



ByLaws on Promoting Child Protection and Ending Child Marriage

With Technical Support from



ROZARIA
MEMORIAL TRUST
Creating Opportunities: Unleashing Potential

LEADERSHIP

Mambo Mangwende (18th) of Nhowe Clan, Vaera Moyo Muzukuru: Mr Taaziva Margan Gatsi.

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Appreciated is the district child protection committee particularly, the District Development Coordinator, Mrs Gumburai Wadzwaya for her leadership and the Assistant District Development Coordinator, Mr Charles Chiguvare for his significant contribution, grounded knowledge and experience. The Murewa Rural District Council is also valued through the Chair, Alderman Amos Gutu and the Chief Executive Dr Alois M. Gurajena.

We value the continued voice and guidance of the MRDC Gender Committee chaired by Alderman Dzvinyangoma, who were the first to move a resolution on Council calling for Zero Tolerance to Child Marriage. Appreciated is the line ministry that is responsible of gender coordination; the Ministry of Women Affairs, Community, Small and Medium Enterprises Development led by Mrs Abigail Dovi. We value the contribution of the wide range of government departments including the department of social development led by Mr Tendai Taruvinga and non-governmental organizations. (Annex 1), who generously contributed to this process.

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Foreword

The moral fiber of any community is guided by the Constitution of a country and held together by its cultural values and practices. Traditional Leaders are central to providing the moral compass for their people and society at large, calling out unacceptable behaviors and practices and defining the new norms.

The Zimbabwe government is committed to eliminating child marriage through its Constitution Amendment (No. 20), Act of 2013 (The Constitution) and other enacted laws. In Murewa, the full council on the 4th of April, 2017 (full council 1 of 2017) adopted a resolution on committing to Zero Tolerance to Child Marriage. Zimbabwe, as a member of the African Union, and Southern Africa Development Community has also signed up to continental and regional commitments for prevention of child marriage and ensure protection of children who have survived child marriage.

Child marriage has no place in modern society. There is ample documentation of this notion. Child marriage is both a social and criminal offense which violates a wide range of rights and privileges for children especially girls and has a lifelong negative impact on their development and well-being while increasing poverty in families and communities. In Murewa, Chief Mangwende participated in the continental efforts that led to the establishment of the Council of Traditional Leaders in Africa (COTLA) on elimination of violence against women and girls.

Traditional leaders have committed to take action, which includes establishing by laws and other related actions towards ending child marriages. The African Union Campaign to End Child Marriage is fully supporting these efforts. It is with this groundswell, that these by laws are developed and adopted with the objectives to:

- a) Provide community empowerment information for enhanced child care
- b) Clearly state prohibited harmful cultural practices which promote child marriage
- c) Provide for retributive measures to offenders
- d) Encourage home grown strategies to addressing the root causes of child marriages

The Murewa community is grateful to the African Union Goodwill Ambassador on Ending Child Marriage, Dr. Nyaradzayi Gumbonzvanda and Rozaria Memorial Trust and all partners. All stakeholders are called upon to join hands in owning, disseminating and implementing these By-Laws on Ending Child Marriage.

Everyone should be resolute in this decision, which complements government efforts and upholds our cultural norms and practices.

Signed:

Chief Mangwende

Mrs G Wadzwanza (DDC)

MRDC Council Chair

These by-laws enhance and complement the existing Acts where they derive their authority. These acts include:

1. The Traditional Leaders Act (Chapter 29:17)
2. The Children's Act (Chapter 5:06)
3. The Guardianship of Minors Act [Chapter 5:08]
4. The Education Amendment Act of 2019
5. The Criminal Law (Codification and Reform) Act [Chapter 9:23]
6. Mental Health Act [Chapter 15:12]
7. Domestic Violence Act [Chapter 5:16]
8. Rural District Councils Act [Chapter 29:13]
9. The Labour Act (Chapter 28:01)
10. Maintenance Act (Chapter 5:09)

Acronyms

AU	African Union
CCW	Community Care Worker
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CSOs	Civil Society Organisations
DDC	District Development Co-ordinator
MRDC	Murewa Rural District Council
NGOs	Non-Governmental Organisations
PSS	Pyscho -Social Support
SRHR	Sexual Reproductive Health Rights
SADC	Southern African Development Committee
VHW	Village Health Worker
UN	United Nations
UNESCO	United Nations Educational, Scientific and Cultural Organisation

Introduction

1.1 About Murewa

Murewa district is one of the 9 districts in Mashonaland East province. It borders with Uzumba Maramba Pfungwe on the North, Mutoko on the North East, Shamva on the North West, Makoni on the East, Marondera on the South and Goromonzi on the West. It is 90 kilometres North East of the capital, Harare, along the Nyamapanda highway, the main route to Tete in Mozambique. It has 30 administrative and development wards.

