

**THE EFFECTIVENESS OF THE TRADITIONAL JUSTICE SYSTEM IN
HANDLING CHILD MARRIAGES. A CASE OF SHAMVA DISTRICT.**



BY

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APPROVAL FORM

I certify that I have supervised Pride Dran Chipunza B1953541 in undertaking the research titled: **THE EFFECTIVENESS OF THE TRADITIONAL JUSTICE SYSTEM IN HANDLING CHILD MARRIAGES. A CASE OF SHAMVA DISTRICT.** This is in partial fulfilment of the requirements of a Bachelor of Science, Honours Degree, in Social Work, and hereby recommend it for acceptance by Bindura University of Science Education.

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The department board of examiners is satisfied that this dissertation report meets the examination requirements and therefore I recommend to BUSE to accept this research project by Pride Dran Chipunza titled: The effectiveness of the traditional justice system in handling child marriages. A case study of Shamva Distict. Zimbabwe, in partial fulfilment of the Bachelor of Science, (Honours) Degree in Social work.

Chairperson

Name..... Signature..... Date.....

DECLARATION

I declare that the dissertation entitled “**the effectiveness of the traditional system in handling child marriages. A case study of Shamva District, Zimbabwe**” is my own work. I also declare that all sources I have used or quoted have been fully cited and acknowledged. I authorise Bindura University of Science Education to loan this dissertation to any individual for scholarly purposes only.

DEDICATION

This dissertation is dedicated to my loving parents, friends and other relatives who made it possible for me to study this degree program through their financial and emotional support from day one. I love you so much, may the dear Lord continue to bless you.

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I would like to thank many people who helped me to make my research project a success. First, I would like to thank my supervisor Mrs Chigondo, who helped and guided me from the beginning to the end of the research. I would also like to express my appreciation to my mother and my father, my siblings, Chief Bushu, my church leader and fellow students for their caring love and heart. Most of all, my appreciation goes to GOD ALMIGHTY for guiding me and making the whole process successful.

ABSTRACT

The study investigated the effectiveness of the traditional justice system in handling child marriages in Shamva District. The objectives of the study were to investigate the measures used by the traditional justice system in handling child marriages, to analyse the community perceptions of the traditional justice system, to examine the challenges being faced by the traditional justice system in handling child marriages as well as coming up with strategies to improve the effectiveness of the traditional justice system in handling child marriages. The study adopted Girls Not Brides Theory of Change as its theoretical framework. The study adopted a qualitative methodology through a case study research design and collected data from 6 in- depth interviews, 1 Focus group discussion and 3 key informants. Data analysed through thematic analysis based on the descriptive phenomenology revealed that awareness campaigns, community by-laws and referral pathway system are effective tools which works in fighting child marriage. It was then reported that traditional chiefs preside over child marriage cases, provide a mediatory role and a facilitating role in solving the conundrum of child marriage. The communities perceive the traditional justice system as incompetent and biased. As such traditional justice system faces challenges such as changing cultures, globalization, limited funding, and support which fuel child marriages beyond their capacity. It was recommended that ongoing education for traditional chiefs and equip them with knowledge is needed. It then promotes multi-agency and collaboration and community sensitization programs as prevention measures to eradicate child marriage with support from social workers.

Table of Contents

APPROVAL FORM.....	i
DECLARATION.....	ii
DEDICATION	iii
ACKNOWLEDGEMENTS	iv
ABSTRACT.....	v
LIST OF TABLES	ix
CHAPTER ONE	1
INTRODUCTION	1
1.1. Introduction	1
1.2. Background of the study	1
1.3. Aim.....	5
1.4 Statement of the problem.	5
1.5. Objectives.....	6
1.6. Research questions/sub problems.....	6
1.7. Assumptions	6
1.8. Significance of study.....	7
1.9.0. Key definitions	7
1.9.1. Traditional justice system	7
1.9.2. Child	8
1.9.3. Marriage.....	8
1.9.4. Child marriage	8
1.10. Chapter Summary.....	8
CHAPTER TWO	9
LITERATURE REVIEW	9
2.0. Introduction	9
2.2. Theoretical Framework:	9
2.2.1 <i>The Girls Not Brides Theory of Change</i>	9
2.3. Measures used by the traditional justice system to handle child marriages.....	11
2.4 Community perceptions on the traditional justice system	16
2.5 Challenges faced by the traditional justice system in fighting child marriage.....	18
2.6 Strategies to improve effectiveness of traditional justice in handling child marriage. ..	20
2.7 Case study	21
2.8 Research gap	22
2.9 Chapter Summary.....	23
CHAPTER THREE	24
RESEARCH METHODOLOGY.....	24

3.0. Introduction	24
3.1. Research approach.....	24
3.2. Research design.....	25
3.3. Study setting.....	25
3.4 Target population.....	25
3.5 Sample size.....	26
3.5.1. Sampling technique	26
3.5.2. Purposive sampling.....	26
3.6. Data collection methods	27
3.6.1. Research instruments	28
3.7. Data presentation and analysis procedures.....	29
3.8. Ethical issues	29
3.8.1. Informed consent	30
3.8.2. Confidentiality and anonymity	30
3.8.3. Right to privacy	30
3.8.4. Avoidance of harm.....	30
3.9. Feasibility	31
3.10. Delimitations of the study	31
3.10. Limitations of the study	31
3.11. Chapter Summary.....	32
CHAPTER FOUR.....	33
DATA PRESENTATION, ANALYSIS AND DISCUSSION	33
4.0 Introduction	33
4.1 Demographic information of respondents.....	33
4.2 Measures used by the traditional justice system in handling child marriages.	34
4.2.1 Awareness Campaigns	35
4.2.2 Community by-law	37
4.2.3 Enhancement of girls’ access to high-quality education.	39
4.2.4 Collaboration with Non-Governmental Organisations (NGOs).....	41
4.2.5 Empowering of girls with information	42
4.2.6 Emergency humanitarian support.....	44
4.2.7 Referral pathway system	45
4.2.8. Executing the Constitutional roles of the traditional leader.	47
4.2.9. Restorative justice.....	48
4.3 Community perceptions of the traditional justice system	50
4.4 Challenges that are being faced by the traditional justice system in fighting child marriage.....	51

4.4.1 Destitution	51
4.4.2 Social media and globalization fuelling child marriage.	53
4.4.4 Capacity gaps within the traditional courts	55
4.4.5 Changing culture.....	56
4.5 Strategies to improve the effectiveness of the traditional justice system.....	58
4.5.1 Individualized circumstances	58
4.5.2 Social workers’ involvement	58
4.5.3 Support to victims.....	58
4.5.4 Capacity and credibility of the courts.....	58
4.6 Chapter Summary.....	59
CHAPTER 5	60
SUMMARY, CONCLUSIONS AND RECOMMENDATIONS	60
5.0. Introduction	60
5.1. Summary of findings.....	61
5.3. Conclusions	65
5.4 Implications Of The Study	66
5.5. Recommendations	66
5.5.2. <i>Recommendations for future study</i>	67
5.6 Five tier Community empowerment model for traditional justice system.....	67
5.7. Chapter summary	68
REFERENCES.....	69
Appendix 1	73
In-depth interview guide	73
Appendix 2.....	75
Key informant interview guide	75
Appendix 3.....	77
Focus Group Discussion guide.....	77
Appendix 4.....	79
Approval letter.....	79

LIST OF TABLES

Table 4.1: Demographic information	33
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CHAPTER ONE

INTRODUCTION

1.1. Introduction

Traditional chiefs in Shamva namely Chief Nyamaropa and Chief Bushu have promulgated the By-Laws which guide the handling of child marriages in the community. These by- laws are used to fight child marriages by either punishing the perpetrator and by monitoring the incidences of child marriage. There was need to understand how the traditional justice deals with child marriages in the community focusing on the mechanisms used, the community perceptions and the challenges faced in implementing the traditional justice system. This chapter (1) introduces the background of the study, statement of the problem, aim, objectives, research questions, assumptions, significance, limitations, and definitions of key terms that were used in the research.

1.2. Background of the study

In many patriarchal civilizations in Asia, the Middle East, and Africa (Montezeri et al., 2016), marriage is at the center of any conversation about the sexual and reproductive health of adolescent females. Marriage is influenced by factors such as religion, culture, and gender, and the value of marriage is supported by taboos and religious prohibitions on premarital and extramarital sex relationships (Montezeri et al., 2016; Wangila, 2015). Most teenage girls live in the poorest developing nations in the world, and for many of them, the start of puberty signals a period of increased risk and vulnerability to early marriage (Loaiza & Wong, 2012) and the beginning of sexual life (Santhya & Jeebhoy, 2015). In underdeveloped nations, especially in Asia and Sub-Saharan Africa, the United Nations Population Fund estimates that nearly one in three females get married as teenagers (Loaiza & Wong, 2012; Walker, 2017). The prevalence of early marriage and the justifications for its continued practice differ throughout nations and regions (Bacchieri et al., 2017). More than 900 nations are impacted globally, with over 125 million child brides (about 76% of the female population) in Sub-Saharan Africa alone; if the practice is not stopped, this number is believed to quadruple by 2050 (UNICEF, 2017). Around 15 million girls under the age of 18 are reportedly married each year without much or any consent (Girls Not Bride, 2015). According to Muridzo and Malianga (2015), Zimbabwe and Mozambique are emerging as the most dominant countries in the Sub-Saharan area with a high frequency of child marriages, with Zimbabwe having a record of 41,7 percent. According to

the Zimbabwe Gender Commission, 2021, Mashonaland Central Province has the highest rate of child marriages in a country, with 49,5% of girls and 6,7% of males reportedly marrying young.

The practice of child marriage is now widely recognized as being against children's rights. Additionally, it is an outright form of discrimination against girls, who are frequently denied their fundamental rights to equality, health, and education due to this practice (Sibanda, 2011). The Zimbabwean government empowered traditional chiefs to actively participate in the campaign against child marriages in response to the uprising's cause for worry. The traditional justice system works alongside the formal criminal justice system using indigenous knowledge systems, traditional out-of-court settlements among other mechanism of customary practices.

Restorative justice ideas are similar to Zimbabwe's traditional and customary approach to solving societal issues such child marriages (Vengesai, 2014). This was observed in community courts, where village chiefs or headmen use various methods to address crime and deviance, such as victim-offender mediation, family group conferencing, and sentencing circles: peace-making circles, restorative circles (Wilson et al., 2016; United Nations, 2016). For instance, if a crime is committed and reported to the chief, the chief notifies the headmen of the victim and the perpetrator to summon them to a community assembly (*dare/enkundleni*). A shared lunch is served following the meeting, and the offender's headman provides a goat or sheep to be butchered and some local beer. Following the meeting, the offender's headman brings a goat or sheep to be butchered and some local beer for a communal supper. In with the perpetrator and the offended, the headmen also bring in parents and other village elders. This demonstrates that crime is committed against the entire community as well as a person. The meeting serves as a forum for mediation between the two impacted communities, and solutions for replacing what was lost are discussed while taking into account the reparations payment schedule that has been developed and approved by both groups. Following the mediation, the parties shake hands and eat together to signify that the conflict has been amicably settled and that the offender will pay the victim's compensation.

Through the chief, it was made sure that the restitution was paid. If there were any delays, the headman would be promptly informed, who would then contact the victim's family's headman. If an agreement is reached, the case is reported to the police, and criminal justice is then in charge (Mangwiwo and Chitereka, 2021).

Traditional leaders use indigenous knowledge which is the information that has been accumulated over time by a particular group or society and encompasses the cultural values, customs, and ways of life of that group or culture (Dewah & Mutula, 2014). Indigenous knowledge covers topics like a group or society's traditional governance and legal systems, traditional medicine, agriculture, folklore, cultural beliefs, value systems, and practices, and it includes tactics for the group or society's survival and sustainable development (Mapara, 2009). Indigenous knowledge systems (IKS) still exist in many non-formal support systems in African communities (Mupedziswa & Ntseane, 2013), offering communities strategies to deal with real-world issues and cope with unfavorable situations (Lunga, 2015).

Despite the government establishing legal frameworks for child protection, including the Zimbabwean Constitution of 2013, ratification of the international and regional legal agreements such as United Nations Convention on the Rights of the Child to prevent child marriage, the legal route has not worked. The National Gender Policy of Zimbabwe, which was updated in 2017, has put in place procedures to deal with child marriage. A draft National Action Plan to End Child Marriage is being produced in this regard. The Zimbabwean Constitutional Court banned child marriage in 2016, stating that no one may marry before turning 18 years old. The decision covers unions authorized by the Customary Marriages Act, which did not previously have an age restriction. As a result, several legislations, including the Domestic Violence Act, the Sexual Offences Act of 2003, the Children Act, the Termination of Pregnancy Act, and the Legal Age of Majority Act, were passed in parallel with the admirable objective of defending young people's sexual and reproductive rights.

ZIMSTAT (2022) confirms that national Child Marriage prevalence rate in Zimbabwe is 50,9% and 52.1% for Mashonaland Central. It is imperative to note that causes of child marriage and teenage pregnancies can be prevented and are multi-dimensional in nature. Among these are patriarchy and societal attitudes where women are regarded with contempt, relegated to nonentity, and denied equal access and opportunities to education. In addition, these societal attitudes and values perpetuate and reinforce abuse on the pretext of culture. As a result of all this the traditional chiefs in Shamva district promulgated the By-Laws which are meant to protect children from sexual abuse, vending areas in mining communities should be designated on safe areas and well protected areas that guards against rape or any other abuse.

The Mashonaland Central Province of Zimbabwe is made up of eight districts, including Shamva. It is 28 km east of Bindura, the regional capital, and has a total population of 123 650

(ZIMSTAT, 2022). There are four chiefdoms in the district which are Bushu, Nyamaropa, Mutumba and Madziwa. Major economic activities predominant in the district are small scale gold mining after the closure of the giant Madziwa Nickel Mine and Shamva Gold Mine which were golden geese of the district and the anchor of many livelihoods. Also, the district was once a hub of commercial farming activities employing many locals but with the advent of resettlement. The chiefdoms boast of cultural and ethnic diversity with coming in of former migrant workers from Malawi, Zambia and Mozambique who finally decided to settle when they lost employment due to economic contraction experienced in Zimbabwe. In this regard, there is a mixture of cultural, traditional as well as religious practices. Adding on that, Child marriage become so rampant being precipitated by cultural pressures and this pushes for interventions to counteract cultural drivers for child marriages. Child marriage is a child protection concern which can be a result of economic hardships, culture, and religion. There are two traditional chiefs within Shamva district who are trying their best to be at the forefront in addressing child marriages.

The Constitution of Zimbabwe (Amendment 20) Part 14, the establishment of The Local and Provincial Leadership, gives traditional leaders the roles to preserve national unity, ensure equitable distribution of resources and democratic participation of all citizens in matters of governance. Section 282 of The Constitution reiterates that Chiefs should facilitate development, protect environment, preserve culture, resolve disputes, and oversee land distribution while Section 286 reiterates the roles of The National Council of Chiefs to promote development, maintain integrity of traditional justice institution, to represent Chiefs, promote good conduct of Chiefs and handle complaints. Chiefs and Traditional Leaders are therefore a recognised structure of local government in Zimbabwe and their courts are part of the Zimbabwean justice system in terms of the Customary Law, Traditional Leaders' Act, Local Courts Act (Chapter 7:05).

