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Chidakwa. Tichaona

Abstract: *Chigadza mapfihwa and kuroodzera are practices that are deeply embedded in African culture, as a way for the elders to accumulate young wives in exchange of cattle and grain. This article was focusing at how children's rights have been infringed through these forced marriages. Previous studies on this concept have not voiced the echo of children in such unions. Yet, it is clear that children exposed to intergenerational atrocities are suffering daily yet they are not being listened to. The paper was based on a field research conducted on interpretivism basis/ qualitative design. A sample of fifty (50) participants was drawn using purposive and chain referral sampling. Data was gathered through forty (40) interviews and as a way to enrich the data gathered, three focus group discussions were conducted. Data presentation was through thematic content analysis. From the field research poverty and lack of sustainable livelihoods is the main cause of these cultural practices. The participants lamented coercion through restricted access to family finances, often reprimanded that they are just consumption agents who parasitically devours on patriarchal income, yet alone the reason for their deprivation is the same source of their oppression which is kuroodzera and chigadza mapfihwa.*

Keywords: *Credit marriage, Replacement of a deceased wife, intergenerational atrocities, culture, poverty and forced marriages*

I. Introduction

The focus of the paper is rooted in the African cultural practices of chigadza mapfihwa and kuroodzera as marriage institutions and exposes intrinsic reasons for these cultural practices and how they negatively affects children coerced into marriage. Though urbanization, migration and industrialisation have taken over precedence as social orders of society some individuals, families and societies have maintained an extended 'localiteness or 'parochial mindedness' in their lives and have clinged to primitive practices that are inhumane, indefinite and above all a gross violation of the human rights principle all in the name of culture.

Globally, more than 60 million girls aged 20-24 married before their 18th birthday. If left unattended an additional 100 million girls or 25,000-30,000 girls every day will become child brides over the next decade. While boys are subjected to early marriage, most child marriages involve girls. In 2003, the International Centre for Research on Women estimated that more than 51 million girls under 18 years were married and they expected the figure to rise to over 100 million within the next 10 years. Chigadza mapfihwa deceased wife inheritance and kuroodzera/credit marriages are now recognised as gross violation of children's rights and a direct form of discrimination against the girl child, who, as a result of the malpractice, is often deprived of her basic rights enshrined in the constitution and international conventions which include the right to health, development, education and equality. Poverty and capitalist misconceptions of roora-bride price as an investment capital has fuelled the degenerating cultural practices despite global condemnation of the practices.

The paper is categorized into five sections. The first section traces the historical background of these cultural practices in classical society and how urbanisation, migration and industrialisation have drifted these cultural practices from face value to the periphery and most remote areas of the country. In this arena the paper alludes to the synthesis that these practices are not an epidemic but of the few visible cases exposed there is need for readdress. The second section provides the philosophical basis of protectionism and how the international legal framework provides the leeway for readdress of the contestation of chigadza mapfihwa and kuroodzera. In this platform chigadza mapfihwa and kuroodzera will be juxtaposed with the international legal framework highlighting on the violation of the precedence. The fourth section provides the research design and findings of the research from children and women parcelled along those patriarchal lines. Within this line of thought the causes of the cultural practices will also be highlighted. The final section of the paper will provide subjective recommendations and general conclusion on aligning cultural practices to child rights.

The paper is based on a field research conducted on interpretivism basis/ qualitative design. Sample of fifty (50) was drawn using purposive sample and chain referral sampling. Data was gathered through forty (40) interviews and as a way to enrich the data gathered, three focus group discussions were conducted. Data presentation was through thematic content analysis.

Definition of concepts

Credit marriage (Kuroodzera)

Holleman (1962), defines arranged marriages (Kuroodzera/kuzvarira/credit marriages) as implying the conclusion of an affination agreement in connection with a (usually very young, and sometimes growing up, in exceptional cases, as yet unborn) girl. In the selection of the spouse, the freedom of selection is considered as unimportant on the part of the girl child. Thus the greatest consideration is not on affection between the spouses but rather on the economic partnership being considered only on the part of the bride's kinsmen who are usually beneficiaries to the gains of this transaction.