Murewa district has one chiefdom, Chief Mangwende of the Moyo Muzukuru totem. Mangwende chiefdom has five (5) traditional wards, each under a Headman/Muchinda namely; Zihute, Mushaninga, Nheweyembwa, Mukarakate and Cheuka. Each of them is referred to as the Headman (muchinda) and below them are the village heads (masabhuku). Murewa district is famous for the beautiful traditional drums and dance called Mbende Jerusarema.

The Mbende Jerusarema drums and dance was proclaimed a Masterpiece of the Oral and Intangible Heritage of Humanity by the UNESCO Director General in 2005. In 2012, the population of Murewa was 199 607 (94 269 males and 105 338 females). Its economy is based on agriculture, with quite an active community involved in cross border trade. It has a high population of women and young people. The child marriage rate in Mashonaland East Province where Murewa is located 45.1% according to ZIMSTAT (2019).

The main causes of child marriage are highlighted as religion, culture and poverty. (Consultative Meetings, 2020). According to a 2015 Zimbabwe National Statistics Agency (ZIMSTAT) report, Murewa District had a poverty prevalence rate of 71.6%. The highest poverty prevalence rate was in Ward 19, (77.2%) while the lowest poverty prevalence was in Ward 29, (48.0%). In Education, the teacher pupil ratio is 40 students per teacher according to Zimstat (2015).

The maternal deaths were at 400 per 1000 since 2002-2011 according to the Maternal Mortality Notification Trends in Mashonaland East Province, Zimbabwe, 2002-2011. The HIV rate in Mashonaland East among adults has been 14.78% with 141 737 adults aged 15+ living with HIV while 8 555 children are also living with HIV in the province. (Zimbabwe National and Subnational HIV estimates Report 2017.) The child marriage prevalence in Murewa has led Murewa district to make some profound decisions on issues of child marriage, empowerment of girls and promotion of health and education.

The Murewa Rural District Council adopted resolution 01 of 2017 on Zero Tolerance Resolution on Child Marriage and called for a strong engagement of the traditional leaders in fighting the practice. The district is honoured to have RMT led by the African Union Goodwill Ambassador on Ending Child Marriage complimenting the community and government efforts.

1.1 About Murewa

The current COVID-19 pandemic has brought untold negative social impact especially in rural communities among women and children. Gender based violence, teenage pregnancy and child marriage are on the rise and the United Nations has characterised this as parallel pandemic. Murewa District's COVID-19 Prevention and Response Plan prioritises the rights of women and children within the provision of social protection services. It stresses on critical issues related to gender-based violence, all forms of child abuse, livelihoods and food security.

1.2 International and Regional Commitments

Zimbabwe committed to regional and international instruments and policies that prohibit child marriage and advance the rights of children and gender equality. These include the following:

The United National Convention on the Rights of the Child (CRC)

The United Nations Convention on the Elimination of all of forms of Discrimination Against Women (CEDAW)

The Human Rights Council Resolution on Ending Child Marriage

The United Nations General Assembly Resolution on Child Marriage

The African Union Charter on the Rights and Welfare of the Child

The African Common Position on Ending Child Marriage

The Protocol to the African Charter on the Rights of Women in Africa

The Southern African Development Community (SADC) Model Law for the Eradication of Child Marriage and the Protection of Children in Marriage

The SADC Protocol on Gender and Development

1.3. Constitutional Protection of Human Rights and Role of Traditional Leaders

The Constitution of Zimbabwe, Amendment (No 20), Act of 2013 is the supreme law of the land upholding the rights and dignity of its citizens including, women and children. It enshrines commitments to child rights protection and the upholding of the best interest of the child as well as the advancement of gender equality. In this regard, the Zimbabwe Constitution Amendment (No. 20), Act of 2013 section 81 prohibits child marriage.

Zimbabwe's range of laws such as the Marriage laws, the Children's Act Chapter 5:06 (Act 23: 2001) and the Anti-Domestic Violence Act Chapter 5:16 (Act 14: 2006) all have specific clauses that speak to the cause of ending child marriage. In addition, the Zimbabwean government has also formulated policies and strategies to combat child marriage and child protection. Such policies and strategies include the National Orphan Care Policy, the National Gender strategy the National Action Plan for Orphans and Vulnerable Children, and the National Case Management System.

