and practices and inadequate legal protections against gender discrimination in all dimensions of social institutions.” While female genital mutilation (FGM) is on the decline in the country, the practice remains widespread in some rural areas. In Maasai communities such as Lingate in the northern Arusha region, dozens of women are turned away in marriage because they would have refused to be cut. Despite efforts to end the practice, some Maasai tribal elders embrace the tradition and want their daughters circumcised. Most women are still

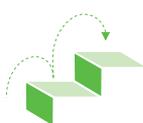
⁵¹ World Health Organisation (2013), 'Sexual and Reproductive Health: Female Genital Mutilation' available at: <https://www.who.int/reproductivehealth/topics/fgm/prevalence/e> (accessed 11 July 2019)

⁵² World Health Organisation (2013), 'Sexual and Reproductive Health: Health Risks of Female Genital Mutilation: FGM' available at: https://www.who.int/reproductivehealth/topics/fgm/health_consequences_fgm/en/ (accessed 12 July 2019)

being cut in several regions, including two regions just south of Arusha - Manyara, where 81% of women have undergone some form of genital mutilation, followed by Dodoma, where approximately 68% of women⁵³ have undergone the procedure. Statistics from UNICEF show Tanzania as the only country in Southern Africa where at 10% for women aged 15-49, FGM is practised on a large scale.

Even with the law protecting children from FGM, the practice is still common in some regions of Tanzania. The northern district of Ngorongoro in Tanzania is home to the Maasai people and a place where tradition and culture still reign supreme. Many live in fear of their ancestors and will often times attribute misfortunes as a punishment from ancestors. This is also the basis of female genital mutilation (FGM) practiced by some in the area.

Some people in the district secretly engage in Female Genital Mutilation in an attempt to 'appease' their ancestors and to avoid punishment from government. Although the act has serious health effects and sometimes leads to death, people still practice the tradition and believe that failure to do so leads to natural disasters such as drought. FGM is also widely practiced as a passage rite into adulthood. Those who do not go through the ceremony, risk facing discrimination and are regarded as people who bring misfortune into the community.⁵⁴



Next steps

Harmful cultural practices are in many instances a reflection of the patriarchal nature of our societies in Southern Africa and a power and control instrument by men over women. As such there is likely to be resistance from the men who are the leaders at different levels in our countries

towards the elimination of the practices. Resistance is often surreptitious, with leaders especially at government and national level publicly condemning the practices but stalling when it comes to the promulgation and implementation of the necessary reforms. The apparent eagerness with which the SADC Model Law on Child Marriages was received by regional leaders and the lethargy currently being experienced in adopting the Model Law at the national level is a clear example of this. Civil society organisations must therefore put in place accountability and follow-up mechanisms for leaders who support elimination of harmful cultural practices in public but make no tangible efforts to ensure action on the issues. National Women's Parliamentary Caucuses and the SADC/PF Women's Caucus can play an important role in this regard.

The SADC Parliamentary Forum Women's Caucus is a key institution in taking regional policy positions on harmful cultural practices to the national level for adoption and enactment in national legislation. Members of the regional women's caucus also often sit in the women's caucus in the national parliament and are therefore an important vehicle for regional-national coordination and cohesion. The Caucus should thus be engaged to play a leading role in the domestication of the SADC Model Law on Eradicating Child Marriage and Protecting Children Already in Marriage. The regional Women's Caucus should also be linked with the national Women Parliamentary Caucuses to ensure effective flow of information from the regional to the national level and vice versa.

Key next steps include:

- Constitutional reviews to remove the duality/plurality of legal systems in all countries in Southern Africa (customary law, religious law and general law). All constitutions must provide for the supremacy of constitutions and human rights over customary law, cultural practices and other norms.

⁵³ Thomson Reuters Foundation, <http://news.trust.org//item/20131216094140-k5c2x/>

⁵⁴ Headman J (2018), 'Tanzania: Put an end to FGM' available at: <https://genderlinks.org.za/news/tanzania-putting-an-end-to-fgm/> (accessed 11 July 2019)

- Courts must play a more pronounced role in challenging harmful practices that undermine constitutional provisions.
- Domestication of the SADC Model Law on Eradicating Child Marriage and Protecting Children Already in Marriage.
- Platforms for children to express themselves and highlight the issues that affect them such as Junior Parliament, Junior Council and Child President must be created in all countries, and such platforms must be allowed cross-sharing of ideas throughout the region and engagement with government at the regional level through the SADC Summit and related fora.
- Education and awareness raising amongst men and boys as well as traditional leaders on

the rights of children, girls and women on eradication of harmful cultural practices must be encouraged.

- Education of women and girls about their rights and the harms associated with these practices. Older women, who are often the enforcers of the practices must be particularly targeted.
- Clear and unequivocal mandates for institutions that advance women's rights to address harmful practices. Often such institutions are hampered in their work by mixed messages from Governments which in many instances seek to appease their voters who might be in support of or follow/observe the harmful practices.



SADC Parliamentarians who attended the Alliance Regional Women's Parliamentary Caucus Training Workshop on Sexual Reproductive Health and Rights in Johannesburg. Photo: Thato Phakela