Replacement of a deceased wife (Chimutsa Mapfihwa)

Malawi Human Rights Commission Report of 2008 as further noted by UNICEF (2001), defines replacement of a deceased wife (chimutsa mapfihwa, chimeta masisi or chidzutsa nyumba), as a cultural practice in which the bereaved husband marries the young sister or cousin of the deceased. This involves emotional and physical duress on the part of the girl child who is obliged to protect the legacy of the family left upon by the dead sister through inheriting children and the husband to continue caring for the family.

In short these concepts are related as they vehemently affect children through duress and hence they are gross violation of the fundamental rights of children towards realisation of their human capabilities. The paper brings out the causes of these cultural practices, the impacts and probable solutions that can be used to address such inhumane practices.

II. Historical Basis

The concept of children and childhood are cultural and socially defined. The welfare and accompanying practices of children are buffeted and modified by demographic, political, economic, religious and philosophical trends and debates as envisioned by Baker (2001). In African philosophy of Ubuntu a child is a collective duty of society, the million dollar question then is, why expose children to chigadza mapfihwa and kuroodzera when they are the sacred lamb of society?

Kamlongera (2007), for most Malawians, there is a preference not to discuss situations deemed embarrassing (like in this case of a man having sex with a child). They prefer to pretend the situation does not exist and, if one dares to mention anything, he or she is classified a pervert. This reflects what Moto (2004) and Machera (2004), regards, that African society has been reported as not appreciating direct confrontation, especially in matters dealing with sex and sexuality. This has led to humiliation of children and women's rights all in the name of culture.

According to Wallman (1979), amongst the Hausa marriage is the most important rite de passage for both male and female. The ideal age of marriage for girls is just before puberty. The greatest number of girls are remarried at about fourteen, but many are married younger, even at ten. Amongst the Hausa bridewealth, dowry and what Goody (1973) refers to as indirect dowry are all involved in the long series of gift exchanges between spouses and their families. The groom's family must pay courtship: a sum of money to the bride's price as legalization of the marriage under Islamic law. In total these expenses often far surpass a year's income for any of the parties concerned. The early age of marriage for girls is enshrined in the belief that it's a means of ensuring that the girl would not risk losing a husband by waiting too long, until she is spoilt. Though now widely recognized as gross violation of the rights of children chigadza mapfihwa and kuroodzera have a historical basis in African societies.

Intergenerational marriages have been part of African culture since time immemorial and have proved to be very harmful towards the girl child in society. In Kenya arranged marriages amongst the Masai tribe occurs in the form of a ritual called Esaiyata; this is whereby the daughters and girls yet to be born are booked by the groom who is three fold older than the daughter to be born. (Mikhail, 2002) notes that Article 1 (of the convention) of United Nations Declaration of Human rights states that the institutions and practices similar to slavery where, a woman, without the right to refuse, is promised or given in marriage on payment of a consideration in money or in kind to her parents or guardian family are prohibited. This is a direct negation of human rights all in the principle of maintaining culture. The Declaration and Agenda for Action of the World Congress against Sexual Exploitation of Children of 1996, defined sexual exploitation of children as;...comprising sexual abuse by an adult and remunerations in cash or kind to the child or third person or persons. The child is treated as a sexual and commercial object.

According to Jeater (1993), Kuzvarira/credit marriage is also known as the pledging into marriage of a girl child. This cultural practice where a child can be married off before they are born was widely practised before the colonial era among the Shona people when elders were able to accumulate young wives through pledging in exchange for grain during times of food shortages. Parents are now resorting to marrying off their girl children who reach puberty as a survival technique. Some of these child marriages are not driven by

economic conditions, but are just practiced because of the cultural beliefs of the parents. It has been noted that most reports of sexual abuse occur in families with the lowest socio-economic levels.

