



# EARLY AND FORCED MARRIAGE IN ZAMBIA

**Call for submission for the elaboration of a report  
on the adverse impact of forced marriage on the full  
and effective enjoyment of all human rights by all  
women and girls.**

**The Justice Desk: South Africa**

## Early and Forced Marriage in Zambia

### A report on the adverse impact of forced marriage on the full and effective enjoyment of all human rights by all women and girls.

#### Introduction

Early and forced marriages are a gross human rights violation that denies young girls and women their right to participate and contribute to the societies in which they live. These early and forced marriages are often a cause and consequence of the continuation of poverty and gender inequality within their contexts.<sup>1</sup>

Globally, an estimated 22 million people are still living in forced marriages equating to nearly three in every one thousand people.<sup>2</sup> Of these 22 million people who were forcibly married, an estimated 14.9 million of this total are women and girls.<sup>3</sup> This number has also risen between 2016 and 2021, with approximately 6.6 million more people living in forced marriages.<sup>4</sup>

#### Prevalence in Zambia

Zambia continues to be amongst the countries with some of the highest rates of child marriage in the world. Despite the legal age of marriage being 21 years, many children can be married from the age of 16 with parental consent, as the Zambian Marriage Act exempts all marriages under any African customary law from the minimum age requirements of the law.<sup>5</sup>

A UNICEF case study on ending child marriages in Zambia reported that 9% of women aged 25 to 49 were first married by the age of 15, in comparison to 1% of men.<sup>6</sup> It is also reported that the median age for first marriage for women aged 25-49 was two years higher in urban areas than in

---

<sup>1</sup> Girls Not Brides (2013). Ending Child Marriage: What Will It Take? Available <https://www.girlsnotbrides.org/documents/1204/Girls-Not-Brides-USA-Ending-Child-Marriage-What-Will-it-Take-FINAL.pdf>. Page 3

<sup>2</sup>International Labour Organization (ILO), Walk Free and the International Organization for Migration (IOM) (2022). Global Estimates of Modern Slavery Forced Labour and Forced Marriage. Available: [https://www.ilo.org/wcmsp5/groups/public/@ed\\_norm/@ipecc/documents/publication/wcms\\_854733.pdf](https://www.ilo.org/wcmsp5/groups/public/@ed_norm/@ipecc/documents/publication/wcms_854733.pdf) Page 59

<sup>3</sup> Global Estimates of Modern Slavery Forced Labour and Forced Marriage, page 59

<sup>4</sup> Global Estimates of Modern Slavery Forced Labour and Forced Marriage. Page 59.

<sup>5</sup> Zambia – The Marriage Act. (2021) [https://www.equalitynow.org/discriminatory\\_law/zambia\\_the\\_marriage\\_act/](https://www.equalitynow.org/discriminatory_law/zambia_the_marriage_act/)

<sup>6</sup> Case study on ending child marriage in the Republic of Zambia. (2021). Available: <https://www.unicef.org/esa/media/8941/file/Zambia-Case-Study-Child-Marriage-2021.pdf>. Page 3

rural areas and was seen to increase in a direct correlation with improved standards of education and increased wealth.<sup>7</sup>

### **Causes and impact of early and forced marriages on the full and effective enjoyment of human rights in Zambia**

For many young women and girls across Zambia, forced marriages deprive them of their fundamental reproductive health rights and further deprives them of the opportunity to realise and utilise the potential of their other rights. In a number of rural areas of Zambia, many young women and girls are married in order for their families to receive dowries, in the form of livestock or cash. These marriages are done to improve the material conditions of the family.<sup>8</sup> This commodification of the girl child and young girls further exacerbates the violations of their human rights as they are at increased risk of falling into the cycle of poverty. In most cases girls and women are forced or encouraged to leave school and are unable to obtain jobs or financial stability outside of their marriage, making leaving a marriage difficult or impossible.<sup>9</sup>

Many young girls and women experience a significant increase in the risk of violence due to forced marriages. Women and girls who are married to older men are more likely to experience domestic violence and are considered the least likely to take legal action against this abuse due to their vulnerable status.<sup>10</sup> These instances of violence deeply affect the psychological well-being and personal development of the girls who are forced into marriages, as many are too young to comprehend the roles and responsibilities that are associated with being a wife, a sexual partner and a mother.<sup>11</sup>

Child marriage also impacts the physical health of both the young girl and her child. Thirty-three point six percent of women aged 20-49 reported that they were under the age of 18 when they first gave birth.<sup>12</sup> Adolescent pregnancy poses significant health and developmental risks for both