Traditional leaders (chiefs in Shamva district) have in 2019 come up with By-Laws on Ending Child Marriages in Bushu and Nyamaropa Chiefdoms. These By-laws though still on infants, but some have hailed them as a home grown solution to reduce or end child marriage. According to local knowledge, the chiefs in the two chiefdoms have handled almost 30 cases of child marriage since 2019. Perpetrators are asked to pay reparation to the chief and to the family of the girl child. The cases are also reported to the criminal justice system for finalization. There have been debates as to the mechanisms or the terms of reference used in the child marriage By-laws. Although there are traditional leaders in Shamva District, child

marriages have become a common feature. The ethnic groups from Shamva district in Mashonaland province were the focus of this study. This multicultural community has one of the highest rates of child marriage ever documented, with upwards of 49.5 percent of girls and 6.7 percent of boys getting married before the age of 18 (Zimbabwe Gender Commission, 2021). The increment of child marriages in many districts like Shamva shows that there is a problem that needs to be reached about even though the traditional justice system is acting. Adolescent girls' mental, physical, and psychological well-being are adversely affected by child marriage, which is increasingly recognized as a child protection concern in Sub-Saharan Africa, particularly in Zimbabwe (Adedokun et al., 2016; Amodu et al., 2017; Parsons et al., 2015). A lot of speculation has centred around the traditional justice system hence the need for a study to examine the measures taken by traditional justice system in handling child marriage, the community perceptions of the traditional justice system, the challenges, and recommendations for sustainable use of traditional justice system in handling child marriage.

1.3. Aim.

The purpose of the research was to assess the effectiveness of the traditional justice system in handling child marriages in Shamva.

1.4 Statement of the problem.

The traditional justice system has been successful in dealing with problems in the communities such as crime, violence, environmental protection, disasters by restoring order, promoting restorative justice and human rights. Writers have commented the traditional justice system for good practices as well as the cultural validity that is needed, and only lamented their lack of involvement in matters of serious concern. Traditional chiefs in Shamva have promulgated the By-Laws which are used to fight child marriages however, despite having this mechanism in line with the government's efforts Shamva is still experiencing the increment of child marriages. It is not clear whether the by- laws and the overall traditional justice system has or will be able to manage or handle child marriages. Child marriages are a complicated practice whose causes, effects and patterns are intertwined, at times leaving some traditional leaders in other provinces falling victims. Surprisingly the studies around child marriages and even social workers focused on causes and determinants, forgetting the role of the traditional justice.

Additionally, the rise of formal judiciary systems (courts) seems to have overridden the powers and authorities of traditional justice system to an extent that at some points they no longer function well and there is a need to improve the effectiveness of the traditional justice system

in handling child marriages. A study to ascertain the effectiveness of traditional justice system in handling child marriages is therefore of paramount importance.

1.5. Objectives

This research will be guided by the following objectives:

- i. To examine the measures being used by the traditional justice system in Shamva district when handling child marriages.
- ii. To find out how the Shamva community perceive the traditional justice system.
- iii. To find out the challenges that are undermining the traditional justice system's efforts in fighting child marriages.
- iv. To come up with strategies for improving the effectiveness of the traditional justice system in handling child marriage.

1.6. Research questions/sub problems

This research will be guided by the following research questions:

- i. What are the measures being used by the traditional justice system in Shamva district when handling child marriages?
- ii. How does the Shamva community perceive the traditional justice system?
- iii. What are the challenges that are undermining the traditional justice system's efforts in fighting child marriages?
- iv. What strategies can be developed for improving the effectiveness of the traditional justice system in handling child marriage?

1.7. Assumptions

The research assumed that:

The traditional leaders would be at the forefront in handling child marriages in rural set ups. Also, the traditional justice system is failing to reduce child marriage since there is still an increment in child marriages despite their active participation in child protection. The

researcher assumed that a lot of children are being married before the legal age because of socio-economic challenges, cultural and religious beliefs. The other assumption was that there would still be child marriage cases in Shamva for reference during the study to necessitate the traditional legal system's engagement to combat the issue of early marriage in a complementary manner. The study assumed the continued involvement of traditional leaders in child marriage cases.

1.8. Significance of study

The study may be of significance to the Shamva community if it may provide effective oversight to fill up the gap which is being left by the traditional court system and judiciary system and child protection.

The study may also benefit traditional chiefs, local leaders, and individuals in understanding the traditional basics of handling child marriages. To Bindura University, it may help students who want to explore much on the roles of the traditional chiefs in child protection, recognising children's rights and creating a better world for children that is free from various forms of abuse that hinder them from being great leaders of great minds. It is of great importance to note that academics and students can easily acquire ways in which traditional justice system use in handling child marriage in our communities through accessing the research at the university library. Though the research provides a baseline for the effectiveness of traditional justice system in ending child marriages, it helps academics to understand the loopholes from the traditional justice system on issues of child protection. The research may also help local authorities and some government departments such as the Department of Social Development and District Development Coordinator's office to have a better understanding on some of the weaknesses of traditional justice system as compared to the judiciary system.

The research may also benefit the general populace to adopt to African traditional methods of handling child marriages which are cheaper and society centred. It calls upon all members of the community to adopt traditional related methods on handling child marriages in a multicultural society rather than to adopt modern court system which ignores cultural values and beliefs.

1.9.0. Key definitions

1.9.1. Traditional justice system

Traditional justice system is often referred to by other terms, such as customary, informal, community-based, grassroots, indigenous and local (Allen & Macdonald, 2013)

1.9.2. Child

United Nations Convention on the Rights of the Child, (1992) defines the child as a person under 18 years of age. Article 2 of the African Charter on the Rights and Welfare of the Child, (1979) defines a child as every human being below the age of 18 years. According to the Children's Act 5.06, (2001) a child is defined as a person who is under the age of sixteen, which includes an infant.

1.9.3. Marriage

According to Mkandawire, Simooya, and Monde (2019), marriage is a two-person partnership that is socially or legally recognized and in which social and sexual difficulties are normally acknowledged and accepted.

1.9.4. Child marriage

According to the UN Population Fund (2006), child marriages are any unions that take place before a child is physically, emotionally, and biologically prepared to be married and have children. Although girls are disproportionately more affected than boys, child marriage is defined as a union where one or both partners are under the age of 18 (UNICEF, 2014).

At times it is referred as forced marriage (USAID, 2016).

1.10. Chapter Summary

This chapter established the study's background and problem statement, looked at its objectives and research questions, went into further detail on its assumptions and importance, and concluded by defining several essential words.

CHAPTER TWO

LITERATURE REVIEW

2.0. Introduction

Barbour (2018) defines literature review as a systematic, explicit, and repeatable approach of locating, analysing, and synthesizing the body of previously published work that has been created by other academics in the same field of study. Thus, the literature review reveals different scholarly views on the effectiveness of the traditional justice system in handling child marriages.

This chapter reviews existing related literature on the effectiveness of the traditional justice system in handling child marriages. In understanding the effectiveness, the study utilised the Girls Not Brides Theory of Change as a theoretical framework. It further utilised one case study from Zambia, Kalonga Gawa Undi Chiefdom to explain the effectiveness of the traditional leadership in fighting child marriage. The chapter ends by exploring the gaps within the existing literature and legislations on curbing child marriage in Zimbabwe.

2.2. Theoretical Framework:

2.2.1 The Girls Not Brides Theory of Change

The awareness that around 15 million girls are married as youngsters each year in a variety of cultures, religions, and ethnic origins led to the development of the Theory of Change (Girls Not Brides, 2010). Girls Not Brides acknowledged that child marriages have an impact on children's biological, socioeconomic, and psychological development, impeding the advancement of equity and equality (Girls Not Brides, 2015). The Theory of Change serves as a framework for fostering cooperation in initiatives required to avoid underage marriages and to provide married girls with appropriate support in terms of their cultures and religions.

According to Raj, McDougal, and Rusch (2013), there should be a balance between micro and macro levels of support when addressing child marriages to have an impact on the lives of the girls. It also means that everyone, including traditional leaders, has a responsibility to play in preventing child marriages and that, if they do, coordinated efforts must be made to support the married girls. In long-term interventions affected by collective learning, the Theory of Change (2015) emphasizes the value of organization and sustainability. To combat child marriages, it

promoted the following tenets: empowering girls, mobilizing families and communities, helping, developing, and enforcing laws.

According to Girls Not Brides (2022) child marriages has become a global social problem affecting the young girls' health and social standing. In as much as child marriages has been accepted in some cultures, religions or sectors in Zimbabwe or Africa, it has remained a violation of fundamental rights of children and at times leading to death of children (Centre for Child Rights, 2016). It is commendable that the theory offers a preventative rather than corrective strategy for ending child marriages. The idea of child marriages is dynamic and varies depending on the setting, therefore different approaches must be used to address child marriages in respect to different cultural backgrounds. The theory can be acknowledged considering the inclusion of stakeholders. Because traditional chiefs are also members of Girls Not Brides, who developed the Theory of Change, the theory is pertinent to the study.

The Girls Not Brides Theory of Change is built on social constructionism which believes in the following.

- An understanding of social problems as complicated situations happening in different people and cultures which seem to be no end to wrong practices.
- Knowledge exists in a historical and cultural context which seems to put value on the community leaders and the socio- legal approach which seeks to combine legal studies in social problems (Gettier, 1963).
- Knowledge and social action move together meaning that how people perceive to know determines how they act. This is relevant for social workers and judicial officers whose actions on child marriages can be determined by how they perceive the problem and the actors such as traditional justice system.
- A belief in the multidisciplinary approach to understanding social problems and developing intervention strategies.

Despite the Theory of Change's importance to the study, it is biased towards girls and ignores the minority of boys who are also compelled to marry older women or young girls before they are of legal age. When we examine the underlying principles and assumptions of child marriage interventions, we find that, in contrast to child grooms, only girls' rights are being promoted. As a result, the theory must be modified to account for the boys whose rights have been consistently infringed.

2.3. Measures used by the traditional justice system to handle child marriages.

All countries are now primarily concerned with the issue of child marriage and child rights (Panos Institute of Southern Africa, 2014). In Southern Africa, the traditional justice systems of nations like Zimbabwe, Zambia, and Malawi are putting various policies into place in their chiefdoms to end child marriages. Eliminating child marriage is part of advancing toward the achievement of United Nations Sustainable Development Goal No. 5, which is focused on gender equality and the empowerment of all women and girls (Koski, Strumpf, Kaufman, Frank, and Heymann, 2018).

In Zambia, awareness-raising programs have become one of the strategies for promoting female child education and putting a stop to child marriages, according to the Ministry of Gender (2015). At funerals, social festivities, and other occasions, the village headmen or Indunas preach against early marriages, teenage pregnancies, and school abandonment. In these gatherings, it is stressed that parents should support their kids' academic endeavors, feed them, and steer them away from sex-related issues as much as possible (Daka et al., 2019). Additionally, parents who give their kids away for marriage are brought before the chief and sentenced to pay a goat or get any other type of punishment deemed appropriate by the custom.

Local communities can actively address the norms that encourage the behavior, according to Mann, Quigley, and Fischer (2015). They also assert that community mobilization has been particularly effective in encouraging positive behavior change and discouraging negative behavior. This tactic tries to alter local perceptions of child marriage and increase understanding of its negative consequences. The same is true, according to Mwanza (2019), who asserts that with the full backing of governments, development specialists, civil society organizations, local communities, families, and girls themselves, a world free of child marriage is achievable. The current study made an effort to coordinate local efforts to prevent child marriage because it has been found that this is an important tactic. Funding girls' education is a key strategy.

According to Silva-de-Alwis (2008), traditional leaders in Malawi are actively collaborating with regional advocates for women's rights and children's rights, as well as with international NGOs and UN organizations, to increase awareness of child marriage in their chiefdoms. Zimbabwe made a considerable effort in its fight against child marriage, as seen by the meetings the ministry of women's affairs held and the community involvement in awareness-raising efforts. The chiefs have advocated for the harmonization of laws to clear up the current

ambiguity surrounding the definition of a child, according to Kafusha et al, (2021), and they have also spoken out against harmful cultural practices like child marriage, asserting that it is the responsibility of the traditional leaders to ensure that child marriages are not practiced in their communities.

According to Silavwe, Mwewa, and Mkandawire (2019), since community mobilization has been seen as a vital technique, the study at hand tried to integrate the efforts of both the school and community to end child marriage. In order to stop child marriage, numerous studies—including those by Lemmon and ElHarake (2014), Nsingi (2016), Bomber, Daka, and Mphande (2020)—emphasize the need of funding girls' education. For countries that have ratified the Convention on the Rights of the Child, educating girls is both a prudent investment and a requirement for human rights. When young women get married, their schooling typically comes to a stop.

Girls are significantly more difficult to deal with in terms of their desires and aspirations than boys, according to Elyasu (2020). Therefore, when their education is supported, they may be retained in school to the highest degree, helping to delay marriage until they are both physically and psychologically ready for it. Religious and traditional leaders enjoy widespread esteem in society as civic figures. For instance, traditional leaders and families are seen as the core of the culture of the people who transmit their traditions, convictions, and way of life to the following generation (Kafusha et al., 2021). Their opinions are particularly important when it comes to lessening the acceptance of underage marriages, which is also a customary practice.

Elyasu (2020) asserts that school instructors have been crucial in putting an end to teenage pregnancy and early marriage. Among other things, they have assisted with student retention rates. During parent-teacher committee meetings, teachers encourage parents to bring both girls and boys to school (Steinhaus, Hinson, Rizzo, and Gregowski, 2019). In addition, guidance and counseling have been implemented in schools. Students were given advice on what to value in life by the guidance teachers.

For countries that have ratified the Convention on the Rights of the Child, investing in the education of girls is both a prudent investment and a human rights obligation. The education of young women typically comes to a stop when they get married. According to Elyasu (2020), females are considerably harder to handle than boys in terms of their demands and aspirations. Therefore, when their education is supported, they might stay in school to the highest degree, helping to delay marriage until they are both physically and intellectually prepared for it.

According to research by Sibanda, Daka, and Daka-Makowa (2019) of couples participating in church services, the traditional legal system is more effective at preventing child marriages when community bylaws are applied. Communities may work together in the same way to stop child marriage. Communities, on the other hand, highly value traditional leaders. As a result, they have a tremendous level of control over events and can determine what behaviors are appropriate or inappropriate. To address this, community stakeholders must cooperate. Protective by-laws have also been considered as a regional tactic for resolving problems in distinct communities. By-laws are regulations enacted by local governments that are only followed in the areas where they were established. To prevent child marriage, protective laws must be put in place. To stop child marriage, protective regulations that forbid relationships between minors and punish the men who do so must be put in place (Elyasu, 2020). According to Steinhaus, Hinson, Rizzo, and Gregowski (2019), traditional leaders can increase public support for the ban on child marriage by establishing local legislation in their communities and changing the norms that apply to offenders so that they experience repercussions.

Steinhaus, Hinson, Rizzo, and Gregowski (2019) claim that efforts in Malawi to prevent child marriage started before the law was implemented and are already yielding positive outcomes. The chiefs have enacted laws that forbid child marriage and establish penalties in their areas. This shows the traditional authorities' desire to use the ordinances to genuinely stop child marriage at various levels.

According to Brey (2014), the traditional justice system is valuable since it takes the cultural context into account. In many cases, the choice must be made while taking a variety of cultural traditions into account. A pluralistic framework is widely used in decision-making, and it is based on how individuals have absorbed, experienced, and used culture. Furthermore, when decisions are taken locally and local communities collaborate, the informal system functions more efficiently because the decisions are validated and grounded in experience (Steinhaus, Hinson, Rizzo, and Gregowski, 2019). Communities' conflicts differ geographically and rationally, and only a small group of people have the authority to alter the situation.

According to the consultation study for the bylaw (2020), two significant causes of child marriage are poverty and the cultural and religious requirements of apostolic indigenous beliefs. Therefore, the bylaws for Murewa and Shamva firmly advocate for basic education access and opportunities for economic empowerment for every child who resides in chiefdoms of the chiefs (Ministry of Women Affairs, Gender, and Community Development, 2019). When

laws are properly executed, and the political leaders of the state have the requisite political will, girls and young women can participate in public life in an effective way. Steinhaus, Hinson, Rizzo, and Gregowski (2019) claim that traditional leaders create local laws in their different societies by altering rules that include penalties for infractions. They do this to garner support for banning child marriages.