Global statistics

According to the Research and Advocacy unit report of (2011), UNICEF estimates that globally, 64 million young women (aged 20-24) were married before the age of 18. One girl below the age of 18 is married off every three seconds worldwide. In developing continents which include Southern Africa, Southern America, North Africa and some parts of Asia one in seven girls under the age of fifteen are married.

Zimbabwe has an estimated population of 12, 5 million. 52% of this is female. 15, 4% of this is estimated to be living with HIV/AIDS as propounded by the Zimbabwe Demographic Health Survey: (2006). The prevalence of the virus amongst women is estimated at 21% whereas it is 14, 5% for men and, girls between the ages of 15 and 19 are the most vulnerable to infection.

Table: 1 Age of first marriage Percentage of Women who were married by specific exact ages and mean age at first marriage, according to current age, MIMS, Zimbabwe 2009

Age	% first married by exact date					% never married	no of women	Mean age of first marriage
	15	18	20	22	25			
15-19	5.6	n/a	n/a	n/a	n/a	76.4	2,616	16.3
20-24	9.7	44.2	64.1	n/a	n/a	26.1	2,412	18.0
25-29	10.3	44.4	63.0	76.2	87.6	9.5	2,129	18.9
30-34	10.8	42.2	63.7	77.6	88.7	4.8	1,459	19.4
35-39	13.0	43.1	65.1	78.2	88.8	2.6	1,208	19.5
40-44	14.0	45.2	65.1	75.2	87.3	3.1	828	19.6
45-49	15.7	52.3	74.2	83.6	92.6	1.1	687	18.8
20-49	11.4	44.5	64.8	n/a	n/a	11.1	8,723	18.9
25-49	12.0	44.6	65.1	77.6	88.6	5.3	6,311	19.2
15-49	10.0	39.3	55.2	63.9	70.3	26.1	11,339	18.7

Source: Zimbabwe Multiple Indicator Monitoring Survey (MIMS) 2009 report August 2010 page 117

The table above shows the Zimbabwe National Statistics Agency report of 2009 which stated that the median age at first marriage in Zimbabwe has been declining from 19 years for women currently aged 45-49 years to 16 years for those aged 15-19 years. Five percent of women aged 15-49 years currently in marriage or union were married before the age 15 (rural 6%, urban 2%). Marriage before age 15 years decreased with education of women and household wealth, and increased with age of woman. On the other hand, 32 percent of the women aged 20-49 years currently in marriage or union were married before age 18 years, (rural areas 39%, and urban areas 21%). Marriage before age 18 years decreased as education and wealth increased. The proportion of women aged 20-49 years who married before age 18 years was highest in the age group 45-49 years at 40% compared to around 31% in the rest of the age groups

International Legal Framework

The 1989 Convention on the Rights of Children (CRC), stipulates that the right to protection from traditional practices that are harmful to the health of children should be prioritized. Article 3 states that in all actions concerning children and the best interests of children shall be a primary consideration. The fundamental question that arise in direct confrontation to the African cultural practice were family reciprocal obligation induce duress on the part of a young girl to marry a husband the size of her grandfather is. Does chigadza mapfihwa and kuroodzera conform to the principle of the best interest of the child?

According to the Convention on the Rights of Children, childhood is a time when children are 'entitled to special care and assistance within the context of the family, which in turn, should receive support and assistance from the community. These sentiments are in consensus with Morris and Connolly (2012)'s view that the age and level of development renders children less capable of self-determination; consequently, adults make decisions for them while they are cared for in the context of the family with the support of the state. This collective effort is deeply embedded in African philosophy of Ubuntu/Harambe/Humwe, is then marrying a yet unborn child the collective welfare of children?

CRC Articles 28 and 29 provide for the right to education on the basis of equal opportunity. This practice is also in direct conflict with the objectives of Millennium Development Goals such as the promotion of basic education and the fight against poverty as well as gender equality. This goes in line with the African saying that children are the basis of future growth however it is also clear that if they are the future they need for them to be preserved and chigadza mapfihwa and kuroodzera are not mechanisms of protection rather they are degenerative, discriminatory and above all oppressive.