---

<sup>7</sup> Case study on ending child marriage in the Republic of Zambia. Page 3

<sup>8</sup> Child, early and forced marriage in humanitarian settings - Report of the United Nations High Commissioner for Human Rights (2019). Available: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/117/83/PDF/G1911783.pdf?OpenElement>. Page 5

<sup>9</sup> Ending Child Marriage in Zambia. (2020) <https://borgenproject.org/ending-child-marriage-in-zambia/>

<sup>10</sup> Symphorosa Rembe, Owence Chabaya, Newman Wadesango & Patricia Muhuro (2011)

Child and forced marriage as violation of women's rights, and responses by member states in Southern African Development Community, Agenda: Empowering women for gender equity, 25:1, 65-74. (2011). Page 69

<sup>11</sup> Child and forced marriage as violation of women's rights, and responses by member states in Southern African Development Community. Page 69

<sup>12</sup> Ministry of Gender. National Strategy On Ending Child Marriage in Zambia 2016 – 2021. Page 6

mother and child. The children of adolescent mothers are more likely to be malnourished and stunted, with a low likelihood of living beyond their fifth birthday.<sup>13</sup> The mothers themselves also experience immense complications, with many unable to adequately provide for their child, and are more likely to end their schooling once pregnant. One of the leading causes of maternal mortality and morbidity for girls aged 15 to 19 is pregnancy and childbirth, with many girls falling pregnant within their first year of marriage when their bodies are still underdeveloped.<sup>14</sup>

### **Impact of Action taken by the Zambian government and civil society**

Due to the prevalence of early and forced marriages in Zambia, the Zambian government and civil society have pushed to bring awareness to this human rights issue and enact meaningful change to end the occurrences of early and forced marriages in the country. One such change that will greatly contribute to a reduction in forced marriages is the increased accessibility to education in Zambia. President Hakainde Hichilema has moved to ensure that primary and secondary education in Zambia is now free of charge. This change will greatly contribute to the accessibility of education for young girls and women as it opens up more opportunities to access education, and thus work to decrease the prevalence of child marriage for many.

Further, the Zambian government implemented a draft policy led by the Ministry of Gender to address the issue of child marriage - the National Strategy on Ending Child Marriage for the period of 2016-2021. This plan focused on involving various stakeholders in addressing the various vulnerabilities of young girls and women as well as the consequences of child marriage for those affected.<sup>15</sup> The Zambian government has also committed to ending child marriage by 2030, which is in line with Sustainable Development Goal 5, which seeks to eliminate all forms of harmful practices, including child, early, and forced marriages.<sup>16</sup> The government seeks to do this through increased access to quality education for girls, legal reforms, and changing traditional and harmful practices within their country.

Zambian chiefs have also played a significant role in bringing awareness to the issue of child marriage within their provinces. Chief Mwenda of the Tonga people in Zambia's Southern Province is one such traditional leader who has fought to ensure the safety of young girls who

---

<sup>13</sup> National Strategy On Ending Child Marriage in Zambia 2016 - 2021, page 7

<sup>14</sup> African Union. Campaign to End Child Marriage in Africa: Call to Action. Available: [https://au.int/sites/default/files/pages/32905-file-campaign\\_to\\_end\\_child\\_marriage\\_in\\_africa\\_call\\_for\\_action-english.pdf](https://au.int/sites/default/files/pages/32905-file-campaign_to_end_child_marriage_in_africa_call_for_action-english.pdf). Page 3

<sup>15</sup> National Strategy On Ending Child Marriage in Zambia 2016 - 2021, Page 1

<sup>16</sup> National Strategy On Ending Child Marriage in Zambia 2016 - 2021. Page 17

have been affected by early and forced marriages. In 2014, Chief Mwenda announced that she had annulled over 600 marriages involving girls aged 12-15.<sup>17</sup> The usage of chiefs in the dispelling of early and forced marriages from communities have proven to be an effective way to address the issue, as their influence ensures that more people are discouraged to participate within these early and forced marriages.

## **Recommendations**

1. The Zambian government should work to standardise the relationship between customary marriage law and statutory marriage law to ensure the elimination of customary laws that are discriminatory towards girls and women.
2. Engagement with custodians of traditions and customs to ensure adequate education around the topic of early and forced marriages, and to ensure customary traditions move away from discriminatory practices targeting girls and women.
3. To prioritise quality education and to provide conducive schooling environments to incentivise young girls and their families to continue schooling.

---

<sup>17</sup> Zambian tribal chiefs fighting against child marriage. (2016) <https://www.aa.com.tr/en/africa/zambian-tribal-chiefs-fighting-against-child-marriage/585443#>