Regionally, according to Daka, Mwelwa, Chibamba, Mkandawire, and Phiri (2019), Zambia's traditional judiciary is collaborating with NGOs to fight child marriages. Kalonga (2020) claims that it is challenging to put an end to child weddings in his vast kingdom, but the traditional leaders have allowed several NGOs to work there. For instance, NGOs such as SAWA, Paralegal, Plan International, and Safe-Motherhood have gathered groups from the villages to hold community meetings about the dangers of early marriages (National Action Plan on Ending Child Marriages Launched, 2018). These groups are helped by the coordination of their actions by subordinate chiefs and village headmen.

According to the Zimbabwe Human Rights Commission (2015), Plan Zimbabwe is one of the organizations working with traditional chiefs to implement programs against child marriage in Zimbabwe. To educate some of the most powerful groups of people about the practice of child marriage, the organization has collaborated with religious organizations and chiefs, among others.

According to the United Nations (2016), the Women's Affairs Ministry is leading the Stopping Child Marriages Campaign effort, which aims to decrease early and child marriages in Zimbabwe. Meetings with chiefs, who later agreed that traditional authorities should support positive cultural values that safeguard children, were the campaign's biggest success. To clear up the current ambiguity around the concept of a kid, the chiefs have demanded that the legislation be harmonized. They have also spoken out against damaging cultural practices like child pledging and appeasing the dead by having children, stressing that it is the responsibility of traditional leaders to make sure that these are not performed in their communities.

According to the Panos Institute of Southern Africa (2014), another program that has been implemented to promote child education is community radio programs. Kalonga has chosen active members of the community who speak out on topics aimed at advancing child education through his subordinate chiefs. The Chewa Heritage Foundation is in Lusaka, Zambia, and there are further branches in Malawi and Mozambique. Specialized persons who speak out against concerns like teenage pregnancies and early marriages are present in these foundations.

According to Daka (2017), the Ministry of Health and Education's experts teach these specialists. However, during such programs, community members frequently phone in with concerns or comments about ways to support child education, particularly the education of female children being welcomed to such radio programs. Participation in such radio shows is open to specialists from the Ministry of Health and Education who address issues including sexual and reproductive health, re-entry policy, and numerous other issues involving children's rights.

From a local perspective, traditional leaders are using Nhangas as a method of combating child marriage by arming girls with knowledge that enables them to delay getting married until they reach legal age (Ministry of Women Affairs, Gender, and Community Development, 2019). Every homestead must have a nhangas that acts as a secure location for girls. In the nhangas, aunts and grandmothers will provide advice on issues related to growth and development, leadership development, and skill-building. In Zimbabwe, Nhangas provide girls with information on their sexual and reproductive health rights and the dangers of child marriage.

"The chief's granary" is what Zunde Ramambo implies. Traditionally, the chief would set aside land for Zunde Ramambo to cultivate food crops for distribution to the less fortunate whenever a need arose (Chuma & Chazovachii, 2018). The initiative operated on the principle of organizing people to labor in the assigned fields on a volunteer basis (from clearing the ground and preparing it for plowing to weeding and harvesting). As strategic food reserves to be used in the event of food shortages, the crops were gathered and stored in granaries at the chief's homestead. In support of this, Chirawu (2013) observed that the chief prioritized providing food from this granary for older people, widows, orphans, and those with disabilities.

According to Zimbabwe Broadcasting Corporation (2018), many Zimbabwe's chiefs are now aware of the referral route strategy for reporting child marriage situations that has been supported by the government and civil society. Because people were ignorant of the proper mechanisms for reporting such cases, child marriage cases in the past were not reported in full.

According to Elyasu (2020), the advocacy function of traditional leaders extends beyond influencing lawmakers and politicians and includes influencing their own communities through the implementation of good practices and the translation of legislation. Campaigns by the civil society can have a long-lasting impact by working with traditional leaders (Nsingi, 2016). At the highest echelons of government, chiefs wield sway. They communicate with legislators, judges, and decision-makers. They have special access to important individuals and positions

as a result. The Chiefs' Council gives chiefs access to the Senate and gives them legislative responsibilities. Chiefs hold a prominent position in politics, giving them access to even the president. As a result, they are valuable resources for advocacy. With conventional authority on their side, they can effectively communicate and lobby (Menziwa, Mantshi, and Mallick). In the case of child marriages, chiefs are an important asset in ensuring parliamentary and policy changes are achieved (Chief Bushu By-law, 2019).

According to the Chief Bushu and Chief Nyamaropa By-law (2019) chiefs can utilize their clout to support homes if families have dissolved due to events like death, divorce, and migration. Children from broken households should be welcomed into the homes of the traditional leaders, who should also provide guidance, counsel, life skills, and social support. Traditional chiefs resolve family conflicts to foster an environment that is favorable for children to grow and develop, according to (Menziwa, Mantshi, Mallick and Dlamini, 2010). Traditional leaders should do more to encourage societal policies that lessen child marriage, particularly those induced by adolescent pregnancies. Among them is the development of cultural frameworks that instruct young people on matters of sex and relationships (Traditional Leadership Act 29:17).

Traditional chiefs can ensure that justice is administered fairly by serving as judges, as they are the keepers of culture and customary law (Menziwa, Mantshi, Mallick, and Dlamini, 2010). Traditional leaders can ensure that their followers do not violate children's rights by presiding over cases and seeing to it that offenders receive punishment.

Community education about child marriages is facilitated by traditional chiefs. This can be accomplished by permitting meetings and workshops to be held in the communities of civil society organizations (Menziwa, Mantshi, Mallick, and Dlamini, 2010). Traditional authorities have a lot of power to sway public opinion and encourage community involvement in the fight against child marriage since they are thought leaders. Incentives can be offered to guardians to discourage them from considering child marriage as a viable alternative, such as food-for-work programs (Traditional Leadership Act 29:17).

2.4 Community perceptions on the traditional justice system

According to Daka, Mwelwa, Chibamba, Mkandawire, and Phiri (2019), awareness campaigns are viewed as an effective tactic by Zambia's traditional leaders in their fight against child marriage, and this has slowed the growth of child marriages. Traditional and religious leaders

within communities are seen as having a great level of respect in their own cultures. According to Kafusha et al. (2002), traditional leaders, for instance, are viewed as the culture's guiding force and have a significant impact on the younger generation through their practices, beliefs, and daily routines. Due to the fact that their voices have a lot of weight when it comes to reaching out to the local populations, their efforts to prevent child weddings were successful (Elyasu, 2020). They possess the power necessary to lessen the acceptance of child marriages, a custom that is also prevalent today.

According to the research conducted in Malawi by Elyasu (2020), ending child marriage requires the creation of protective bylaws that forbid the practice and punish those who participate in it. This is also consistent with the Girls Not Brides Theory of Change (2010), which promoted tackling child weddings through the following pillars: empowering girls, mobilizing families and communities, providing services, and creating and enforcing laws. The traditional legal system is valued since it considers sensitive cultural environment. According to Daka, Chilala, Hamatanga, Chirwa, Mumba, Kaoma, and Chikopela (2021), judgments are frequently based on how culture has been learnt, experienced, and performed by the group in a variety of contexts. The informal system tends to function more competently when making judgements at the locality level and when they work with other local communities since judgments are confirmed and experience based.

Daka and Mphande (2020) believed that investing in girls' education is a crucial step in the fight against child marriage as well as a human right need for nations that have joined the Convention on the Rights of the Child. This is consistent with the Girls Not Brides Theory of Change (2015), which promoted empowering girls through expanding access to high-quality education for girls as a means of reducing child marriage. According to Daka, Mwelwa, Chibamba, Mkandawire, and Phiri (2019), traditional leaders in Zambia believed it would be difficult to eradicate child marriage in chiefdoms, so they gave permission for various non-governmental organizations to work in their areas. This is in line with the Girls Not Brides (2015) Theory of Change, which serves as a basis for creating harmony in initiatives required to avoid child marriages and to support married girls in ways that are respectful of their cultures and religions.

Most chiefs in Zimbabwe now understand the referral pathways approach to reporting child marriage cases, which has been promoted by government and civil society, according to the United Nations (2016). In the past, child marriage cases were not reported, in part because

people lacked knowledge in the appropriate channels for reporting such cases. However, some parents think that marrying off their young children is the greatest method to keep them from becoming pregnant outside of marriage as well. Now (2014) contends that it is difficult to debunk this notion since parents genuinely desire what is best for their kids. Overcoming this is a significant obstacle in the execution of programs to prevent child marriage. According to Now (2014), child marriage may be considered by families to shield their daughters from unwanted pregnancies, rape, unmarried pregnancy, and even prostitution. According to them, the likelihood of a girl's prospects being unknown, or a family's honor being harmed is considerably reduced by marrying her off young.

2.5 Challenges faced by the traditional justice system in fighting child marriage.

The Chewa people of Zambia are not exempt from the poverty rate of almost 75% among rural residents (Ministry of National Development Planning, 2018). So, in the Chewa Kingdom, preventing child marriage continues to be a big concern. Most of the households are known to be in abject poverty. It was discovered that being poor was a significant factor in the communities' early marriage rates (Daka et al., 2021). Since most parents lacked literacy, they discouraged their kids from attending school. As a result, once the girl child entered adolescence, people perceived wealth in her. Three key factors lead some parents to marry off their daughters: First, they seek to make money, especially through dowry or lobola, either in cash or animals.

Due to these causes, the number of early marriages grew in the Chewa Kingdom of Zambia. Girls and young children participate in sexual activity to raise money for their daily necessities. UNICEF (2019) asserts that poverty is a significant obstacle that undermines the efforts being made by different stakeholders, including the traditional leaders, to end child marriage in Zimbabwe. Additionally, it stated that girls in the poorest neighborhoods had a six-fold higher chance of getting married as children than did girls in higher quintiles of income.

According to a study conducted in Zambia (Daka et al., 2019), the advancement of technology and the internet is another factor that promotes early marriages. It was observed that most immoral behaviors are now taught to boys and girls via mobile devices. These days, children consume pornographic and nude content online and on social media. They become curious after seeing these things and, unfortunately, end up engaging in sexual interactions as a result (Nsingi, 2016). Teenage pregnancies and early marriages increased as a result. It was clarified

that in African civilizations, there was no such thing as pornography and that children were not exposed to sexual behavior before they mature.

In Zambia, secondary schools are extremely rare and are largely found in urban regions, according to a report by Daka (2017). There are also few schools in rural areas. Sometimes students make it to secondary school, but the long commute causes them to stop attending. This puts more of a strain on parents who are already struggling to pay for their children's school expenses and tuition (Sekelani, Mbozi, & Daka, 2021). Due to the difficulty in doing this, many children drop out of school and marry before turning 18 years old.

Many parents, it was indicated by the study done by Daka, Jacob, Kakupa, and Mwelwa (2017), did not value education. This is largely related to parents' ignorance. Some parents chose to have their boys work with cattle rather than sending their kids to school. Daka (2017) observed that in these families, children did not receive enough food or money for school, and as a result, they lacked motivation to attend. This encouraged child marriages and made a significant contribution to the low retention rate. In Zimbabwe, many rural families do not support their daughters to the point where they must turn to their boyfriends for assistance. In such circumstances marriage will be an alternative to escape the situation.

According to Brey (2014), there is considerable social pressure on families to fit in in areas where child marriage is common. Failure to comply can frequently lead to jeers, condemnation, or familial embarrassment. Local myths promote child marriage, such as in Ethiopia where people believe that sexual activity causes menstruation, and these myths support the earlier marriage of girls. According to a study by Daka, Mwelwa, Chibamba, Mkandawire and Phiri (2019), the Chewa people's *Gule-wamukulu* has a role in encouraging early marriages in that it incorporates marriage preparation into the lessons offered to children there.

Young boys are initiated and taught things like how to treat a woman in bed, to stop hiding into their parents' bedrooms, to respect elders, to try sex before they get married, and how to use various traditional medicines to increase their sexual desire and appeal to girls (Daka et al., 2019). In fact, this promotes young marriages in the Chewa chiefdom by giving young men the self-assurance they need to conduct marriages and later select a young partner. These young men will also be open to have sex, which could result in unplanned pregnancies.

Daka et al. (2019) claim that in the case of *chinamwali*, the lessons taught to the girl child during the initiation include teaching her good morals, respect for the elderly, and submission to her husbands. They also claim that these lessons include teaching her how to handle a man

in bed, how to clean her body and shave, how to do housework and take care of the children, and how to handle herself in bed. Because of this, a girl child may be influenced in some way to practice handling a man in bed at a young age (Sekelani, Mbozi, & Daka, 2021). As a result, it encourages early marriage, teenage pregnancy, and STDs. Like this, the Chewa and Ndau people of Zimbabwe continue to practice Gule-wamukulu and chinamwali initiation, which undermines the efforts being made.

2.6 Strategies to improve effectiveness of traditional justice in handling child marriage.

The different programs that the government of Zimbabwe has used cover the legal, policy, programmatic and monitoring measures to reduce the marriage of children, especially focusing on the girl child. However, there are no considerations of the traditional justice system. The National Gender Policy of Zimbabwe, which was updated in 2017, has put in place procedures to deal with child marriage. A draft National Action Plan to End Child Marriage is being produced in this regard. The Constitutional Court of Zimbabwe banned child marriage in 2016, making it illegal for anybody to marry before turning 18 years old. The decision covers unions authorized by the Customary Marriages Act, which up until this point had no minimum age limit. As a result, several laws were passed in tandem with the admirable objective of defending young people's sexual and reproductive rights, including the Termination of Pregnancy Act, Sexual Offenses Act of 2003, Domestic Violence Act, Legal Age of Majority Act, and The Children Act of 2001. International Convention on the Rights of the Child and the African Charter on the rights and Welfare of the Child are legal frameworks that are being implemented in the fight against child marriages.

The Multiple Indicator Cluster Survey (2014) has outlined that increased economic well-being of girls, improved access to education and legislative reform remains key in reducing child marriages in Zimbabwe. The government has introduced the Basic Education Assistance Module (BEAM) project to help about 30000 pupils who fail to complete school per annum. Inasmuch as BEAM has provided some relief, it has not promoted free and compulsory primary education as espoused in the Sustainable Development Goals (Goal 4: Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all).

The legislative provisions in Zimbabwe have not addressed child marriages as marriages are not registered in the registry of official practices. Section 78 of the National Constitution sets marriage at 18 years and prohibited forced marriage. Section 26 gives the State power to take measures to ensure all marriages are consensual and that children are not pledged in marriage.

Child marriage is also outlawed under the Domestic Violence Act, marriage, rape and trafficking crimes as a crime and a domestic violence act. The government of Zimbabwe has also coordinated the traditional, NGOs and African Union campaign to support ending child marriages. The appointment of Nyaradzai Gumbonzvanda (Human Rights Lawyer and activist) as the goodwill ambassador and focal person in ending child marriages was also a move of raising awareness on the need to end child marriages and to disseminate the Constitutional Court ruling of 2016 against child marriages to be known by all.

The Marriage Act allows girls to get married at the age of 16 and the Customary marriage has no age limit. There is need for harmonization of the legislation to the Constitution to allow children 's access to justice in the event of child marriages. The Child Justice Act is expected to be a panacea for child marriages since it tends to cover all vulnerable children. Scholars have recommended the government of Zimbabwe to appoint a National Taskforce and develop a National Plan of Action to End child marriage to guide the work of key players. UNICEF (2014) has advocated for the amendment of the Marriages Act and allow the Judiciary to compel the Parliament to amend the laws in line with the Constitutional Court ruling.