The Zimbabwe Supreme Court reaffirmed the constitutional position that neither custom nor any other factor can be used to justify child marriage with a court ruling on 20 January 2016, that ruled that Section 22 of the Marriages Act is unconstitutional and therefore: "no child should be married before the age of 18 years". In 2014, Zimbabwe launched a Campaign to End Child Marriage and adopted an Action and Communication Plan. The Constitution recognises traditional institutions as integral to the identity and institutional framework of governance.

This has seen the enactment of the traditional leaders (Act29:17). The application of customary law and principles and practices is to be exercised in furtherance of the constitution and its values. This is reinforced by the establishment of the Chief's Council, as espoused by The Constitution (283) which is part of the legislature. The Constitution also established a range of institutions pivotal to the protection of human rights including the Chapter 12 institutions such as the Zimbabwe Gender Commission and the Zimbabwe Human Rights Commission.

1.4 Rationale Development and Adoption of by laws on ending Child Marriage

Zimbabwe has a very high prevalence of child marriage at 32% and Murewa at 36% (Zimstats 2015). The causes of child marriage are preventable. Child marriages are caused by a range of factors, which are interlinked. These include; patriarchal and societal social norms which perpetuate gender imbalances .

1.4 Rationale Development and Adoption of by laws on ending Child Marriage

Child marriage is, in essence, a severe violation of children's rights and a criminal offence which results in multiple layers of deprivation of opportunities. It destroys the entire fabric of the child and destroys the child's chances to rise through the social ladder. It has been proven that female survivors are vulnerable many forms of health complications including fistula, post-natal disorder, potential death of the mother, mental health problems and stress.

Child marriage increases poverty within the family and underdevelopment of the community. Fundamentally, child marriage is a scar on the cultural identity and dignity of a people. It perpetuates the negative perceptions of African culture. It portrays the African man as uncaring and abusive, and the African woman as powerless and a lesser human in society. Eradicating child marriage is, therefore, a profound step in bringing back the true value and respect to the institution of marriage within the traditional values of the people.

It also brings back and rebuilds the positive norms that lie behind the adage, "It takes a village to raise a child", emphasizing the collective responsibility for the wellbeing and welfare of each child. The By-laws are also a strategic and practical step strengthening the hand of the traditional leaders in addressing impunity (to verify contextual meaning) within the communities and ensuring there is a systematic approach within the Chiefdom of Mambo Mangwende to addressing child protection concerns.

1.5 Process for the development of By-laws

Historically the Mangwende chieftaincy has sought progress and positive development for the area. Successive chiefs carrying the mantle over generations have upheld this tradition. The Former Chief Mangwende, Mr Tichafa Chibanda, during his interim tenure was very active in the district and contributed immensely in the regional efforts to end child marriage. He was instrumental in the development of the Council of Traditional Leaders in Africa on Ending Child Marriage (COTLA).

² Rusambo is part that is considered to be the most important part when paying the bride price, traditionally one would not be given his bride before he pays rusambo. The family of the bride would request a cow or goats but nowadays it is sometimes paid in cash.

³ Cattle (or a fianacial equivalent) paid to the parents of the bride during bride price payments

⁴ A cow specifically given to the mother of the bride during bride price payments

1.5 Process for the development of By-laws

Upon installation, the current Chief Mangwende (18th), Mr Taaziva Margan Gatsi, prioritised the protection of children and community development. The following are the steps that were taken towards the development of these By-laws:

1. Identification of the increase in child marriage cases by UN Women Malawi Summit with traditional leaders.
2. Proposal for the formulation of by-laws traditional leaders.
3. Meeting with traditional leaders in Mangwende Chiefdom.
4. Consultative stakeholder meeting for inception, progress review and adoption of the by-laws hosted by Chief Magwende in collaboration with DDC, MRDDC with the participation of key ministries and civil society partners.
5. Establishment of a technical working team chaired by Mangwende (Tichafa Chibanda).
6. Research to generate evidence conducted with the support Rozaria Memorial Trust.
7. Consultations with community and village heads at each of the traditional wards for the generation of content and review of draft by-laws.
8. Draft document.
9. Meeting with stakeholders.
10. Validation of by-laws with community and traditional leaders.
11. Review meeting with stakeholders.
12. Review and adoption by the gender committee.
13. Review and adoption by the full council resolution.
14. Assertion by Chief Mangwende.