IPPF (2007) reported that Child marriages can also expose children to sexual exploitation. CRC article 34 provides the right to protection from all forms of sexual exploitation and sexual abuse, and Article 36 further states that the child has a right to protection from all forms of exploitation prejudicial to any aspect of the child's welfare. Child marriage is culturally packaged as a social necessity, but in many cases this amounts to "socially licensed sexual abuse and exploitation of a child." It is one of the most persistent forms of sanctioned sexual abuse of girls.

Zimbabwe has a dual legal system like most African countries due to colonialism. Jeater 1993 lamented the dual existence of pararell law provisions. Customary law applies side by side with general law. In Zimbabwe there are three types of marriage that are recognised. There is civil law marriage that is regulated by the Marriages Act and the customary marriages that are either registered under the Customary Marriages Act. Marriage is therefore governed by the different laws applying to the type of marriage that the parties choose. However the problem arises in that culture is not in congruence with legislation hence the need for African cultural practices to conform to legislation.

III. Research Design

The paper is based on a field research conducted on interpretivism basis/ qualitative design. For Strauss and Corbin (1990), interpretivism is a procedure of gaining insights through discovery of meanings by improving our comprehension of the whole. This probe unearths the richness, depth and complexity of phenomena from women who have been parcelled along the patriarchal lines of deceased wife inheritance(chigadza mapfihwa) and credit marriages(kuroodzera).According to Best and Khan (1993) a research target population is any group of individuals that have one or more characteristics that are of interest to the researcher, in congruent with the above sentiments. Sekeran (1984) defines population as the entire group of people, culture or collectively shared symbols that is of interest to the researcher and being the prerogative objective of the study, it is against this background that the study's focus was women who have been parceled through inheritance marriage chigadza mapfihwa and credit marriage kuroodzera. The sample consisted of fifty (50) women who were married through inheritance marriage chigadza mapfihwa and credit marriages kuroodzera. The sample was drawn using purposive sampling and snowball sampling. Interviews and focus group discussions were the research instruments used in data collection. These interviews spanned from thirty minutes to one hour with flexible questions being asked to the participants. As a way to enrich data three focus group discussions were conducted. Data was categorized into themes and presented through thematic content analysis. These findings were gathered at Bosbury farm which located 8km from Chegutu along the Chegutu-Kadoma highway. It is a farming community that is predominated by small scale gold mining. It has high prevalence of HIV and AIDS. The area has two primary schools within the walking distance; Rogate primary school and Bosbury primary school and the recently commissioned secondary school at Bosbury through the generosity of UNICEF in partnership with the Ministry of primary and secondary education in Zimbabwe. Thus previously there was a high rate of school drop-outs due to poor accessibility of the only nearby school. The focus groups ranged from 8 to 12 mothers who are victims of forced marriages. Three focus group discussions were held at Chivi farm during lunch hours and were led by the young mothers themselves to enable them to speak freely on the issues that were affecting them. The young mothers felt that this kind of platform gave them the opportunity as young mothers who share the same predicament.

IV. Findings

From the focus group discussion women typically described their abusive husband partners as patriarchal, traditional, or conservative. The participants lamented coercion through restricted access to family finances, often reprimanded that they are just consumption agents who parasitically devours on patriarchal income, yet alone the reason for their deprivation is the same source of their oppression inheritance marriages and credit marriages.

Due to cultural constraints on matters of sexual relations research participants in face to face interviews were in consensus that safe sex was not an issue they could discuss with their husbands. The procreation function has superseded the wellbeing of the young mothers as they are expected to contribute to family and kinship growth more than their health concerns. Chengeto (pseudonym) a seventeen year old mother of two who is married to a forty-seven year old revealed that she was threatened with a thorough beating when she wanted to introduce contraceptive pills as a birth control measure to the husband. This is in consensus with the findings of Chabata (2012), that married men's control over sex does not only infringe women's rights, it also exposes them to HIV infection. Some married women find it very hard to negotiate safe sex since their husbands simply say 'Dzakaendadzakapfekamacondom here?' (Did the cattle we paid go with condoms on?). Thus women have lost their bargaining power as a result of exposure to these forced marriages.