The involvement of organizations such as Safeguard young people, 18+ Campaign, Plan International, Zimbabwe Human rights commission, Zimbabwe Lawyers for Human rights, Girls Not Brides and The National Programme of Action for children, Police Victim Friendly Unit among others have made some remarkable impact in reducing child marriages. However due to low coverage and poor awareness, child marriages have continued to rise.

2.7 Case study

According to Daka, Mwelwa, Chibamba, Mkandawire, and Phiri (2019), the traditional leadership in Zambia from the Kalonga Gawa Undi Chiefdom employs several roles and approaches to combat child marriage. According to the report, traditional chiefs in Zambia confront several difficulties when attempting to end child marriages in their chiefdoms. According to Daka et al. (2019), the Chewa Chiefdom in Zambia served as a model for the function that traditional leaders might provide in carrying out governmental programs. The study concentrated on how traditional leaders prevented early child marriages and encouraged both girls' and boys' continued education through their chiefdom institutions. According to Daka et al. (2019), historical material on customs and cultural practices was addressed. This

included policies the chiefdom had put in place to guarantee that all young girls and boys in the chiefdom had access to schooling and were not married before the age of 18. Kalonga Gawa Undi had implemented several initiatives, according to the report, to prevent child marriage and advance education. A few of these were creating community bylaws, conducting awareness campaigns, working with support organizations, and changing some customs. According to Daka et al. (2019), the initiatives boosted the number of children who had access to schooling while also favorably reducing the frequency of early marriages.

According to the study done by Daka et al. (2019), despite this progress, a major obstacle to preventing child marriage and boosting education in the Chewa kingdom is still a lack of financial support. According to their research, Daka et al. (2019) discovered that to assist children's education and discourage early child marriages, the traditional judicial system ought to work together with other stakeholders, including NGOs and the government. Additionally, more publicity was required through a variety of media, including community play, posters, billboards, and booklets in the Chewa language. The efficiency of the remedies used by Zambia's traditional judicial system to combat child marriages, however, is not addressed by the research.

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2.8 Research gap

There is a methodological, empirical, conceptual, population and social workers' gap in the study of the effectiveness of the traditional justice system in handling child marriage. A research gap is a topic that has not been sufficiently studied or has not been studied at all. The respect, consideration, and attention accorded to traditional elders in Zimbabwean local

communities like Shamva enable them to play a significant role in promoting awareness of the negative impacts of child marriage. The importance of traditional leaders in addressing child protection issues and preventing child weddings cannot be understated. The number of children getting married before the legal age has increased in Shamva district despite efforts by traditional authorities (traditional judicial system) to end child marriage.

There is limited involvement of social workers in the analysis of the traditional justice system. The traditional justice system, especially the By- Laws are a new concept which most research has omitted. Most of the legal studies on child marriages focused on the laws of the forms justice leaving the communal systems.

2.9 Chapter Summary

The chapter provided a theoretical framework which guide the study. It also reviews literature on the effectiveness of the traditional justice system in handling child marriages. It further utilises a case study to explain the effectiveness of the traditional leadership in fighting child marriage. The chapter explored the gaps within the existing literature.

CHAPTER THREE

RESEARCH METHODOLOGY

3.0. Introduction

This chapter discusses the research methodology that was employed in exploring the effectiveness of the traditional justice system in handling child marriages in Shamva district as a case study. It covers the study's research design, population, sample, sampling methods, data collection, data analysis, and presentation. It also touches on the study's ethics and limitations.

3.1. Research approach

The study adopted the qualitative approach which supported inductive method of moving from the specific to the general (Bryman and Bell, 2019). According to Kothari (2019), a research approach is a strategy or process that progresses from general hypotheses to specific methods of data collection, analysis, and interpretation. It is based on the nature of the research problem being addressed. The inductive approach supported interpretivism which assumed that the social world should be studied in a different way than the scientific objects in the natural sciences (Bryman, 2018).

The researcher relied on the observations, patterns and trends that came from the data collected to develop and support the study (Flick, 2019). Creswell (2021) asserts that in inductive method or design the researcher tests theories or concepts from a qualitative perspective. Additionally, the research approach provided the researcher with greater insight into investigating the efficacy of the traditional court system in Shamva district's handling of child marriages through in-depth interviews and focus group discussions with respondents.

Utilizing various data sources, such as interviews, observations, documents, and audio-visual material rather than relying on a single source of data is the only justification for utilizing qualitative technique (Creswell, 2017). Participants in the study are not restricted by specified instruments and are free to express their thoughts. The methodology offers the researcher the chance to actively participate in and comprehend the effectiveness of the traditional legal system. The researcher will take notes while participants offer their opinions as part of the data collection process.

3.2. Research design

Robson (2018) claims that the phrase "research design" refers to the entire method used to do research and offers a logical and unambiguous framework for responding to established research questions through the gathering, interpretation, analysis, and presentation of data. Contrarily, a case study is defined by Hollway et al. (2017) as a research design that focuses on a thorough examination of an existent system over time while utilizing a variety of environmental information sources.

The use of a case study research design was justified by the fact that it was more adaptable and permitted communication between the researcher and study subjects (Israel, 2017). Additionally, the researcher used this research design because it allowed for the use of a variety of data gathering procedures, including in-depth interviews, key informant interviews, and focus group discussions.

3.3. Study setting

The Mashonaland Central Province of Zimbabwe is made up of eight districts, including Shamva. It is 28 km east of Bindura, the regional capital, and has a total population of 123 650 (ZIMSTAT, 2022). There are four chiefdoms in the district which are Bushu, Nyamaropa, Mutumba and Madziwa. Major economic activities predominant in the district are small scale gold mining after the closure of the giant Madziwa Nickel Mine and Shamva Gold Mine which were golden geese of the district and the anchor of many livelihoods. Also, the district was once a hub of commercial farming activities employing many locals but with the advent of resettlement. The chiefdoms boast of cultural and ethnic diversity with coming in of former migrant workers from Malawi, Zambia and Mozambique who finally decided to settle when they lost employment due to economic contraction experienced in Zimbabwe. In this regard, there is a mixture of cultural, traditional as well as religious practices. Adding on that, Child marriage become so rampant being precipitated by cultural pressures and this pushes for interventions to counteract cultural drivers for child marriages.

3.4 Target population

The Shamva district was used as a case study in the study to examine the efficacy of the traditional court system in dealing with child marriages. Study population can be defined as the total number of possible units or elements that can be included in the study (Gray, 2019).

According to a report by Shamva DSD (2022), argued that in November 2022 there were three social development officers in Shamva, four traditional chiefs in Shamva district, 106 537 people that is 50 899 males and 55 637 females in Shamva community (ZIMSTAT, 2022), including village heads and chief aides.

3.5 Sample size

Sample size is the number of participants included in the study (Institute for work and health, 2020). From the total population in Shamva district the study drew its sample which include 15 participants for the study which are 1 traditional chief, 2 chief aides, 2 social development officers, 1 district development coordinator, 3 village heads and 6 community members. The sample included 5 females and 10 males. The justification for this rationale of taking 15 participants was that of making sure that all information was exhausted and there was no need for taking more people since the themes and information were similar. Saturation levels was determined by theoretical saturation which means that the researcher continued to sample theoretically until a category has been saturated with data meaning when no new or relevant data seem to be emerging regarding a category, and when the category was well developed in terms of its properties and dimensions demonstrating variation, and when the relationships among the effectiveness of traditional justice in handling child marriage have been well established and validated (Bryman, 2018).

3.5.1. Sampling technique

The researcher employed non-probability sampling technique which is purposive sampling. According to Kothari (2017), a sampling technique is a predetermined strategy chosen before any information is gathered in order to select a sample from a particular population. The following is a description and explanation of the aforementioned sampling method:

3.5.2. Purposive sampling

Yin (2018) claims that in purposive sampling, researchers purposefully select who they consider to be participants in the research based on their assessment of who has the knowledge necessary to answer the research questions. A traditional chief from the Bushu chiefdom, as well as village leaders and members of the Shamva community, participated in the meeting. This study made use of the purposive sampling method since it allowed for the focus on specific population characteristics that were of interest.

3.6. Data collection methods

The data was collected using qualitative research methods, which include key in-depth interviews.

i. In-depth interviews

According to Pattom (2020), "in-depth interviewing" is a qualitative research technique that comprises conducting in-depth one-on-one interviews with a limited sample of respondents to learn more about their viewpoints on a certain concept, strategy, or circumstance. These are carried out with the help of key informants, who are experts on the subject being studied and, in this case, have extensive knowledge of it. Three village heads, two chief assistants, one traditional chief were interviewed. These in-depth interviews lasted an hour, be recorded on a phone, and include notes from the researcher.

ii. Focus group discussion

Cresswell (2013) claims that focus group discussions, which are held in a group discussion environment, can also be seen as a form of interviewing. Usually, focus groups have between 6 and 10 participants (the number may vary depending on the needs of the researcher), but for this study, focus group talks were held with only 6 members of the Shamva south community. Focus group enabled the researcher to easily collect information from a large group of people in a short period of time. The method enabled the researcher to understand complex issues on the traditional justice system in handling child marriages. The significance of employing a focus group discussion was that community members elaborated on the issues that were raised by other group members. Focus group discussion also enabled the researcher to understand the effective efforts being employed by the traditional justice system in handling child marriages in Shamva.

iii. Key informant interviews

Babbie and Mouton (2018) said that key informants are experts chosen to participate in a qualitative study for their known knowledge, experience and capacity in a particular area or

field. Key informants for this study were purposefully chosen based on their professionalism and their understanding of how well the traditional legal system handles child marriages. Two social development officers and a district development coordinator were among the main informants. The key informant guide was used again to guide the key informant interviews with those who are knowledgeable about the topic.

3.6.1. Research instruments

The data collection techniques for this study have been established, the data collection tools that were utilized for these instruments are discussed as follows:

i. Interview guide

An interview guide, according to Kumar (2012), is a list of topics or questions the interviewer plans to address throughout the interview. It is used to direct the interviewer, which is why it is termed a guide. To this study, interviews were performed using an interview guide. Based on the study's research questions, the researcher created the interview guide's questions. Five individuals (were interviewed by the researcher, who scheduled 20-to-30-minute sessions with each. The researcher took notes and recorded the information that the participants provided during the sessions.

ii. Focus group discussion guide

A focus group discussion guide is employed in focus group talks, just like it is in interviews, to direct the conversation. A list of topics or themes that will be covered during the conversation is included in the handbook. The research question and the sought information from the participants were taken into consideration when the researcher developed the study. A participant group was given open-ended questions by the researcher.

iii. Key informant interview guide

This was an interview guide to questioning key informants on information they knew about the effectiveness of traditional justice system in handling child marriages. It contained guiding questions.

The following were the summary of the participants.

- i. In- depth interviews 6 (1 chief, 2 chief aides, 3 village heads)
- ii. Focus Group discussions 6 (all 6 community members in the study)

- iii. Key informant interviews 3 (1 DDC, 2 Social development officers)

3.7. Data presentation and analysis procedures

According to Braun and Clarke (2019), data analysis is the transformation and modeling of data that has been gathered for the study with the goal of highlighting significant information, drawing a conclusion, and assisting in decision-making. To ensure that the information is adequately articulated for clarity and the purpose of clearer analysis, the demographic data was gathered and presented in a table. In addition, the researcher used theme analysis to examine the information gleaned from the respondents' interviews. According to Braun and Clarke (2006), thematic analysis is a method for identifying, evaluating, and summarizing patterns and themes in data. According to these experts, the process of thematic analysis consists of six stages, including familiarization, coding, topic production, theme review, theme definition and naming, and writing up. The researcher then reads information pertaining to the research and becomes familiar with the research topic, objectives, and tools. The researcher applied codes to several data sets before developing themes based on the shared codes and data patterns. Themes were examined and improved based on the study questions and objectives, making them ready for presentation during the presentation, analysis, and discussion of data, the last stage of thematic analysis.

The researcher followed all the key steps in thematic analysis such as becoming familiar with the data by understanding the transcripts; Generating codes and meaningful chunks based on research questions; Searching for themes (sub- themes and major themes) from the data; Reviewing of themes based on the research purpose and questions; Defining themes; Writing themes down (Braun and Clarke, 2013). The objectives of the study formed the main themes of the study findings, and from there minor and subthemes emerged accordingly. The researcher categorized the findings into chunks depending on the main theme that they aligned to.

3.8. Ethical issues

Throughout the course of the research, the researcher adhered to the following ethical issues: informed consent, confidentiality and anonymity, the right to privacy and avoidance of harm.

3.8.1. Informed consent

Informed consent, according to Denzin and Lincoln (2017), is the participants' voluntary signature on a consent form. During the interviews, the researcher will make sure that all participants are aware of the study's objectives, potential dangers, potential rewards, and their legal right to fair treatment. To conducting research on the efficiency of the traditional legal system in dealing with child marriage in the Shamva District, the researcher asked the study's participants to verbally accept to participate.

3.8.2. Confidentiality and anonymity

During the research, the researcher assured the participants of the study that all information shared during the research will be kept in strict secret. The researcher used pseudo names and code names to ensure that the participants' identities remain unknown to the public. Participants names were not written in any of the reports on the effectiveness of the traditional justice system in handling child marriages in Shamva. Cohen, Manion, and Morrison (2018) assert that the fundamental principle of anonymity is that no information provided by participants should ever betray their identity.

3.8.3. Right to privacy

In examining the effectiveness of the traditional justice system in handling child marriage in Shamva, the researcher ensured the right to privacy of participants by conducting interviews in places where the participants feel more comfortable to share information without being disturbed. Interviews were conducted in offices and venues that were not occupied. Again, interviews were carried out individually to protect participants from harm.

3.8.4. Avoidance of harm

During the interview, the researcher ensured that no physical, psychological, or emotional harm befall the participants of the study that seek to explore the effectiveness of the traditional justice system in handling child marriage in Shamva. According to Israel and Hay, (2018) harm in research is anything that negatively affects the participants due to their involvement in the research. The researcher avoided such harm by constructing interview questions in a manner that is non-judgemental and non-discriminatory to the participants.

3.9. Feasibility

The researcher sought permission from the participants before they participate and they consented to take part. The researcher sought permission from the Ministry of Local Governance and Shamva District Social Development, who works with the traditional chiefs and children.

3.10. Delimitations of the study

The study focused on the effectiveness of the traditional justice system in handling child marriages within Shamva district. The study focused on the views of the traditional justice system and the community members on the effectiveness of the system in ending child marriages. The study was conducted at chief Bushu's chiefdom in Shamva District, one of the rural Districts in Zimbabwe. The research was only limited to the traditional justice system and the community members who implement and benefit from the efforts being implemented by the traditional justice system in ending child marriages. The study covered the traditional justice system, key informants, and community members at Chief Bushu's chiefdom therefore it may not be generalized to other chiefdoms.

3.10. Limitations of the study

The study was done in Shamva District which has recorded high cases of child marriages as well as enactment of By- Laws. The researcher has no control on the information received or accessed and she only administered the interviews and document and transcribe the responses as they come. The study was limited to Shamva district only and results may not be generalized to other areas. It was assumed that traditional leaders would continue to work in Shamva District. That the researcher would get access to the community was also an important assumption made as well as the self- finances to carry out the research were assumed to be adequate to support the study requirements such as printing, transport, and time.

During the study, the researcher faced a challenge in accessing the key informants and the chief due to tight schedules. However, to overcome this challenge, phone calls were used to make appointments on when they were free.

3.11. Chapter Summary

This chapter addressed the research methodology that was used in the study. It provides the research design, study location, the target population and sampling methods used. The chapter also includes the data collection tools and the procedure for data collection. Ethical issues such as informed consent, confidentiality, anonymity, right to privacy and avoidance of harm were discussed in this chapter.

