

# PROPOSALS TO CHANGE THE **LEGAL AGE** OF MARRIAGE

**PRESS STATEMENT**

**FOR IMMEDIATE RELEASE**

**Saturday 2<sup>nd</sup> September, 2017**



Child marriage is widely recognized as a violation of children's rights and a direct form of discrimination against girls who are often deprived of their basic rights to health, education, development and equality.

The practice of child marriage is a violation of girls' human rights and puts girls' health at risk, hinders their ability to exercise their rights to choose who, if, and when to marry; to pursue their right to education; and in many cases, may also impede their legal and economic rights. Child marriage ultimately violates a girl's aspirations and achievements.

The reasons behind child marriage are complex, but some root causes include poor legislation, inequitable gender norms, poverty and the belief that marriage will protect girls from sexual assault or harassment. Current research shows that child marriage limits girls' education, leads to early and more frequent childbirth and puts girls at a heightened risk of experiencing violence, food insecurity and other negative health outcomes, such as pregnancy complications or sexually transmitted diseases. Women who were married as girls also have fewer economic opportunities and experience greater degrees of social isolation.

To curb the rising challenge of Child Marriages in Zambia, the Ministry of Gender recently launched a National Strategy on Ending Child Marriages in Zambia to be implemented between 2016 and 2021. This strategy is aimed at accelerating national efforts to end child marriages by 2030, by providing an operational framework that reflects the current national and global efforts. Zambia is one of the top twenty countries with the highest prevalence rate of child marriage in the world. The 2013-2014 Zambia Demographic Health Survey (ZDHS) revealed that 42% of women aged 20-49 years were married before age 18, compared to 4.2% of men in the same age range. Although these figures have declined by about 25% due to the concerted efforts by stakeholders to end child marriages, there is need for more efforts to consolidate these gains.

The current Marriage Act (which is under review), permits marriage at 21 years although the legislation allows for children younger than that but above age 18 to be married subject to written parental/guardian consent. This allowance has raised challenges in the fight against child marriages hence the calls to completely do away with the clause. This proposal has resulted in debates and discussions on what can, and should be done. The

Ministry of Justice and the Zambia Law Development Commission (ZLDC) have since embarked on consultations with major stakeholders on the proposed legal reforms while ensuring that the legislation is in line with international and human rights law.

## PMRC RECOMMENDATIONS

PMRC recognizes that ending child marriage will help break the intergenerational cycle of poverty by allowing girls and women to participate more fully in society. Empowered and educated girls are better able to nourish and care for their children and families in Zambia, leading to healthier, smaller families. To achieve this, PMRC recommends;

1. Designing a clear proposal, by stating the exact legislative proposals being made by stakeholders. Considering that the major concern may be the issue of **'consent'**, this must be **stated and clearly outlined with the prescribed age being proposed**. The table below contains information on the minimum age at which marriages can take place in various countries in Africa (with and without consent). This information provides examples of best practice that Zambia can learn from.



### 23-1 MINIMUM LEGAL AGE AT WHICH MARRIAGE CAN TAKE PLACE

Country or area	With Parental consent		Without Parental consent	
	Groom	Bride	Groom	Bride
<b>AFRICA</b>				
Botswana	18	18	21	21
Burkina Faso <sup>2</sup>	18	15	20	17
Egypt	18	16	21	21
Ghana			18	18
Liberia	16	16	21	18
Libya <sup>3</sup>	18	18	—	—
Malawi <sup>4</sup>	—	—	18	18
Mauritius	16	16	18	18
Morocco <sup>4</sup>	—	—	18	18
Namibia	18	18	21	21
Saint Helena ex. dep.	16	16	21	21
Senegal	Under 18	Under 18	18	18
Seychelles	16	16	18	18
Syria Leon <sup>5</sup>	—	—	18	18
South Africa	18	15	21	21
Uganda <sup>4,5</sup>	—	—	18	18
Zimbabwe	16	16	18	18

2. Careful **consideration of the cultural and social norms**, which currently guide the Zambian people to ensure the proposed **legislative reform** is understood, appreciated and championed by all citizens.
3. The proposed legislative reforms must be as widely consultative as possible, **ensuring that all citizens are aware of the proposed changes and the final reforms. Government, with the support of non-state actors, must ensure there is a clear communications strategy to increase public understanding** on the contents of the proposed legislation, clearly stating the potential benefits of ending child marriage in Zambia.

The proposal to increase the legal statutory age for marriage is well intended and compliments efforts towards the implementation of the strategies outlined in the National Strategy on Ending Child Marriages in Zambia. However, there is need for increase coordination and collaboration among NGOs working towards ending child marriages to ensure efforts are not duplicated. In addition to this, government must continue to partner with NGOs and CSOs to facilitate the improved monitoring, evaluation and implementation of policies to achieve success.

**BERNADETTE DEKA**  
Executive Director

For more details, interviews or queries about this PMRC Media Statement  
Please contact;

**POLICY MONITORING AND RESEARCH CENTRE**  
Plot No. 36C Sable Road, Kabulonga, Lusaka, Zambia  
Tel: +260 211 269 717 | +260 979 015 660  
<http://pmrczambia.com>