The findings also revealed that chigadza mapfihwa and kuroodzera have a basis in families and societies of low levels of income and this is an indication of the cyclical impact of intergenerational poverty.

Berger (2005) in consensus with the field research findings highlighted that poverty has adverse effects and has compromised the wellbeing of children. This is also in line with the findings of the Malawi human rights commission of (2008), that these practices are common in areas where lobola/ bride price is paid. The reason being fear that the husband will ask for compensation of his bride price. It was further found out that for fear of losing access to the son in law's wealth if he is well to do through the death of their daughter they will provide a young girl to continue linking the family with resources. This is in line with the findings of the Research and Advocacy Unit report of 2011 which pinpointed the root cause to poverty as one of the major reasons for early marriage because when families are very poor a young girl is considered to be an economic burden to the family; therefore, if she gets married that is one mouth less to feed.

From the research findings women and girls are being merely treated as liabilities that can be channeled from one family to another at patriarchal dictates. This has led to high HIV/AIDS incidences amongst the adolescences. This is congruent to the findings by Bergen (1999) that marital rape is one of the under-reported violent crimes because it is socially tolerated'. Women feel that this is not only a betrayal to the husband, but also a disgrace for her family. In addition, women admit that it is harder to press charges when the husband has paid a large sum of money to their family as bride price (roora). This is also in consensus with findings by Chabata (2012), those social structures and kinship ties always perpetuate endurance even if it means sacrificing the rights of women. These revelations are very disturbing because the country is losing potential social capital that can be utilized in economic growth and sustainable development. Adolescents are being exposed to the HIV/AIDS pandemic

However contrary to the critics of chigadza mapfihwa and kuroodzera, participants in the second focus group of mothers aged 16 another participant said "isuhatim boonezvakashata nekuti hakunamv uraisinachura /datyakunetsanakurimo mumbadzimwe nguva unotorohwa asi chinonziimbakushingirira. Inimurumewanguane makore makumima shanu as in ezerarangundikatadzakuzvibatane kumuremekedzaanondirova nekuti ikodzeroyake nekuti mombeakabvisakunababapaakaroorasisi, pakashayasisiakaunzaimwemombeyekufudzadzimwendipopandakauyakuzogaranababamukuru.

Thus the respondents admitted that in every union conflict is an inevitable aspect but which general needs to be maintained at low levels as sometimes the respondent is subjected to beatings but have to endure. The wife is sixteen years old whilst the husband is fifty years old. The wife has to have respect for the husband if they are to enjoy the marriage institution. The husband paid roora to his father in laws but when his first wife died the younger sister had to take over from where the sister left off since he has even paid additional cattle to his in-laws. Thus roora and the aspect of maintaining good relations between the families actually necessitate this cultural practice. This has led to the objectification of women and further analysis of the objectification of women would be vital for research purposes.

V. Recommendations

Building institutional capacity

As a recommendation to the Zimbabwean government there is need to mobilize and conscientise the general population on the legislative position of the law so that African culture align to the African Charter on Human and People's Rights on the Rights of Women in Africa and ensure that special measures are taken to help end this practice. In line with this initiative the justice system and the repressive state apparatus should be capacitated through increased fiscal allocation, training key government officials, judiciary, law enforcement officers and policy makers, at all levels, on the law and related gender equity and human rights to support the effective implementation and enforcement of the law and related policies. Improved quality staffing necessitates the professional handling of children cases in a way that brings about justice and eventually an end to these degenerating cultural practices.

Role of civic organizations

Given the spread of the NGO community across sectors, it is well placed to provide targeted children, (vulnerable children) with education and information on this form of abuse. NGOs involved in education and training could integrate inheritance marriage and credit marriages components into their programs, particularly those working on the issues of health, sexuality, gender and youth. Integrated experience from HIV/AIDS policies has shown that integrated education is more successful than stand-alone policy programs. The voluntary sector can utilize its extensive networks to connect the communities which they work to resource for early marriages prevention. Given that the government is not in the capacity to assist the vulnerable through limited fiscal allocation. NGO networks could act to refer vulnerable children to appropriate services. Many NGOs have proven track records in lobbying and advocacy on development issues on behalf of their communities. These strengths can be consolidated into a campaign for appropriate and non-discriminatory access to services for children exposed to intergenerational atrocities.