CHAPTER FOUR

DATA PRESENTATION, ANALYSIS AND DISCUSSION

4.0 Introduction

The research sought to understand the effectiveness of the traditional justice system in handling child marriages, and in- depth interviews, focus group discussions and key informant interviews were used to collect data for the study. From the study, 15 participants were interviewed: 3 key informants, 1 FGD and 6 in- depth interviews. This chapter presents, analyzes, and discusses the findings of the study on the effectiveness of the traditional justice system in handling child marriages in the Shamva district. From the key informants there were 1 male and 2 females and, from the community members there were 9 males and 3 females and all in- depth interviews were males that provided information on the effectiveness of the traditional justice in handling child marriages in Shamva district.

4.1 Demographic information of respondents

This section presents the demographic characteristics of the respondents age ranging from 19-70 years. The demographic characteristics covered in this study are age, gender and type of tribe which are presented in Table 4.1. In total, 15 respondents were interviewed: 3 key informants and 12 participants. From the key informants there were 1 male and 2 females and, from the community members there were 9 males and 3 females.

Table 4.1: Demographic information

VARIABLES	CATEGORY	MALES	FEMALES
AGE	19-20	0	1
	21-25	0	0
	26-30	2	0
	31-35	2	2
	36-40	2	1
	41-70	4	1
TRIBE	Shona	6	2
	Chewa	3	1

	Ndau	1	2
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(n=15)

Table 4.1 demonstrates that fifteen (15) respondents—regardless of their age, gender, or tribe—took part in the research project. The demographic information is presented in this section, and it demonstrates that the respondents' ages range from 19 to 70. The table reveals that respondents aged 41 to 70 (33%) made up most of the sample. The age group with the fewest responders is 19 to 20 years old, which accounts for 7% of all respondents. According to the demographic information, there were 10 male respondents, or 67% of the total, and 5 female respondents, or 33% of the total.

Compared to their female counterparts, men made up most respondents to the study. According to Kambarami (2016), Zimbabwean society is patriarchal in that men and women have a dominance-subordination relationship that denies women the ability to affect social processes and behaviors. This is the reason why the traditional justice system is dominated by men as compared to their female counterparts and their participation are different. Patriarchal assumptions might have inhibited women's ability to dominate the study since the traditional justice system is mainly dominated by men and its patriarchal in its nature.

Shamva District is a multicultural community which can be traced from the colonial era where people from neighboring countries such as Malawi and Mozambique would come to work in mines and farms in Shamva to be (Rutero, 2015). This has been noted as the reason why in Shamva District there are different tribes who have different cultures, and some cultural practices are a danger to the girl child.

4.2 Measures used by the traditional justice system in handling child marriages.

The traditional justice system employs various strategies in handling child marriages. The main strategies they use to make them an effective system in fighting child marriages includes awareness campaigns, community bylaws and enhancing girls' access to school. They also collaborate with non-governmental organisations, empower girls with information, support vulnerable girls through chief's granary and make use of the referral pathway system to end child marriages. The information presented below under sub themes was obtained from the participants by the researcher on the measures being used by the traditional justice system in handling child marriages.

4.2.1 Awareness Campaigns

The information that was obtained by the researcher through interviews and focus group discussions clearly shows that ten participants had cited that awareness campaigns is one of the measures being employed by the traditional justice system in handling child marriage in Shamva district. One of the participants expressed this by saying that,

“Traditional chiefs conduct awareness campaigns as a way of educating the community about the dangers of marrying off children below the age of 18.” (Community member, Shamva).

The participants highlighted that the traditional chiefs, and village heads conduct community sensitization programs within the community as a way of conscientizing the community on the consequences of child marriage and as a way of ending child marriage. In support of the above, the chief added that,

“Since the traditional chiefs are custodians of their own culture and it is believed that they are the most respected and people listen to them, as the traditional leadership team we decided to conduct awareness campaigns in Chief Bushu’s Chiefdom and it has been successful since we managed to educate in remote areas on the dangers of marrying off their children below the age of 18.” (Chief, Shamva District).

A community member perceived that,

“Our chief is known by his participation in community sensitization programs. This marks a milestone in fight against child marriage.” (Community member, Shamva).

In support of the above assertion one of the participants added that,

“When we conduct our meetings at a village level, as a village head I make sure that we spread awareness in regard to prohibition of child marriages within our community.” (village head, Shamva District).

Key informant concurs with the above sentiments by expressing that,

“Most of the time chief Bushu invite us to represent the department when conducting awareness campaigns in Shamva district and its true that the number of cases being reported for child marriage are getting lower as people are now aware of the

consequences and that is an offense as well". (Social development officer, Shamva District).

However, some participants had divergent views which are contrary to other participants as they cited that traditional chiefs have never been on ground trying to do community sensitization programs within their community regarding child marriage. Another participant perceived that,

"I have never heard of a chief advocating for the end of child marriages and if I am to say I know, my question will be why the chief is not intervening to help those who have married at a younger age, because they are suffering from gender-based violence." (Community member).

Another participant added that,

"I do not know the chief's roles in handling child marriages because if I am to say I know, we should have few cases of child marriages in our community." (Community member).

From the above findings, it shows that the traditional justice system in Shamva district is making use of awareness campaigns to educate the community and as a measure to handle child marriages. The participants noted that the traditional justice system is at work in as much as child marriage is concerned as they are sensitizing the community on the negative implications of child marriage to child protection. The results concur with the study by Daka, Mwelwa, Chibamba, Mkandawire and Phiri (2019) which states awareness campaigns as an effective strategy being used by the traditional leaders in fighting child marriage in Zambia and this has lessened the increment of child marriages. Community members expressed that the use of awareness campaigns by the traditional leaders in handling child marriages is very questionable as they alluded that there is still an increment of child marriage cases and they have never seen the chief conducting awareness campaigns in their community. Therefore, the traditional justice system is not covering a community at large when it comes to awareness campaigns as this leaves some without the knowledge and end up being caught in between as victims and perpetrators.

It is also important to mention that the traditional justice system should broaden its influence by organizing awareness campaigns throughout the chiefdom so that everyone may obtain knowledge and see how the traditional justice system and the community work together. This

is consistent with Sustainable Development Goal No. 5, which calls for the abolition of child marriage and places a focus on gender equality and the empowerment of all women and girls (Koski, Strumpf, Kaufman, Frank, and Heymann, 2018).

4.2.2 Community by-law

The information that was obtained by the researcher from the participants concerning the measures being used by traditional justice system in handling child marriage, highlighted that community by-law as an effective measure being used by the traditional justice system in handling child marriages. One of the participants expressed that,

“In 2019, with the help of Chief Nyamaropa, Rosaria Memorial Trust, the Department of Social development, Local governance, and the community I managed to formulate by-law which is very effective in Bushu and Nyamaropa Chiefdoms. It’s a milestone because only a few traditional chiefs have done this in their chiefdoms. I established a special court as per by-law’s stipulation which is meant for adjudicating child marriage cases. As a chief I realised that from the day we implemented the by-laws the number of child marriage cases being reported to my court is decreasing.” **(traditional chief, Shamva district).**

Another participant perceived that,

“Chiefs have enacted bylaws in their areas prohibiting child marriage and implemented penalties. I have witnessed a case of my relative who married off her daughter and they receive penalties from the by-law.” **(Community member, Shamva).**

Participant indicated that the cases of child marriages from 2019 are going downward in Shamva district because of the community by-law. The key informant expressed that,

“As a leader who work closely with the chiefs in Shamva district, the by-laws have reduced the rate of child marriages.” **(District development coordinator, Shamva district).**

Chiefs have enacted community bylaws in their areas prohibiting child marriage and implemented penalties. This is indicative of a will by traditional leaders at multiple levels to use the bylaws to address child marriage in practice.

A community member concurs with the above sentiments by saying that,

*“Most men are saying it is now difficult to marry the girls from high schools because of the by-law which is being implemented by traditional chiefs in Shamva. I wanted to marry a sixteen-year-old after my ex-wife divorced me but from the day, I heard of the by-law I erased that idea from my mind.” **Community member, Shamva).***

Key informant added that,

*“I attend chief Bushu’s traditional court often and I can truly say the community by-law is giving the community a positive result. Child marriage cases are being dissolved and perpetrators are receiving penalties. It is from the by-law that the Chief has a power to separate all child marriage and for me I can say that the rate of child marriage seems to be getting low.” **(Social development officer, Shamva district).***

One community member expressed that,

*“I am a Chewa and according to our culture when a girl child goes to Chinamwali initiation, she is ready for marriage and I have a right to marry off my daughters because keeping them after this initiation is a problem because they would want to experiment what they have been taught.” **(Community member, Shamva).***

From the above findings, it proves that the traditional justice system in Shamva district employed community by-law as a measure to fight child marriage. This is consistent with the research done in Malawi by Elyasu (2020), which contends that establishing protective by-laws that forbid child marriage and punish men who partake in the practice is crucial to ending child marriage. This is also consistent with the Girls Not Brides Theory of Change (2010), which promoted tackling child weddings through the following pillars: empowering girls, mobilizing families and communities, providing services, and creating and enforcing laws. According to the information above, chief Bushu of Shamva District issued a bylaw and is putting it into effect to end child marriage, which is prohibited by the Zimbabwe Constitution and the African Charter on the Rights of Children as well as other local laws.

The by-laws are being influenced by the international and national legal frameworks to ensure that combined efforts have been put in place to ensure child protection. Shamva district is a multicultural community which can be shown by the Chewa people which noted that community by-law is an evil tool that is against our cultural practice such as Chinamwali initiation which prepares our children for marriage and in our custom there is no child marriage if a girl child is at the puberty stage. It is from the researcher’s view that, the reason why there

is still an increment of child marriages in Shamva district is lack of compliance from people who are conservative to abusive cultures which promote child marriage. Therefore, it is important to note that strong community sensitization addressing cultural causes of child marriage by the traditional justice system is of paramount in the journey of ending child marriage in chief Bushu's chiefdom.

4.2.3 Enhancement of girls' access to high-quality education.

The results obtained from the respondents in relation to measures being used by the traditional justice system in handling child marriage indicates that the traditional justice system is enhancing girls' access to high-quality education. One of the participants expressed that,

"I know a child who is a survivor of child marriage who got assisted by the traditional justice system to get access to high-quality education and she is a role model for our girls in this community." (Community member, Shamva).

One participant added that,

"I do my best as a chief to extend my hands to help every girl child in my chiefdom to access quality education from primary level to secondary level. Another thing is I use the special fund from my administration to help girls from poverty-stricken families such as the child headed families to access quality education as a way of avoiding child marriage by all costs because most girls from poor families use marriage as a way of escaping poverty." (traditional chief, Shamva).

Respondents indicated that the traditional justice system is enhancing girls' access to high-quality education as a measure being employed in countering child marriage as they noted that investing in girls' education is a critical strategy to end child marriage. Another participant added that,

"From the meetings we conduct with the traditional leaders and the schools in Shamva district, they have testified that the chiefs helped in the enrolment of children who have dropped out of school due to various reasons in order to counter child marriages." (District development coordinator, Shamva).

One community member added that,

"Traditional chiefs are encouraging every parent to send their children to school and it is not allowed by the chief to have a girl child at home not attending school. This

increased the enrolment of children at both primary and secondary school and this helps in fight against child marriage.” (Community member, Shamva).

Another participant confirmed the above sentiment by saying that,

“In my village I know three children who was helped by the traditional chief in accessing quality-education through his chief aides. The children have not been attending school and through the chief’s intervention it is an honour to say those children are still going to school even though their parents’ whereabouts are not known.” (village head, Shamva).

The respondent added that,

“For instance, along Mazowe river and there are children doing gold panning and they come from different places within Shamva. I think if they get the chance to go to school, they can do better rather than indulging in sexual relationships with artisanal miners and the traditional justice system is doing nothing about it.” (Community member, Shamva).

From the above findings, it shows that the traditional justice system is enhancing access to quality education in Shamva district as a measure being employed to fight marriages. This is in line with Daka and Mphande's (2020) argument that investing in girls' education is a vital part of the effort to eliminate child marriage and that it is not simply a human right that governments that have joined the Convention of the Rights of the Child are required to provide. According to Zimbabwe's national constitution, children have a fundamental right to access to education. To stop girls from participating in activities that encourage child marriage, such as vending and gold panning, which are highly widespread in the Shamva community, respondents stated that the traditional judicial system increased the enrollment rate of girls in both elementary and secondary schools. This is consistent with Girls Not Brides' (2010) Theory of Change, which promoted addressing child marriages.

Basing on the results that the researcher obtained from the respondents, there are divergent views which shows that there are a lot of girls in mining areas such as those who are practicing gold panning along Mazowe river which are not going to school and some of them they have never attended school. This can make the efforts of the traditional justice system regarding enhancing access to high quality of education for girls so questionable. These children are so vulnerable and are prone to abuse. Therefore, it is of importance to recognise the traditional

justice system's efforts in pushing for access to education and there is a need for collaboration efforts with the government and other partners to ensure access to education for girls in Shamva and many schools are built so that those who walk long distance to school they will not leave school and opt for a marriage.

4.2.4 Collaboration with Non-Governmental Organisations (NGOs)

The information that was obtained by the researcher from the participants concerning measures being used by the traditional justice system in handling child marriages, highlighted that the traditional justice system is collaborating with non-governmental organisations as a measure to fight child marriage. One of the participants affirmed that,

“I know that traditional chiefs are working with different organisations such as SOS Villages, FAWEZ and Rosaria Memorial Trust in fighting child marriages through campaigns.” (Community member, Shamva).

The chief added that,

“Working with different organisations such as SOS Villages, FAWEZ and Simuka Upenye has been a great opportunity I have witnessed in fighting child marriage. These organisations conduct meetings with community members on the dangers of early marriages.” (Traditional chief, Shamva district).

The organizations have been collaborating with chiefs to educate some of the powerful groups about the practice of child marriage. Key informant confirmed the above sentiment by saying that,

“It is of paramount to the Shamva community as different organisations are collaborating with our traditional chiefs in the fight against child marriage. Whenever we do District Child Protection meetings, various organisation promises to collaborate and support the chiefs in addressing child marriages and cultural beliefs surrounding child marriages.” (Social development Officer, Shamva district).

Respondents noted that the traditional justice system is making use of the multi-agency from the district child protection committee to address child marriages in chief Bushu's chiefdom. One participant added that,

“At some point, I saw the traditional chief with organisations and department of social development who work with children educating the community on the consequences of child marriage during our ward meetings.” (Community member, Shamva).

Basing on the responses the researcher got from the participants, respondents prove that the traditional justice system is collaborating with non-governmental organisations as a strategy in fighting child marriages in Shamva district. According to a study by Daka, Mwelwa, Chibamba, Mkandawire, and Phiri (2019) in Zambia, ending child marriage in chiefdoms is a difficult task. As a result, traditional leaders have given permission for various non-governmental organizations to work in their communities to combat and prevent child marriage. Participants noted that collaborated efforts from the child protection committee is crucial in ending child marriage as the traditional leaders are collaborating with stakeholders from apostolic churches as members of the child protection committee to solve and educate the people from apostolic sects which promote child marriage in particular the people from Johanne Marange Apostolic Church.

Within Shamva district the apostolic sect tend to be conservative to their beliefs which makes the girl child vulnerable by marrying them off at a younger age and refraining them from attending school. Therefore, it takes collaborative efforts to address such cases whereby the child religious leaders can engage the apostolic churches and they can educate them regarding religious practices which are harmful to child development. It is from the researcher’s view that from the responses that the researcher got the people from Johanne Marange apostolic church they are too conservative to their religious practices and this is why the statistics of child marriage cases is still rising. It is important to have more and strong collaborative efforts so that these religious practices are addressed effectively. This is in line with the Girls Not Brides Theory of Change (2010), which serves as a basis to create harmony in efforts to avoid child marriages and to support married girls in ways that are respectful of their cultures and religions.