Term	Definition/Interpretation of Terms
Child Marriage	Child marriage is an informal or formal union of two parties living as husband and wife where one or both of which are below the age of 18
Teenage pregnancy	A female person between (13-19) years becoming pregnant.
Children's Rights	These refer to specific entitlements which are accorded to children for purposes of protection, care, support and supervision.
Child	Under the Children's Protection and Adoption Act [Chap. 33] a child is defined in section 2 as any person (including infants) under the age of 16 years. On the other hand, under the Legal Age of Majority Act, 1982, any Zimbabwean under the age of 18 years is a minor.
Discrimination	Any distinction, exclusion or restriction made on any ground which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by a child or parent, on the basis of equality with another member of the community human rights, fundamental freedoms, any entitlement, privilege, measure or intervention provided or made available to a child or parent to mitigate the effects of child marriage.
Guardian	A person who has actual or legal custody, care, authority or control of a child.
Harmful practices	Customary, traditional, religious or social practices, or behaviours, attitudes or rites which threaten or may threaten, the health, social welfare, dignity, physical or psychological development or life of a child, or the child's enjoyment of human rights, including practices and prejudices based on the idea of inferiority of either sex or on stereotyping roles for girls and boys.
Roora	Relates to those essential assets that are claimable in a customary court for the union of a husband and a wife. The two essential elements are rusambo ² and mombe dzedanga ³ (include mombe yaamai inotsika) to be paid to the parents of the bride.

Term	Definition/Interpretation of Terms
Nhanga	In Shona culture a room where girls sleep, in the modern context it is a cultural innovation for safe spaces for girls.
Gota	A place where unmarried boys and young men
Dare repamba	A safe space for men to discuss issues and mentor young boys and men
Marriage	A formal or informal unions of persons of the opposite sex living as husband and wife
Traditional leader	A chief, headman or village head
Dare	A customary court where the chief and traditional leadership adjudicate or mediate disputes.

1.7 Constitutional Universal & Principles

The By-laws on Ending Child Marriage in Chief Mangwende's Chieftdom arms the universally accepted principles in the Zimbabwe Constitution, as well as the regional and international instruments the country has ascribed to, especially the following:

Best Interest of the Child is the paramount and overriding principles underlying the interpretation of these By-laws, their implementation, enforcement and monitoring.

Ending child marriage is the core objective reinforced by the multi-pronged approaches adopted focused mostly on proactive, curative and advocacy measures.

Special recognition of children with special needs and their families is paramount as such children are more vulnerable to discrimination and are at higher risk of exploitation and abuse.

Implementation of multi -sectoral measures which address behaviours, services and poverty recognise the importance of taking measures that address the root causes of child marriage at individual, family and society levels.

Access to Justice and law enforcement as essential for social cohesion and critical to fighting impunity and for societal collection sanctioning of deviant behaviours.

Duty bearers' and community Capacity building and monitoring is critical for tracking effectiveness and impact.

1.8 Prohibition of Violence against Children

In line with the Constitution and the Children's Act 5:06, child marriage is both a criminal and social offence. No culture is above the constitution and none can contradict it.

Any person who uses custom, tradition or practice to justify commission of a crime, especially sexual abuse or child marriage shall be guilty of criminal offence as well as breaching the social norms and cultural values set out in this act. Any child involved in child marriage is viewed as a child in need of care. This is in terms of the Children's Act 5:06 section 2.

1.9 Essence of Marriage and Our Customs

In Murewa District Zezuru customs and tradition, the essence of a marriage is bonding two consenting adults of the opposite sex to form the nucleus of a family; weaving relationships between families, thus laying the foundations of social relations.

A traditional marriage usually unifies families through bride price which is supposed to be token for bonding families. Therefore, a marriage has a social cultural value inherent to our identity as a people; from which derives relationships critical to nurturing children and securing their wellbeing. Lobola is not a requirement in civil marriages. Under customary law it is one of the elements considered as proof of marriage.

The essence of lobola was tying the knot between the two families, with recognition of the role of parents, both the mother and father through payment of rusambo and mombe dzedanga including yeumai. Since child marriage is illegal and prohibited, any person guilty shall be liable both to criminal and social prosecution by the traditional leaders for having breached by the social norms and customs of the Murewa society.