Balancing economic growth to social growth

Poverty has been highlighted as one of the causes of inheritance marriages and credit marriages. They are needs for formulation of a poverty reduction strategy as they are integral to a social policy framework. Social development as a broader goal should be coordinated with but not subordinate to economic growth. The social policy formulation must include bottom up approaches to allow the participation of beneficiaries and recipients in decision making and there should be a deliberate policy of mainstreaming the marginalized children who have suffered through these marriages.

Establishing Social nets

Social protection systems that have a provision of safety nets which should arise from a desire to assist the worst-off members especially with regard to children affected by credit marriages and deceased wife inheritance. In this regard, proper targeting becomes central. The process should involve, among other stakeholders the communities themselves and those with resources (both local and external players) who ordinarily partner with government in providing welfare. A comprehensive social protection system should be prioritized. In this respect, it is imperative to deliberately prioritize the resuscitation of social services, particularly health care, education, water and sanitation as well as the provision of counseling. Failure to do so will perpetuate intergenerational poverty.

Incentivizing Social capital

Incentivizing growth of social capital is vital if transformation of these cultural practices is to be achieved. Since the causal effect is financial and monetary gains there is need to incentivize the education system so that prioritization of educating the girl child is also put into consideration. The ministry of primary and secondary education should partner with the donor fund and adopt an equity approach in line with the Nziramasanga commission of 1999's recommendation.

Sensitization of communities

Sensitization of literate and illiterate members of society is the backbone of social transformation, and in order for the policies to be adopted without the societies feeling that development is being enforced on them. Making them participate in societal development is vital for growth of society. Societies should be conscientised regularly through the mass media, civic entities and the government. This holistic approach is the root for transformation and eradication of harmful cultural practices. Thus community indabas should be set in place to engineer the way forward for a better society. For example, Pande et al (2006) is of the view that, Maharashtra Life Skills Program in India convened groups of unmarried adolescent girls for one hour each weekday over the course of one year. The non-formal educational program consisted of the following units: social issues & institutions, local bodies, life skills, child health & nutrition, and adult health. The goal of the program was to provide adolescent girls with the necessary skills and knowledge to delay the age of marriage. Not only did girls' knowledge increase over the program period, but the average age of marriage in the program area increased from 16 to 17, while remaining unchanged in the control area. This is an appreciation of how successful if these policies are implemented can achieve. Tostan's Community Empowerment Program implemented in Senegal is built around informal community education and awareness-raising that facilitates community mobilization, sometimes in the form of public declarations, against harmful practices, such as female genital cutting and early marriage. When implementing the program, Tostan first seeks the approval and buy-in of the village leaders. Once the village leaders are knowledgeable about the harms of early marriage and female genital cutting, Tostan engages the rest of the community in educational sessions. As a result of the community education sessions in the Thies, Fatik, and Kolda regions of Senegal, not only did several villages make public declarations to end child marriage, but many people reported that knowledge of rights and responsibilities among both participating and non-participating women improved, particularly with respect to the place and role of women in the community. In this program, the involvement of all community members, from the highest ranking village elders to local girls, is what made change possible. These lessons from the region are set as the basis of the efficacy of the researcher's recommendations.

VI. Conclusion

In as far as societies may agree that civilisation and modernity has overtaken insanity within their midst, some elements within modern day societies are still practicing the inhuman cultural practices. It should be everyone's responsibility to ensure child rights are upheld under all conditions. African cultural practices that have a historical basis of exploitation should be aligned to legislation if development is to be achieved. Children are the future if they are preyed whilst society takes a back seat the future of the nation has been sabotaged. Inheritance marriages and credit marriages have far outlived their utilities and its time they are eradicated for good.

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