4.2.5 Empowering of girls with information

The results that the researcher obtained from the participants highlighted that the traditional justice system in Shamva district empower girls with information as a critical measure in fighting child marriages. One of the participants expressed that,

“At each homestead, there is a Nhanga which serves as a safe space for girls and in that Nhanga aunts and grandmothers counsel, skills building, leadership training, growth and development issues.” (Traditional Chief, Shamva district).

One participant attested that,

“Nhanga is one of the safe spaces that is helping our girls with a lot of information that helps us as a community. Children get equipped with sexual reproductive health rights and this helps our children not be married before the age of 18.” (Community member, Shamva).

They put an emphasis of "nhanga" a place where girls will be empowered with information that helps them to know their rights, and it is meant for helping young girls to grow and develop knowing their position and potentials.

Another participant cited that,

“In Chief Bushu’s chiefdom girls are being equipped with sexual reproductive health rights through Nhanga and being taught the consequences of child marriages.” (Community member, Shamva).

A community member perceived that,

“In our community we do not have nhanga and the girl child can receive the necessary support in regard to sexual reproductive health from school.” (Community member, Shamva).

Basing on the results the researcher got from the respondents, the respondents prove that the traditional justice system in Shamva district is empowering girls with information through nhanga as a measure in fighting child marriages. This is consistent with the Girls Not Brides Theory of Change (2010), which offers a preventative rather than corrective strategy to stopping child marriage. The definition of girls' empowerment involves fostering girls' sense of self-worth, their ability to make their own decisions, and their right to have an impact on societal change that benefits both them and other people. It is intimately related to women's empowerment, a fundamental human right that is also crucial to constructing a more tranquil and successful world. The participants acknowledged that information is key to the girls in rural areas, they have mentors and information that helps them in their communities. One participant was of a different opinion in that nhanga is there but not available to every girl child

within Shamva District, some places they do not have nhanga and it can be the reason why girls are always suffering from child marriage and sexual abuse because they do not know their rights. From the researcher's perspective having a shortage of nhanga in Shamva it means some areas are being excluded and it means excluding the girl child from gaining information that is essential especially to adolescence. Therefore, it is important for the traditional justice system to ensure that nhanga is accessible and made it available to each girl within Shamva district as it will help to reach out every girl and those in hard-to-reach areas such as Mandimu area.

4.2.6 Emergency humanitarian support

The results that the researcher got from the participants shows that the traditional justice system in Shamva district use a chief's granary as a tool to fight poverty so that they can end child marriages. One of the participants expressed that,

“The programme worked based on mobilising people to work in the designated fields on a voluntary basis. The crops were stored in granaries that were kept at the chief's homestead as strategic food reserves for distribution in the event of food shortages. This programme is important in response to hunger and poverty especially in drought years so that families are not forced to marry off their underage daughters to get food.”
(Chief's aide, Shamva).

One participant added that,

“This programme is important in response to hunger and poverty especially in drought years so that families are not forced to marry off their underage daughters to get food.”
(Community member, Shamva).

Participants agreed that the chief's granary was a traditional method of ensuring food security in which the chief would assign land to Zunde Ramambo for the purpose of raising food crops that would be distributed to the needy whenever the need arose. Another participant confirmed that,

“It is from the chief's granary that orphans and neglected children are prioritised by the chief for food handouts ahead of those who could easily fend for themselves as a way of preventing child marriages.” **(Village head, Shamva).**

Participants acknowledged that the chief's granary helped a lot of girls in poverty as they managed to cope very well with the situation after being assisted with food. The participants

added on to say it helps children to stay in school and out of marriage. Another participant confirmed that,

“Orphans and neglected children are prioritised by the chief for food handouts ahead of those who could easily fend for themselves as a way of preventing child marriages.”
(Community member, Shamva).

Basing on the results that the researcher obtained from the participants it is evident that the chief's granary is one of the potent measures being used by the traditional justice system in handling child marriages in Shamva district. This means that providing food for the vulnerable girls in the society is key in fighting child marriage because they will not use poverty as a push factor for them to be married early. The participants acknowledged that the chief's granary helped a lot of orphaned girls and neglected children to get food and allow them to go to school without an empty stomach. From the researcher's perspective the chief's granary cannot be undermined of its importance since it plays a potent role in ensuring food security for the orphaned and neglected girls within Shamva community so that they will not get married at a younger age because they have no food. Getting them married because of poverty kills their dreams and making them victims of all sorts of abuse. This is in line with study conducted by Raj, McDougal and Rusch (2013), which states that child marriages can be countered by providing services to girls so that they will not be taken advantage of at the expense of marriage.

4.2.7 Referral pathway system

The results highlighted that referral pathway system is a crucial measure being employed by the traditional justice system when handling child marriages. One of the key respondents affirmed that,

“I know of this case of child marriage that has been brought to the traditional court and the chief made use of the referral pathway system to help the survivor. The child was referred to police, hospital, and social development so that she can get possible services.” **(Community member, Shamva).**

Another respondent confirmed the above statement by saying that,

“As a member of the child protection committee, I make use of the referral pathway system to help survivors of child marriage. As the traditional justice system, we work hand in hand with police, the department of social development ministry of education and the ministry of health and child care to ensure that survivors of child marriage

receive necessary services. As a matter of fact, there are many cases of child marriage that are being referred by Social development to our traditional court and we do refer other cases that have not go through the department of social development. As a chief this is one the system that has helped us as a district to fight and end child marriages.”
(Traditional Chief, Shamva).

Participants acknowledged that in handling child marriage there should be joining hands for a service delivery to the survivors of child marriage to ensure that justice is served, and the girl child is protected. One participant added that,

“With the understanding that the traditional justice system in our district is active towards fighting child marriages, it receives child marriages cases through referrals from schools, department of Social Development.” **(Community member, Shamva).**

Another participant concurs with the above sentiments by saying that,

“I can say the referral pathway system has been effective as it is being employed by the traditional chiefs as I heard from the district child protection meetings. There is multi-agency working especially in the handling of child marriage cases.” **(District development coordinator).**

From the above findings, the participants expressed that the traditional justice system use a referral pathway system as a measure being employed in handling child marriage cases. Participants noted that through referral system many child marriages have been dissolved and the survivors of child marriages accessed the relevant service through referral system. Throughout Zambia, World Vision Zambia (2020) collaborated with district child protection committees, traditional leaders, and religious figures to establish and improve reporting and referral systems to assist child survivors, particularly those who had experienced abuse such sexual violence. Over a period of three years, 60% of cases of various child breaches, including child marriages, were reported due to improved public awareness of reporting systems and procedures to refer children affected by child violations. Girls in the reported cases were saved from child marriages and given support to attend school thanks to a variety of community activities and responsible parenting. The United Nations (2016) confirmed that most chiefs in Zimbabwe now understand the referral pathways strategy to reporting child marriage situations that has been encouraged by the government, and this is in line with that.

4.2.8. Executing the Constitutional roles of the traditional leader.

The traditional chiefs have significant roles to play in the fight and ending against child marriages. The traditional chiefs in Shamva district are at the forefront in the war of ending child marriages as they are advocating for the end of child marriages. They are also mediators, presiding officers and facilitators in handling child marriage. Advocacy is one of the potent roles that traditional chief has in handling child marriages in Shamva district.

One of the participants confirmed that,

“The role of advocacy of traditional chiefs like me goes beyond lobbying parliament and policymakers but influencing our own communities through translating laws and implementing good practices. In the case of child marriages, chiefs are an important asset in ensuring parliamentary and policy changes are achieved.” (Chief, Shamva district).

The participants highlighted that chiefs they advocate for the ending in child marriage and advocate for child protection within Shamva district. They exercise their advocacy role through community sensitization programs which made them a key in addressing cultural issues that are fueling child marriages in Shamva district.

Another participant added that,

“Shamva is a multicultural community, and we record a milestone as chiefs are advocating for the end of child marriages by addressing cultural factors that are causing child marriages.” (District development coordinator, Shamva district).

Another participant attested that,

“Traditional chiefs have been at the forefront advocating for the ending of child marriage in Shamva district. I have seen this through the awareness campaigns they have been conducting in Shamva district.” (Community member, Shamva).

Basing on the results that the researcher got, it is evident that the participants acknowledged that the traditional chiefs in Shamva district play an advocacy role in handling child marriages. According to a report from Zambia, World Vision Zambia (2020), it collaborates with traditional leaders to promote child marriage prevention and improve awareness of the risks associated with it. Likewise, Chief Bushu work with Rosaria Memorial Trust in spreading

awareness on the dangers of child marriage and he exercise his advocacy role through the support from non-governmental organizations such as Justice for Children. Through the traditional councils, traditional leaders also play a key role in raising awareness among their subordinates about the negative repercussions of traditional rituals like initiation rites, which can lead to child marriages. It is from the researcher's perspective that through advocacy the traditional chiefs exercise their authority, influence, and power in handling child marriages and because of this it makes the traditional justice system a potent system in fighting child marriage. This concurs with the Girls Not Brides Theory of Change (2015) which say, traditional chiefs have an advocacy role to play in ensuring that child marriages.

4.2.9. Restorative justice

Traditional chiefs in Shamva district play a mediatory role in handling child marriages. One participant expressed that,

"I mediate on family disputes to create a conducive environment for children to grow and develop. I can also use my influence to help families that have disintegrated due to child marriage." (Chief, Shamva district).

The participants noted that there are disputes that comes with child marriages which the chiefs through their influence can mediate disintegrated families due to child marriage. The respondents highlighted that the chiefs play a mediatory role to create a conducive environment for children to grow and develop.

Another participant attested that,

"Our traditional chief has done more as a mediator in resolving disputes that have risen because of child marriage. The chief also plays a mediatory role between the perpetrator and the survivor (child) when presiding over a child marriage case in the traditional court." (Community member, Shamva district).

One of the participants attested that,

"As traditional chiefs we are the custodians of culture and customary law; I can play the role of being a judge by ensuring fair justice delivery." (Chief, Shamva district).

Another participant goes on by confirming that.

“In the traditional justice system, a chief can ensure that their subjects do not engage in child marriages by presiding over cases making sure that offenders are punished because a child marriage is a violation of children’s rights.” (Community member, Shamva).

From the above findings, it is evident that the participants are aware of the chief’s role of being a mediator, presiding officer, judge or facilitator in dispute resolutions is key in handling child marriages through the traditional justice system in Shamva district. One participant expressed that,

“In our chiefdom we facilitate community education on child marriages by allowing civil society organisations to hold meetings and workshops in Shamva.” (Traditional chief, Shamva).

The 2013 Constitution of Zimbabwe acknowledges this function by granting traditional leaders the authority to settle disputes within their communities in accordance with customary law. Another participant goes on to say,

“Traditional chiefs have a lot of room to influence awareness creation and community participation in addressing child marriage.” (Community member, Shamva).

Basing on the results that the researcher got from the participants, it is evident that the traditional chiefs in Shamva district play a role of being a judge in handling child marriage cases. Traditional courts are given judicial authority under the Customary Law and Local Courts Act, which was passed under the former constitutional framework. The participants stated that they notify or recommend every child marriage case to the traditional court so that the chief can penalize the offenders. The participants implied that in the Shamva District, the chiefs employ local bylaws to impose penalties against the practice of child marriage. They further pointed out that in the traditional legal system, the only person with the capacity and authority to oversee child marriage cases is the chief. This is consistent with a study by Daka et al. (2019), which found that traditional chiefs may make sure that their people respect children's rights. This concurs with Traditional Leadership Act 29:17 which assumes the role of a chief as a judge who preside over child marriage cases. This agrees with the claims made by Jok et al. (2004) who claim that the traditional court system tends to promote mediation and render restorative judgments. The traditional restorative justice system continues to work on mending the rifts created by child weddings in the community. The Traditional Leadership Act Chapter 29:17, which emphasizes that traditional chiefs have a role to settle disputes, agrees

with this. It is therefore crucial to remember that problems resulting from child marriage are resolved through mediation, which is also how traditional chiefs oversee child safety.

These opinions support what Mwanza, Phiri, Muyangana, and Chibamba had previously seen. Mwanza, Phiri, Muyangana, and Chibamba (2019) pointed out that traditional leaders can help with the provision of incentives to discourage guardians from seeing child marriage as a choice, such as through supporting food-for-work programs. Participants emphasized that traditional leaders have significant power over raising public awareness and encouraging community involvement in the fight against child marriage. The perception among participants was that traditional chiefs support various initiatives being conducted by civil society organizations to eradicate child labor in the Shamva district. One participant saw that as the chief is permitted to break up all child marriages by the local bylaws, he helps put an end to child marriage. Therefore, it is from the researcher's perspective that the chiefs are very crucial element of the traditional justice system as they are undertaking a facilitating role in various programs that are discouraging child marriages. Thus, making the traditional justice system a paramount tool in the fighting of child marriages.

4.3 Community perceptions of the traditional justice system

From the study it was discovered that the communities perceived the traditional justice system differently depending on the nature of the cases they handle. Some viewed the system as positive but some viewed it as negative in handling child marriages. One key informant said,

“The traditional justice system falls in the use of laws, but do we need laws? They do not have a strategy or terms of reference to guide this.....no standards...” **DSD officer, Shamva.**

Another participant said,

“There are legal glitches for example the chiefs are told not to execute full judgement, but to refer to the normal justice system... that means we may not know where they start or end...” **Village head, Shamva.**

Another participant said.

“Traditional justice systems are male dominated therefore cannot be trusted. Feminists have started blasting the move as sexist and biased towards the girl's child. The proponents of that school of thought see restorative justice as twisted against the victims.” **Community representative.**

ii. Participants have also questioned the capacity and judicial competence in the traditional courts. One participant said.

“Chiefs are biased...conflict of interest because of relatives. The fines that they charge may not deter the rich from marrying children... At times you are asked to double pay. After serving prison sentence then pay the victim family and the chief aides. If the traditional court cannot finalize cases, there is a problem...”. **DSD officer, Shamva.**

The community perceptions have opened a can of worms with regards to the functioning of the traditional justice system. These roles show that The National Council of Chiefs is a network of member Chiefs whose operations require a standardized strategic focus, for which these Terms of Reference provides. Child marriages are a complicated practice whose causes, effects and patterns are intertwined, at times leaving some traditional leaders in other provinces falling victims.

Some may argue that the by- laws were just money scheming innovations for chiefs considering how they are amassing wealth from reparations, damage, and court payments. Although there are traditional leaders in Shamva District, child marriages have become a common feature.

4.4 Challenges that are being faced by the traditional justice system in fighting child marriage.

This section seeks to indicate the challenges being faced by the traditional justice system in fighting child marriages. These challenges are following poverty, social media, shortage of schools and culture.

4.4.1 Destitution

All participants perceived poverty as one of the challenges that hinder the efforts being made by the traditional justice system in fighting child marriage in Shamva district. One participant expressed that,

“Our efforts in handling child marriage as traditional chiefs within Shamva district are being jeopardized by poverty because many girls are considering marriage as a way out of poverty. The more our girls are living in poverty the more the number of child marriages we record in the district.” **(Traditional Chief, Shamva).**

A key informant highlighted that, several families are living below the poverty datum line in Shamva and as a result there are several child marriages. They noted that, in Zimbabwe poverty has been a significant reason for the existence of child marriages in Shamva.

Another participant noted that,

“I asked my friend’s daughter why to have you got married whilst you are below the legal age for marriage and she said the situation is so difficult and it is so tough for my mother to fend for me and sending me to school. Getting married was the only option that I left with so that I can leave that difficult situation behind.” (Community member, Shamva).

Another participant added that,

“During the District Child Protection meeting we had for the last quarter, the traditional leaders have raised an alarm pointing poverty as the main challenge that is affecting their efforts in fighting child marriage. It is also undeniable that the reason for the increment of child marriages is a result of poverty since a lot of girls are living in poverty-stricken families.” (Social development officer, Shamva).