2. ROLES AND RESPONSIBILITIES

2.1 The Community

2.1.1 It is the duty of every person in the village to contribute to the upbringing of children in ways that uphold the best interest of the child. Such duties include: To teach (Kudzidzisa); Warn and caution (Kutsiura). However, every individual must operate within the confines of their limits and refer the child in question to other service providers which they are not able to provide to the child. Such cases may include areas where specialized services are required for example, formal counselling, probation services and psychiatric evaluations.

Administer positive parenting and reinforcement of positive behaviours.

Provide material and emotional support to children in vulnerable situation or with special needs.

2.1.2 Community members should be obligated to actively participate in community empowerment programs that enhances child care

2.1.3 Every community member has an obligation to inform or report any or suspected case of violence against a child to a service provider or use other available reporting platforms.

2.1.4 Each village is obliged to ensure that at every agreed interval different forms of child protection committee, that is, adult-led child protection committee, child-led child protection committee, Nhanganga and Dare committee are conducted so as to create platforms where issues of child protection are discussed for formulation and implementation of both proactive and curative strategies.

2.1.5 The community has an obligation for the provision of conducive facilities for alternative places of safety for children with high risk protection cases.

2.1.6 The community is obliged to be sensitive to children with special needs such as those with disability and chronic illness

2.1.7 The concept of chisawira needs to be redefined to a place where chisawira remains a positive social support network and does not extend into actions that result in child abuse. By this Act, all forms of chisawira actions which fit in the definitions of child rights violations are illegal.

2. ROLES AND RESPONSIBILITIES

2.2 Traditional Leaders

The role of traditional leaders as inferred from the Traditional Leaders Act Chapter 29:17 and the National Action Plan for Orphans and Vulnerable Children of 2005. Traditional leaders have the following roles:

2.2.1. Set the moral standards in relation to the community and act as role models.

2.2.2 Arbitrate or mediate in cases associated with marriage disputes in accordance with the powers conferred to them by law and custom.

2.2.3 Contribute to the formulation and implementation of laws related to marriage and related issues in the country.

2.2.4 Sensitise and disseminate the By-laws on child marriages to community members

2.2.5 To provide monitoring and supervision of child protection committees at their levels and to encourage reporting cases of child marriage, pregnancy of a child and any other form of abuse.

2.2.6 Undertake the role of marriage officers in accordance with the law, especially verifying proof of birth for the parties intending to marry.

2.2.7 To facilitate the creation of a conducive community atmosphere for child protection actors to implement community child protection empowerment programs

2.2.8 The harmonization of community child protection programs and those of private and public institutions such as schools, churches and other civic organizations.

2.2.9 Enforcement of these By-laws

2. ROLES AND RESPONSIBILITIES

2.3 The Family

2.3.1 The family includes both the nuclear and the extended family, with both a legal and moral duty and responsibility for the upbringing and the welfare of the child.

Role of Parents and guardians Be role models to their children, set rules and regulations of the household that protect the children and the household; teach their children the importance of identity, spirituality and culture, and the overall wellbeing of their children.

Role of Grand Parents and other relatives. To take the parental role if the parents are deceased, lack capacity or are negligent. Monitor and supervise the nuclear family and provide arbitration services in cases of friction between parents and children.

Roles of Tete⁷ and Sekuru⁸. The child's relationship with tete and sekuru was one of a mentor and mentee; advisor, teacher and confidante. They should be the mentor for the children in providing sexual reproductive health rights information.

Parents and guardians of children have the primary role to bring up their children with values of respect; providing for physical, emotional and material wellbeing, in ways that reduce vulnerability and risk to child marriage.

2.3.2 An ideal homestead that protects children and positively raises families shall have the following structures: bedroom for parents, kitchen, Dura or granary, Nhanga house or room for girls, Gota house or room for boys, and toilets.

2.3.3 Parents and guardians should ensure that they leave their children with responsible people at all times, and ensure due diligence for people staying at the homestead (including workers). Girl children should not be left alone with male counterparts where this can be avoided.

⁷Aunt. This usually referred to the father's sister
⁸Uncle. This usually referred to the mother's brother

2. ROLES AND RESPONSIBILITIES

2.4. Children

All children may have the following duties and responsibilities but not limited to the following:

2.4.1 Listen, respect, observe, uphold and live the principles of unhu/ubuntu

2.4.2 Participate in child care empowerment programs

2.4.3 Make friends who are respectful and supportive

2.4.4 Preserve and strengthen positive Africa cultural values in their relations with other members of society, especially those that foster rights and dignity of all.

2.4.5 Contribute and learn skills within the family through assisting around the household, doing duties and chores which are appropriate to age and ability.

2.4.5 Speaking up and reporting cases or incidences which put him/her or the peers at risk of child rights violation with specific emphasis on child marriage, sexual abuse and exploitation. Such reports can be made to a confidante, a relative, friend, and police or through the public hotlines if available.

2.4.6 Seek information and knowledge about growing up, sexual and reproductive health and rights from school, health centers, church, other orthodox systems and trusted members of the family.

3. SECTORAL ROLES AND RESPONSIBILITIES FOR ENHANCED COMMUNITY CHILD PROTECTION

Ending Crimes, Practices/Myths that are harmful to rights and wellbeing of children especially girls

3.1 Incest

(A marriage or Sexual relationships between people of the opposite sex who are in a close and prohibited degree of relationships, thus families and communities should ensure a clear social and moral for children not to engage in incest identity.

This is prohibited according to the Criminal Law (Codification and Reform) Act [Chapter 9:23] **section?** and the customary law. The community has a role to report cases of incest. Chief and traditional leader adjudicating cases of incest must ensure counselling for the children involved

3.2 Chiramu.

(The practise of uncles or brothers in law touching nieces and sisters in law in sexually suggestive and often inappropriate ways)

This is banned where the child is under the age of 18. The cultural practise of chiramu is and recognising that it leaves many young girls at high risk of abuse and vulnerability to marriage. It perpetuates culture of accepting abuse as a social norm. It also limits the power of parents or guardians to protect minors or children from sexual abuse and exploitation.

3.3 Chimutsa Mapfihwa.

(The practice of giving a child to a husband or wives in replacement of the deceased partner or in cases of infertility)

This is banned as it promotes child abuse or forced marriage. It stigmatises the woman in cases of infertility.

3.4 Virginity Testing.

(The practice of checking if a girl's hymen is still intact)

According to the Children's Act (Chapter 5:06) and the Domestic Violence Act [Chapter 5:16] as well as the standard operating procedures from the ministry of health and child care virginity testing is illegal and a criminal offence

3. SECTORAL ROLES AND RESPONSIBILITIES FOR ENHANCED COMMUNITY CHILD PROTECTION

The following are banned by the law as per the Children's Act

3.5 Betrothal /Kuzvarira.

(The practice of exchanging assets with a young child with the intent of marrying her off which is usually done by poor families to wealthier ones. This is prohibited by law

3.6 Kuripa Ngozi.

(The giving of a girl child in marriage as appeasement for an avenging spirit or settlement of inter-family disputes)

This is banned. Any appeasement of families for gross wrongs should be settled with any other assets.

3.7 Kurotswa.

(The practice where spouses are identified through interpretation of dreams) This practice is prohibited were the identified wife is a child.

3.8 Kubvakachirana pahukama.

(Visiting each other as relatives) Visiting each other and constant communication between relatives is highly promoted as a positive culture that offers social support network to children and to prevent incest.

3.9 Kuonekera.

(The practice of young pre-married couples to visit each other's relatives) Is encouraged as it enables young people of marriageable age to pre visit each other's relatives and therefore any cases of age and incest could be detected and discouraged.

3.10 Nhang and Dare.

The concept of Dare and Nhang can be applied or implemented both in its traditional way and in the modernised way through which partners provide modern centralized alternative safe spaces for both girls and boys. They provide safe space for mentoring, leadership development, positive sexual and reproductive health education and disclosure of any risks and threats to girls. It is an intergenerational space though predominantly led by girls and unmarried young women

3.11 Munyai.

The mediator who facilitates the traditional marriage ceremony and provides mediation services in instances of family dispute. Munyai should be a person of high moral character and is familiar with one/ both parties.

4. BREAKING THE CULTURE OF SILENCE ON VIOLENCE AGAINST CHILDREN

4.1 Every community should provide a conducive environment and platforms through which children are able to speak out both in person or anonymous.

4.2 Children are encouraged to speak up and report on any events or incidences that make them uncomfortable or which they do not understand, especially those related to their body.

4.3 Parents and guardians have the responsibility to provide empowerment lifelong education to their children.

4.4 Parents and guardians should embrace participatory positive parenting

4.5 Every community member must identify any potential or report any cases or events that create risk of child rights violation in particular the risk of a child being married off, without fear and in a confidential way.

4.6 The community must embrace feminine empowerment programs for improved self-reliance and mitigate against dependency syndrome where male perpetrators are not reported for fear of their economic dominance in their family.