Another participant confirmed,

iii. “Poverty is one of the problems we can point fingers at because it is jeopardizing the efforts being put forward by traditional chiefs in handling child marriages and that is why the many girls are choosing marriage as a way of escaping poverty.” (Community member, Shamva district).

From the above findings, the participants confirmed poverty as a challenge being faced by the traditional justice system in fighting child marriage. A key informant perceive poverty as a factor that hinders their progress in the ending of child marriages. This is because most of the rural people are living in absolute poverty whereby, they are below the poverty datum line. Despite having chief's granary catering for those in poverty, it might not be covering everyone. According to UNICEF (2019), poverty is a major challenge that is undermining the efforts being made by various stakeholders including the traditional leaders in fighting child marriage in Zimbabwe. A community member perceive poverty as one of the factors that is jeopardizing the efforts being made by the traditional chiefs in fighting child marriages. It is from the researcher's perspective that if there is coordinated efforts to end poverty, there will be a huge reduction of child marriages in Shamva district. This is consistent with a case study by Daka

et al. (2019), which claims that child marriage prevention in Zambia is still hampered by poverty and that young people, particularly girls, engage in sexual activity to raise money for basic needs. These factors led to an increase in early marriage rates in the Chewa Kingdom of Zambia. In a similar vein, early marriages are a major cause of concern in Zimbabwe, where it is emphasized that poverty is a key driving force. Participants admitted that poverty is forcing residents of mining and farming communities to wed their daughters at young ages.

4.4.2 Social media and globalization fuelling child marriage.

Social media is another challenge that is affecting or jeopardizing the efforts that are being put in place by the traditional justice system in handling child marriages. One participant expressed that,

“Children nowadays watch nudes and pornographic materials on social media and internet. This drives their quest to experiment and, in the process, they end up indulging themselves into sexual relationships and child marriage. Social media has become a problem in a bid to handle child marriage in Shamva.” (Chief aide, Shamva).

They continued by saying that social media is a key venue for teaching children most unethical behaviors. Another participant confirmed that,

“Social media made teen pregnancy and early marriage a common feature in Shamva. The continued use of social media by children increased their chance of watching pornography which was not there in African cultures.” (Community member, Shamva).

A member of the community saw that many kids today have access to the internet and are exposed to pornography, which encourages their desire to experiment and leads some of them to get married.

From the above findings, the participants confirmed that social media is a big challenge that jeopardize the efforts being put in place by the traditional justice system in Shamva district when handling child marriages. A chief aide noted that there are a lot of cases that stems from sexual abuse that are being caused by exposed to pornography. The participants perceived that from the time where cell phones have allowed to be used by learners in schools it scales up the cases of sexual abuse and child marriages. The emergence of technology and the internet is another factor that promotes early marriages, claims a study by Daka et al. (2019) done in Zambia. It was made clear that there was no pornography in African communities and that

young children should not be exposed to sexual behavior until they are of legal age. Therefore, it is of paramount if coordinated efforts are to be put in place to ensure that there is strict monitoring on the use of cellphones by learners at schools. It is from the researcher's perspective that such an effort can help to reduce sexual abuse and exposure of girls to pornography and child marriages. However, the era of technology promotes the use of cellphones and internet to improve learning ways of learners and the probability of them to abuse the internet is very high. In as much as the traditional justice system is putting its coordinated efforts in fighting child marriages, the power of cellphones in exposing children to sexual related matters should not be underestimated because it jeopardizes the efforts of being put in place by the traditional chiefs in reducing child marriages.

4.4.3 Limited access to education institutions

Lack of schools in Shamva district is a challenge that can jeopardize the efforts being put forward by the traditional justice system in handling child marriage. One participant expressed that,

“There are few schools in rural areas and secondary schools are scarce. Sometimes pupils pass to secondary school but the long distances to makes them dropout from school for instance a child coming from Musawu area to Pfumvuti secondary school. In as much as the traditional justice system can ensure access to education for every child, they end up dropping out of school and opt for marriage.” (Village head, Shamva).

One participant highlighted that in Shamva district there is a shortage of both primary and secondary schools, and this has been noted as a push factor for child marriages. They noted that lack of schools made learners to walk for a long distant to and from school and many learners dropped school because of distance.

Another participant indicated that,

“A lot of girls have dropped out of school because of the distance they walk to and from school. They ended up doing gold panning and see marriage as a redemption and it is true that a lot of children in this community are not going to school because of distance and lack of school.” (Community member, Shamva).

The results that the researcher obtained from the participants it shows that shortage of schools is another challenge that is jeopardising the traditional justice system efforts in fighting child

marriages within Shamva district. The traditional justice system is enhancing girl's access to better education, and this is being limited by the shortage of schools in Shamva. The participants have noted places like ward 19 and 17 in Shamva district, there is no secondary schools in these areas and learners must walk to Wadzanai Secondary. This caused many girls to leave school and get married. Sometimes students make it to secondary school but decide not to finish because of the long walk. Parents find it difficult to handle this, and as a result, most children marry before turning 18 years old. This is in line with the case study from Zambia conducted by Daka et al (2019) which states that the efforts of enhancing access to quality education by traditional leaders is being jeopardized by shortage of schools and this promotes child marriages. It is from the reseacher's perspective that if there is coordinated efforts from various stakeholders there can be an increase in the building of schools in mining and farming communities in Shamva and there will be a decline in the number of child marriages.

4.4.4 Capacity gaps within the traditional courts

The participants noted that funding is key in the facilitation of various programs such as community sensitization programs in trying to put an end on child marriages. One participant expressed that,

“Funding is one of the factors that undermines our participation in awareness campaigns towards ending child marriage.” (Community member, Shamva).

They added that, the participation of traditional leaders in campaigns that are zero tolerant to child marriage is minimum.

Another participant added that,

“It is difficult for us as the traditional justice system to do community sensitization on the consequences of child marriage because we have no funding. Sometimes, we rely with other organisations who partner with us in doing awareness campaigns because they have enough funding than us.” (Chief aide, Shamva).

From the above findings, the participants perceived lack of funding as a challenge that is affecting the traditional justice system in handling child marriage within Shamva district. Participants noted that many activities that are meant to end child marriages are being left unattended because of lack of funding. A community member perceived that the reason why the traditional justice system does not reach the hard-to-reach areas conducting awareness

campaigns might because of lack of funding to conduct awareness campaigns. A chief aid highlighted that basing on the chief's funding to support all the efforts being put in place by the traditional justice system is not enough, rather it is better to appeal for funding to support all the activities. Girls Not Brides (2015) noted that lack of financial support is one of the factors that is undermining the efforts being put in place to fight child marriages in developing countries such as Zimbabwe. From the participants' views, it shows that lack of funding to support the traditional justice system's efforts in fighting child marriage can be a nightmare. It is from the researcher's perspective that having a multi-agency can be of paramount so that other stakeholders could chip in and support the efforts and it also makes the efforts effective.

4.4.5 Changing culture

Despite culture being one of the key strengths of the traditional justice system, the study highlighted that it affects the chiefs. One participant expressed that,

“There are too conservative to their cultural practices and several cases I receive, most of them are being driven by culture. I hope to work with everyone to counter all cultural practices that promotes child marriage.” (Traditional chief, Shamva).

One participant noted that cultural practices and religious practices are threats to the efforts being undertaken by the traditional justice system in handling child marriages in Shamva district. A community member added that,

“Some religious practices from apostolic sects such as Johanne Marange Apostolic sect is still a challenge because they promote child marriages.” (Community member, Shamva).

The participants view cultural practices and religious practices are promoting child marriage instead of fighting for an end. They added that Shamva is a multi-cultural community with and without respect for cultural diversity.

Another participant cited that,

“Gule-wamukulu of the Chewa people plays a role in promoting early marriages in the sense that, the things which young ones are being taught at the sacred place includes preparation for marriage.” (Community member, Shamva).

Another participant added that,

“Young boys are being initiated and are taught things like on how to handle a woman in bed, to stop entering their parents’ bedroom, respect elders, trying sex before they get married and the use of different traditional medicine which will make them to be more attractive to girls and even enlarging their penis and increase their sexual desire.”
(Community member, Shamva).

Another participant added that,

“In chinamwali initiation a girl child is being taught how to handle a man in bed, how to clean their bodies and how to shave, how to do house chores and how to take care of the children, good morals, respect for elderly people and submission to their husbands.” **(Community member, Shamva).**

From the above findings, the participants confirmed that culture is a challenge that is jeopardizing the traditional justice system in handling child marriages within Shamva district. The participants noted that the Ndaou and Chewa people are the ones who are very conservative to their cultures such as chinamwali and these tribes live in mining and farming compounds in Shamva where, chinamwali initiation and *gule-wamkulu* are being practiced. According to a study by Daka, Mwelwa, Chibamba, Mkandawire and Phiri (2019), Gule-wamukulu of the Chewa people contributes to the promotion of early marriages by including marriage preparation in the lessons given to children at the sacred location. The material taught during the initiation in the case of chinamwali, according to Daka et al. (2019), includes teaching a girl child how to handle a man in bed, how to clean their bodies and shave, how to do housework and take care of the kids, good morals, respect for elderly people, and submission to their husbands. A community member noted that people from Johanne Marange Apostolic sect they marry off girls from the age and this practice fuel child marriage as it promotes child underdevelopment and school dropout. The African Charter on the Rights of Children is mandated to stop child marriages by addressing cultural practices that promotes child marriage in the African context. Similarly, in Zimbabwe the Chewa and Ndaou people are still practicing chinamwali initiation and Gule-wamukulu and this undermines the efforts being put forward by the traditional leaders in fighting child marriages. In as much as the traditional justice system is doing much in ending child marriages, the community members are trying to preserve their cultures by continuing with their practices that are fueling child marriages. However, it is from the researcher's perspective that, it can be a result of laws and policies that cannot support cultural dynamics in Shamva. It is of important to engage the different tribes and religious

leaders within the district so that the traditional justice system's efforts in fighting the practice of child marriage can be welcomed. Proper consultation can be of paramount to ensure that their culture is being respected.

4.5 Strategies to improve the effectiveness of the traditional justice system.

It was important to understand how the community, government, chiefs, professional social workers, and other bodies can be positioned in improving the effectiveness of the traditional justice system in handling child marriages. Participants had the opinion that interventions should target the most crucial and needy moments. Important to note was that not all children enter the marriage by choice.

4.5.1 Individualized circumstances

The model to improve effectiveness of the traditional justice system should consider unique circumstances. Although it is difficult to come up with a one size fits all framework, programs should endeavour to provide individual- based approaches.

4.5.2 Social workers' involvement

Participants felt that social workers- a problem- based profession should lead the interventions, design packages, and provide support services directly or indirectly to chiefs. Social workers in Zimbabwe feel that the profession is slowly moving towards being radical and developmental tackling structural and complex social problems.

4.5.3 Support to victims

The model to improve effectiveness of the traditional justice system should ensure that they also remember the survivors and victims of child marriage.

4.5.4 Capacity and credibility of the courts

Findings have raised questions on the credibility of the traditional courts in running cases. This opened a can of worms as practitioners have taken the courts to the book for upholding a patriarchal approach to handling child marriages.

One key informant said.

I think something must be done to institutions because the level of professionalism is low... [Social Development officer]

“What does chiefs tell us about the effectiveness of the national justice system?”

Participants believed that the failure by the traditional justice system to end child marriage have shown to the world that the Zimbabwe social workers and the justice system are weak, irrelevant, and incompetent to the problems of the day. One Key informant said.

“We are exposed in the way we do our things... imagine the whole nation failing to close a single case of a child in conflict with the law...”

These will support the Girls Not Bride Theory of Change (2015) which emphasizes the value of organization and sustainability. To combat child marriages, it promoted the following tenets: empowering girls, mobilizing families and communities, helping, developing, and enforcing laws. However, some have argued that despite the Girls Not Brides Campaign being the most decorated and famous, child marriage cases continue to pour.

4.6 Chapter Summary

The results of the study on the efficiency of the traditional court system in dealing with child marriages in the Shamva district were given, analyzed, and discussed in this chapter. Data for the study were gathered through interviews, key informants and focus group discussions. The goal of the study was to comprehend how well the traditional justice system handled child marriages. Chapter 5 focuses on the conclusions, recommendations, and research summary.

CHAPTER 5

SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

5.0. Introduction

This chapter gives a summary, recommendations, implications, conclusions, and recommendation for future study of a research that looked at the Shamva District case to determine how well the traditional justice system handled child marriages. The recommendations are made to advance strategies for improving the way that child marriages are handled by the established traditional justice system.

5.1 Summary

The research aimed at understanding the effectiveness of the traditional justice system in handling child marriages in Shamva District. A representative sample of 15 respondents were purposefully chosen through purposive sampling based on their professionalism and their understanding of how well the traditional justice system handles child marriages. The participants were from Shamva community, traditional justice system from Chief Bushu Chiefdom, and key informants from Shamva District that are the community members, traditional justice system representatives, and stakeholders. The research used case study as its research design and the use of a case study research design was justified by the fact that it was more adaptable and permitted communication between the researcher and study subjects. The increase in child marriages in Shamva District despite the efforts of traditional leaders and the sizable number of agencies tasked to support government initiatives served as a major impetus for the study. The research was guided by the Girls Not Brides Theory of Change which notes that there should be a balance between micro and macro levels of support when addressing child marriages in order to have an impact on the lives of the girls. It also means that everyone, including traditional leaders, has a responsibility to play in preventing child marriages and that, if they do, coordinated efforts must be made to support the married girls. In long-term interventions affected by collective learning, the Theory of Change (2015) emphasizes the value of organization and sustainability. In order to combat child marriages, it promoted the following tenets: empowering girls, mobilizing families and communities, offering assistance, developing and enforcing laws.

The study showed that Zimbabwe's traditional justice system is extremely important because of its capacity for transformation. The research showed that the traditional justice system is crucial and highly successful in preventing child marriages. The research showed that the traditional justice system, which employs community by-laws, community sensitization campaigns, and informational outreach to girls, has the power to end child marriage. The results also showed that the traditional justice system is multifaceted effective in dealing with child marriages since it improves girls' access to high-quality education, works with non-governmental organizations, and employs a referral pathway system.

5.2. Key findings of the study

The research aimed at understanding the effectiveness of the traditional justice system in handling child marriages in Shamva District.

The results showed that Zimbabwe's traditional justice system is extremely important because of its capacity for transformation. The research showed that the traditional justice system is crucial and highly successful in preventing child marriages. The research showed that the traditional justice system, which employs community by-laws, community sensitization campaigns, and informational outreach to girls, has the power to end child marriage. The results also showed that the traditional justice system is multifaceted effective in dealing with child marriages since it improves girls' access to high-quality education, works with non-governmental organizations, and employs a referral pathway system.

The traditional justice system's positive effectiveness in the child protection discourse corroborates the fact that it offers workable options for stopping child marriages and protecting children.

5.2.1. Measures being used by the traditional justice system.

- Awareness campaigns

The study found out that the traditional justice system is at work in as much as child marriage is concerned as they are sensitizing the community on the negative implications of child marriage to child protection through awareness campaigns as a measure to fight child marriage.

- Community by-law

The study found out that the traditional justice system in Shamva district employed community by-law as a measure in an attempt to fight child marriage. The by-laws are being influenced

by the international and national legal frameworks to ensure that combined efforts have been put in place to ensure child protection.

- Enhancing of girls' access to high quality education

The study found out that the traditional justice system is enhancing access to quality education in Shamva district as a measure being employed to fight marriages. It is believed that investing in girls' education is a vital part of the effort to eliminate child marriage and that it is not simply a human right that governments that have joined the Convention of the Rights of the Child are required to provide. In order to stop girls from participating in activities that encourage child marriage, such as vending and gold panning, which are highly widespread in the Shamva community, respondents stated that the traditional judicial system increased the enrollment rate of girls in both elementary and secondary schools.