5. EDUCATION AND PREVENTION OF CHILD MARRIAGE

5.1 Every child in the Mangwende chieftdom is mandated to attain an ordinary level certificate from which an option for acquiring a skill or furthering academic education will be made

5.2 No girl child in the Mangwende Chieftdom shall drop out of school as a result of pregnancy. Every community has an obligation to establish strategies that ensure re-entry into school for those who have already dropped out and subsequent prevention of further dropouts.

5.3 It should be the responsibility of the village head to monitor village child protection committees so that they can take necessary measures to enhance child protection services for readmission of school dropouts

5.4 Community leaders should ensure harmonization of public and private institutional programs for enhanced child protection

5.5 Traditional leaders and families should assist and support children to access services for educational and technical advancement from the available programs.

5.6 It is the role of the family and the community to impart indigenous knowledge and life skills to girls and boys so that they grow rooted with values of self-reliance.

5.7 Issues of child work which exceeds the minimum standards set in the Children's Act and which interferes with the child's rights shall be viewed as child labour and constitutes a criminal act according to the Labour Act

5.8 No child below the age of 18 shall stay without a parent, reliable guardian or person in *loco parentis* for any purpose in the Chieftdom and this includes but is not limited to bush boarding. Any person offering accommodation to a child below 18 to practice bush boarding on their own as well as parents/guardians who facilitate this arrangement shall have breached the social norms and cultural values in this Act and shall have committed an offence.

6. MEASURES TO REDUCE POVERTY AND VULNERABILITY FOR CHILDREN

6.1 Each household with the girl child must contribute "Tseketsa kumwanasikana" to instill the value of economic independence and mentor children at young level to manage their own resources. Tseketsa is symbolic of any other economic asset such as land use for farming/horticulture

6.2 Each household must have a "Pfumvudza" plot for household food security. This is a zero tillage farming done using minimum equipment and organic manure and it can feed a family of 7 for 12 months, thereby reduce child marriage as an option out of poverty. The Pfumvudza plot must be implemented in terms of the stipulated times of the season advised by the relevant authorities, from time to time.

6.3 Each village must establish Zunde Ramambo/Isiphala Senkosi. This is a communal plot, whose proceeds are used to support vulnerable households such as child headed households, persons with disability, families headed by elderly persons and the chronically ill, thus reducing vulnerability to marriage for girls in these households.

6.4 Parents and guardians have an obligation to provide material and non-materials for a conducive environment for their children. Including and not limited to needs stationery, text books, sanitary wear, clothing and food (including or during sports and other social outings) in order to reduce sexual exploitation of young persons.

7. SEXUAL EXPLOITATION, TEENAGE PREGNANCY AND CHILD MARRIAGE

7.1 Everyone with responsibility of raising a child must promote culturally-sensitive and age appropriate sexual and reproductive health of boys and girls including through cultural safe spaces such as nhanga, gota or dare.

7.2 Pregnancy shall not be used as a license to formalize marriage. The affected child or children shall be viewed as children in need of care and arrangements for their supervision as well as care and custody of their offspring shall be made through family case conferencing as prescribed in child protection policies.

7.3 There is no tolerance of all forms of abuse of children.

7.4 Parents whose child has been sexually abused have the right to ask for compensation outside of the criminal prosecution of the perpetrator (kupwanyirwa ruzhowa).

7. SEXUAL EXPLOITATION, TEENAGE PREGNANCY AND CHILD MARRIAGE

7.5 Communities should demystify myths which contribute to the collapse of provision of matrimonial conjugal rights for aged couples with speculations such as chimimba muteku (false pregnancy) for women.

7.6 Elderly couples are encouraged to continue providing matrimonial conjugal rights to each other, in order to reduce the risk of either parties sexually exploiting and abusing children.

8. PROMOTING BIRTH REGISTRATION

8.1 Parents have an obligation to register their child at birth. Parents who do not register their child by 6 weeks shall be liable to a fine.

8.2 Any adult community member with the knowledge of the circumstances surrounding the birth or history of any child and qualified to provide such evidence in terms of the birth and death registration shall be obliged to assist such a child to acquire identity documents.

8.3 The child protection committee shall be obliged to make periodic village inspections to identify children without birth certificates and make appropriate recommendations.

8.4 Any parent or guardian who neglects acquiring identity documents for their child/children shall have committed an offence and shall be liable to a fine towards the anti-child marriage fund

9. POST SUPPORT FOR CHILD MARRIAGE SURVIVORS

9.1 Every public health institution shall provide child friendly health facilities.

9.2 The protection of children in the chieftdom shall be done without any prejudice.

9.3 The community should ensure the establishment of empowerment programs for child marriage survivors

9.4 Public and private institutions in the Mangwende chieftdoms are obliged to harmonise their child protection interventions through the established structures such as the victim friendly courts, the victim friendly units and the district child protection committees.

9. SEXUAL EXPLOITATION, TEENAGE PREGNANCY AND CHILD MARRIAGE

9.5 Measures must be taken to increase resources and services for the mental health and well-being for children, especially girls, who experience child marriage through the provision of appropriate services as informed by the need analysis.

9.6 Terms in local language which perpetuate discrimination of women in relation to child bearing are banned such as ngomwa (a woman who has not had a child) or mvana (reference to a single woman who was married or has a child) and are recognized as forms of sexual harassment.

10. BY-LAW ENFORCEMENT

This section reinforces the powers of traditional leaders as provided for by the Traditional Leaders Act and laws governing traditional courts. It also implements the tenets of the Marriages Bill, 2019 of Zimbabwe

10.1 Jurisdiction. These By-laws shall apply to all persons who are resident in Chief Mangwende's Chieftdom, including those from other districts. It also applies to those who are from another district and marry in Chief Mangwende's Chieftdom.

10.2 Traditional Leaders are designated as Marriage Officers according to the Marriage Act and therefore have a duty to uphold the law and ensure that they will not solemnise the marriage of a minor.

Dealing With "Perpetrators" and Fighting Impunity

10.3 The Village head is empowered, through this Act, to create a conducive environment for prevention, identification and reporting of any cases in which a person violates the rights of a child.

10.4 Each party man/woman who marries a child shall be fined two (2) or three (3) head of cattle.

10.5 Each party parent(s) or guardian(s) who marries off a child below the age of 18 years shall be fined one (1) or two (2) head of cattle.

10.6 Each person mediating a marriage involving a child below the age of 18 years shall be fined one (1) head of cattle.

10. BY-LAW ENFORCEMENT

Dealing With "Perpetrators" and Fighting Impunity

10.7 Any village head who is involved in a marriage of a child under the age of 18 years will be fined three (3) goats and will be dethroned from office.

10.8 Any parents or guardians who through an act of commission or omission exposes a child to any form of abuse particularly lack of identity documents and lack of access to education shall be guilty of an offense and shall be fined

10.9 Anyone who obstructs access to justice as defined in this By-law by acts of omission or commission shall be liable to any offence and shall be fined

10.10 This law also binds anyone from the Mangwende chieftdom who commits the offence stated herein in another chieftdom

Establishment of an Anti-Child Marriage and Child Protection Fund

The chief shall establish an Anti-Child Marriage and Child Protection Fund, according to the law primarily to support children at risk and to protect child marriage survivors and children at risk of child marriages. The following are the elements of this Fund:

10.11 The fund shall be resourced from the fines that are collected for the infringement of these bylaws,

10.12 The fund shall also receive contributions from well-wishers and any other partners and stakeholders.

10.13 The fund shall be used to support child marriage survivors and those at risk. This fund may also be used for supporting other vulnerable children subject to need and availability of resources. The technical administration of this fund shall be referred to the constitution of governing the administration of this fund, to ensure integrity, transparency and accountability of the Fund.

10. BY-LAW ENFORCEMENT

Capacity Strengthening and Monitoring

10.14 The By-laws shall be handed to any new traditional leader upon appointment and installation to office followed by orientation on their roles and responsibilities.

10.15 There should be constant training and orientation of traditional leaders on the marriage laws of Zimbabwe and specifically on the By- laws provided by Chief Mangwende.

10.16 Community child protection committees headed by the village head to be the main focal point for monitoring cases of child protection and child marriage in the community.

10.17 Every session “ye DARE” must include child care empowerment sessions with particular emphasis on prevention of child marriages

10.18 Each village MUST have a children’s register.

10.19 The village register should be updated and monitored by the child protection committee.

10.20 Each traditional leader to give periodic reports at his/her level and this may include to WADCO, Gender Council Committee, social services, victim friendly courts and child protection committees on issues of child protection and child marriage

10.21 The Chief and his headman shall hold periodic meetings to evaluate progress and review the relevance of the by-laws for purposes of ensuring the by-laws remain relevant to our ever-changing society. A special committee may be constituted for investigations of amendments to sections that might become obsolete as a result of societal social transformation.

10.22 The original version of the By-laws shall be in English with translation to other official languages including Braille and tapes.

End