- Collaboration with non-governmental organisations (NGOs)

The study found out that the traditional justice system is collaborating with non-governmental organisations as a strategy in fighting child marriages in Shamva district. As a result, traditional leaders have given permission for various non-governmental organizations such as SOS Children's Villages and FACT to work in their communities to combat and prevent child marriage.

- Empowering of girls with information

The study found out that, the traditional justice system in Shamva district is empowering girls with information through nhanga as a measure in fighting child marriages. Also, the participants acknowledged that information is key to the girls in rural areas, they have mentors and information that helps them in their communities.

- Emergency humanitarian support

The study found out that the chief's granary was a traditional method of ensuring food security in which the chief would assign land to Zunde Ramambo for the purpose of raising food crops that would be distributed to the needy whenever the need arose. More so, participants acknowledged that the chief's granary helped a lot of girls in poverty as they managed to cope very well with the situation after being assisted with food. This means that providing food for the vulnerable girls in the society is key in fighting child marriage because they will not use poverty as a push factor for them to be married early.

- Referral pathway system

The study found out that referral pathway system highlighted that referral pathway system is a crucial measure being employed by the traditional justice system when handling child marriages. Participants acknowledged that in handling child marriage there should be joining hands for a service delivery to the survivors of child marriage to ensure that justice is served and the girl child is protected. Traditional justice system collaborated with district child protection committees and religious figures to establish and improve reporting and referral systems to assist child survivors, particularly those who had experienced abuse such sexual violence.

- Executing the Constitutional roles of the traditional leader

The study found out that traditional chiefs' advocate for the ending in child marriage and advocate for child protection within Shamva district. They exercise their advocacy role through community sensitization programs which made them a key in addressing cultural issues that are fueling child marriages in Shamva district.

- Restorative justice

The study found out that traditional chiefs in Shamva district play a role of being a judge in handling child marriage cases. Traditional courts are given judicial authority under the Customary Law and Local Courts Act, which was passed under the former constitutional framework. The participants stated that they notify or recommend every child marriage case to the traditional court so that the chief can penalize the offenders.

5.2.2. Community perceptions of the traditional justice system

The study revealed that the communities perceive the traditional justice differently. Some view them as incapacitated and patriarchal institutions. However, some viewed them as instrumental in ending child marriage and advancing *ubuntu*.

5.2.3. Challenges faced by the traditional justice system in fighting child marriage.

- Destitution

The study found out that poverty is one of the challenges that hinder the efforts being made by the traditional justice system in fighting child marriage in Shamva district. It also noted that poverty robs the future of many girls and leave them vulnerable to sexual abuse and child marriage. Participants said that, a number of families in Shamva District are in absolute poverty

and as a result there are a number of child marriages. They noted that, in Zimbabwe poverty has been a significant reason for the existence of child marriages in Shamva.

- Social media and globalization fueling child marriage

The study found out that social media is a challenge that is affecting or jeopardizing the efforts that are being put in place by the traditional justice system in handling child marriages. Participants continued by saying that social media is a key venue for teaching children the majority of unethical behaviors. Also, participants made the observation that many children today have access to the internet and are exposed to pornography, which encourages their desire to experiment and also leads some of them to get married.

- Limited access to education institutions

The study found out that lack of schools in Shamva district is a challenge that can jeopardize the efforts being put forward by the traditional justice system in trying to fight child marriages. Participants highlighted that in Shamva district there is a shortage of both primary and secondary schools and this has been noted as a push factor for child marriages. It also, noted that lack of schools made learners to walk for a long distant to and from school and many learners dropped school as a result of distance.

- Capacity gaps within the traditional courts

The study found out that lack of funding is a challenge that affect the traditional justice system in handling child marriage within Shamva district. The findings revealed that funding is key in the facilitation of various programs such as community sensitization programs in trying to put an end on child marriages. It was also noted that the participation of traditional leaders in campaigns that are zero tolerant to child marriage is minimum.

- Changing culture

The study found out that, culture is a major challenge that affect the traditional justice system in handling child marriages within Shamva district. The participants noted that cultural practices and religious practices are threats to the efforts being undertaken by the traditional justice system in handling child marriages in Shamva district. Also, participants view cultural practices and religious practices as agents that are promoting child marriage instead of fighting for an end. Shamva district is a multi-cultural community with and without respect for cultural

diversity. Child marriages are bringing in new dimensions that even indigenous knowledge systems fail to comprehend using local cultures.

5.2.4. Strategies to improve the effectiveness of the traditional justice system.

- Individualized circumstances

The model to improve effectiveness of the traditional justice system should consider unique circumstances. Although it is difficult to come up with a one size fits all framework, programs should endeavour to provide individual- based approaches.

- Social workers' involvement

The study found out that participants felt that social workers- a problem- based profession should lead the interventions, design packages, and provide support services directly or indirectly to chiefs. Social workers in Zimbabwe feel that the profession is slowly moving towards being radical and developmental tackling structural and complex social problems.

- Support to victims

The model to improve effectiveness of the traditional justice system should ensure that they also remember the survivors and victims of child marriage.

- Capacity and credibility of the courts

The study found out that findings have raised questions on the credibility of the traditional courts in running cases. This opened a can of worms as practitioners have taken the courts to the book for upholding a patriarchal approach to handling child marriages.

5.3. Conclusions

The study found out that traditional justice systems play a significant role in handling child marriages through referrals, collaborations, awareness, and education. However, most of these mechanisms are curative, and little is being done on the preventive and supportive end where victims of child marriages continue to suffer. Child marriage cannot be eradicated by a lone individual. A multi-stakeholder approach is unavoidably required to strengthen the traditional justice system's efforts to combat child marriage tenaciously and persistently. The findings show that the traditional justice system employed various strategies in handling child marriages within Shamva District.

The study found out that, the measures being put in place by the traditional justice system are being undermined by various challenges which include poverty, social media, lack of schools, lack of funding and culture. These challenges fuel child marriages. However, it should be noted that the traditional justice system itself needs a culture change or culture shift to relook at its own approach, composition, and methods.

To reduce child marriages, this can be done by improving systems to make sure that all systems with a stake in safeguarding children play their role and support each other's efforts. Additionally, it is imperative to educate traditional leaders and equip them with the knowledge and abilities they need to improve their approaches to handling child marriages. Policies that empower and sway the traditional justice system are required if it is to play a leading role in the battle against child marriage.

5.4 Implications of The Study

The study findings may bring rigorous changes or feelings among traditional leaders, some who are of the opinion for a calmer and polite practice which wraps problems in a cotton wool (Ife, 2018).

The law is clear that child marriages are illegal, and having sex with children is illegal. However, some men and women who like to practice child sexual exploitation for financial or other benefits may continue to perpetrate such crimes. The capacity of the traditional justice system to handle such perpetrators without interference remains questionable.

Some children who enjoy child marriages may also get agitated by the study and may continue to influence others to marry young. It is hoped that the findings will unify more than it divides different members of the communities and government departments and social workers in dealing with child marriage.

5.5. Recommendations

The goal of the study was to comprehend how well the traditional justice system handles child marriages and how it might be used to protect children by discouraging child marriages. This section outlines several suggestions (for use in practice and for further study) that will aid in turning the traditional justice system into a workable framework for putting a stop to child marriage.

5.5.1. Recommendations for practice

- To establish strategies for coordination of multi-agency service delivery in a way that promotes the end of child marriage, traditional justice systems should be involved in the Child Protection Committees and the referral pathway system. This will allow them to leverage complementary synergies through a multi-agency approach.
- It is imperative to educate traditional leaders and equip them with the knowledge and abilities they need to improve their approaches to handling child marriages.
- There is a need for clear policies that empower and sway the traditional justice system to be able to play a leading role in the battle against child marriage.
- The traditional justice system should broaden its influence by organising awareness campaigns throughout the chieftdom so that everyone may obtain knowledge and see how the traditional justice system and the community work together.
- There is a need for collaboration efforts from the government and other partners to ensure access to education for girls in Shamva and to ensure many schools are built so that those who walk long distance to school will not leave school and opt for a marriage.

5.5.2. Recommendations for future study

- Future studies could consider examining the capacity and judicial competence of the traditional justice executors.
- There has been little research on the traditional justice system in Africa and Zimbabwe, thus more research is necessary to provide a variety of perspectives, including approaches to successfully address the traditional justice system's barriers to handling child marriage. The traditional justice system will become more effective as a result, which will also lead to fewer child marriages.

5.6 Five tier Community empowerment model for traditional justice system.

The model to reduce child marriages and to improve the effectiveness of the traditional justice system must consider unique circumstances. Although it is difficult to come up with a one size fits all framework, programs should endeavour to provide individual- based approaches. Participants felt that social workers- a problem- based profession should be involved in the

interventions, design packages, and provide support services directly or indirectly.

The community empowerment model is based on the Convention on the rights of the child. To have an end of child marriages in Zimbabwe there is need for awareness and support for children's rights and well-being within the traditional justice institutions. The five core tenets of the model are.

- The right to survival covering access to sexual and reproductive health, nutrition and other ESC rights including the right to life.
- The right to emergency protection covering issues of child Labour, abuse, trafficking among others.
- The right to development on issues of education and skills development
- The right to participate on issues of empowerment and agency for all children.
- Child rights governance

5.7. Chapter summary

The chapter gave a synopsis of the research findings, gave recommendations (for practice and recommendations for further study), and made conclusions about the policy implications of the study, which the researcher is optimistic will add to the available knowledge base on the traditional justice system and the strategies to effectively enhance the traditional justice system's intervention in ending child marriage.

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Appendix 1

In-depth interview guide

Thank you for agreeing to participate in this interview. My name is Chipunza Pride Dran and I am currently studying Social Work with Bindura University of Science Education. I am conducting a study on the effectiveness of the traditional justice system in handling child marriage within Shamva District. The purpose of the study is to find out about the effectiveness of the traditional system in addressing child marriage in Shamva.

Please be informed that there is no right or wrong answer to the questions in this guide and if you do not understand the questions provided in this guide, do not hesitate to ask me for clarity. Also, information shared in the interview shall be kept confidential and names of the participant shall not be disclosed. Be assured that the data will be collected and used only for academic purposes. The research is voluntary and you are free not to respond to questions that make you feel uncomfortable. You have the right to withdraw from the interview any time you want. The interview will last for 45 minutes.

SECTION A: Demographics

- a. Can you talk about yourself?
- b. Gender?
- c. Are you a member of a specific tribe?

SECTION B: Measures used by traditional justice system to handle early marriages.

- a. Can you explain the process in handling child marriage cases?
- b. How does the traditional justice system deal with child marriages?
- c. What is the mechanism in place to handle child marriages?
- d. What else would you want to say about what is done in handling child marriages?

SECTION C: Community perception on traditional justice system

- a. How do communities perceive the traditional justice system?

SECTION D: The challenges that are undermining the traditional justice system's efforts in fighting child marriages.

- a. Can you explain the barriers or hindrances that are faced in managing child marriage cases?
- b. What are some of the problems traditional leaders face?

SECTION E: strategies for improving the effectiveness of the traditional justice system in handling child marriage.

- a. What recommendations would you give to the traditional justice system to improve its strategies in handling child marriages?

Place of interview Date of interview.....

THE END

Appendix 2

Key informant interview guide

Thank you for agreeing to participate in this interview. My name is Chipunza Pride Dran and I am currently studying Social Work with Bindura University of Science Education. I am conducting a study on the effectiveness of the traditional justice system in handling child marriage within Shamva District. The purpose of the study is to find out about the effectiveness of the traditional system in addressing child marriage in Shamva.

Please be informed that there is no right or wrong answer to the questions in this guide and if you do not understand the questions provided in this guide, do not hesitate to ask me for clarity. Also, information shared in the interview shall be kept confidential and names of the participant shall not be disclosed. Be assured that the data will be collected and used only for academic purposes. The research is voluntary and you are free not to respond to questions that make you feel uncomfortable. You have the right to withdraw from the interview any time you want. The interview will last for 45 minutes.

SECTION A: Demographics

- a. Can you talk about yourself?
- b. Gender?

SECTION B: Measures used by traditional justice system to handle early marriages.

- a. How does the traditional justice system deal with child marriages?
- b. What else would you want to say about what is done in handling child marriages?

SECTION C: Community perception on traditional justice system

- a. How do communities perceive the traditional justice system?

SECTION D: The challenges that are undermining the traditional justice system's efforts in fighting child marriages.

- a. What are some of the problems traditional leaders face?

SECTION E: strategies for improving the effectiveness of the traditional justice system in handling child marriage.

- a. What recommendations would you give to the traditional justice system to improve its strategies in handling child marriages?

Place of interview Date of interview.....

THE END

Appendix 3

Focus Group Discussion guide.

Thank you for agreeing to participate in this interview. My name is Chipunza Pride Dran and I am currently studying Social Work with Bindura University of Science Education. I am conducting a study on the effectiveness of the traditional justice system in handling child marriage within Shamva District. The purpose of the study is to find out about the effectiveness of the traditional system in addressing child marriage in Shamva.

Please be informed that there is no right or wrong answer to the questions in this guide and if you do not understand the questions provided in this guide, do not hesitate to ask me for clarity. Also, information shared in the interview shall be kept confidential and names of the participant shall not be disclosed. Be assured that the data will be collected and used only for academic purposes. The research is voluntary and you are free not to respond to questions that make you feel uncomfortable. You have the right to withdraw from the interview any time you want. The interview will last for 45 minutes.

SECTION A: Demographics

- a. Can you talk about yourself?
- b. Gender?
- c. Tribe?

SECTION B: Measures used by traditional justice system to handle early marriages.

- a. Can you share your experiences of the traditional justice handling child marriages?
- b. Can you explain the process in handling child marriage cases?
- c. How does the traditional justice system deal with child marriages?
- d. What is the mechanism in place to handle child marriages?

SECTION C: Community perception on traditional justice system

- a. How do communities perceive the traditional justice system?

SECTION D: The challenges that are undermining the traditional justice system’s efforts in fighting child marriages.

- a. What are some of the problems traditional leaders face?

SECTION E: strategies for improving the effectiveness of the traditional justice system in handling child marriage.

- a. What recommendations would you give to the traditional justice system to improve its strategies in handling child marriages?

Place of interview Date of interview.....


THE END

Appendix 4

Approval letter

DEPARTMENT OF SOCIAL WORK

P. Bag 1020
BINDURA, Zimbabwe
Tel: 263 - 71 - 7531-6, 7621-4
Fax: 263 - 71 - 7534
socialwork@buse.ac.zw



BINDURA UNIVERSITY OF SCIENCE EDUCATION

Date 05/12/2022

DISTRICT DEVELOPMENT CO-ORDINATOR
SHAMVA DISTRICT OFFICE
16 DEC 2022
P.O. BOX 61, SHAMVA
MASHONALAND CENTRAL

TO WHOM IT MAY CONCERN

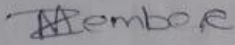
Dear Sir/Madam

REQUEST TO UNDER TAKE RESEARCH PROJECT IN YOUR ORGANISATION

This serves to advise that PRIAA A CHIPUNZA Registration No.
B. 1983541 is a BACHELOR OF SCIENCE HONOURS
DEGREE IN SOCIAL WORK student at Bindura University of Science Education who is
conducting a research project.

May you please assist the student to access data relevant to the study and where possible
conduct interviews as part of the data collection process.

Yours faithfully


Dr. M. Zembere
A/CHAIRPERSON - DEPARTMENT OF SOCIAL WORK

BINDURA UNIVERSITY OF SCIENCE EDUCATION
SOCIAL WORK DEPARTMENT
05 DEC 2022

Go Ahead but consult Councils
and the relevant Chief Officers

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