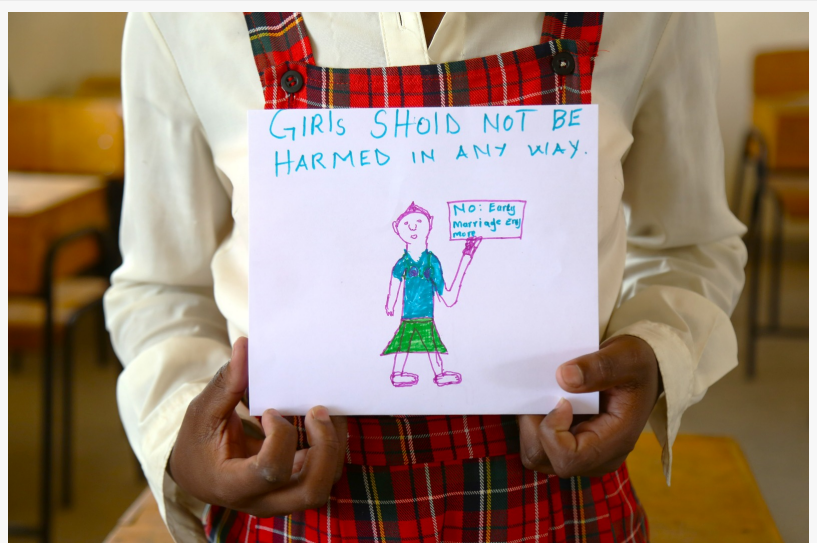


# Illegal to marry below 18 - Zambia passes the landmark Marriage (Amendment) Act, 2023

*Zambia passes landmark legislation setting the marriageable age at 18, without exception, in a major shift in the nation's commitment to ending child marriage.*

LUSAKA, ZAMBIA , January 19, 2024 /EINPresswire.com/ -- In a momentous stride towards safeguarding children's rights, Zambia's parliament passed the [Marriage \(Amendment\) Act of 2023](#) on December 22, 2023. This landmark legislation unequivocally sets the marriageable age at 18, without exception, for all marriages, including customary marriages, representing a significant shift in the nation's commitment to eradicating child marriage.



Prolonged droughts are fueling child marriage in Kenya

Research shows that robust laws prohibiting the practice have a positive influence on lowering rates of child marriage and adolescent pregnancy, and children's general welfare improves.

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The legislation directly responds to the nation's urgent challenges, with Zambia witnessing a staggering 1.7 million child brides, 400,000 of whom were married before age 15.”

*Sally Ncube, Equality Now*

According to Sally Ncube, the Regional Representative for Southern Africa at Equality Now, “The legislation directly responds to the nation's urgent challenges, with Zambia witnessing a staggering 1.7 million child brides, 400,000 of whom were married before age 15.” This alarming statistic underscores a grim reality — whereby every day in the country, over 1,000 girls under the age of 15 face the harmful consequences of child marriage, as reported by UNFPA-UNICEF.

ZAMBIA'S LEGAL ENTANGLEMENT ON CHILD MARRIAGE

Zambia's legal framework on child marriage presents a complex mix of customary and statutory

laws that created ambiguity in interpreting where the country stands. For instance, prior to the 2023 amendment, the Marriage Act of 1964 allowed for parental and judicial consent for marriages between the ages of 16 and 21, and customary marriages had no age restrictions, thereby allowing children of all ages to marry under traditional law.

Following Zambia's cabinet approval of the Marriage Bill 2023 in July 2023, the Network on Ending Child Marriage in Zambia (NECMZ), a coalition of 35 civil society organizations working to end child marriage in Zambia through advocacy and engagement, welcomed the move and pushed for further legal reforms.

"We need to ensure that child marriage was made illegal in its entirety," said Womba Wanki, the Executive Director of [Generation Alive](#) (GAL), who is also the chairperson of the NECMZ Network. The coalition has been calling for the government to address inconsistencies in the law around the age of marriage.

"In our submissions to parliament, we cited other laws such as the Anti-Gender Based Violence Act, No. 1 of 2011, the Education Act of 2011, and the Penal Code Act that also represented similar inconsistencies," said Wanki. "The Children's Code Act of 2022 prohibits marriage and harmful practices under the age of 18 for both boys and girls, yet the contradictions in the Marriage Act 1964 made it impossible to protect and fight for the rights of children fully," she explained.

## CHILD MARRIAGE PUTS GIRLS AT GREATER RISK OF HARM

Child marriage is a formal or informal union where one or both parties are under 18 years old. Girls are especially vulnerable to child marriage due to patriarchal norms, gender discrimination, cultural and religious beliefs, and limited or curtailed access to education. When families experience financial hardship, some parents view early marriage as a coping strategy to elevate monetary difficulties and shield daughters from sexual violence.

Children who are in child marriages are more likely to drop out of school compared to their unmarried counterparts, keeping many across Eastern and Southern Africa trapped in a cycle of poverty.

Child marriages also increase the likelihood of early pregnancies, posing significant health challenges to both young mothers and their babies. It can result in complications during pregnancy and childbirth and is associated with higher maternal and infant complications and mortality. Furthermore, children who are married off are also vulnerable to STIs, including HIV, and child brides are exposed to greater risk of physical, sexual, and emotional abuse and violence.

## WHAT THE NEWLY ENACTED MARRIAGE (AMENDMENT) ACT, 2023 MEANS

The ground-breaking Marriage (Amendment) Act of 2023 now defines the child as a “person who has attained, or is below, the age of eighteen years,” as assigned in Zambia’s Constitution. It also states that a marriage between persons, either of whom is a child, is void.

“Clear, consistent laws have the impact of not just acting as a deterrent but also of demonstrating to the community the need to allow children to grow and positively influence societal attitudes,” said Ncube.

Zambia is a signatory to International human rights instruments such as the Convention on the Rights of Children (CRC), the African Charter on the Rights and Welfare of the Child (ACRWC), and the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa (Maputo Protocol) that all categorically state the minimum age of marriage as 18, without any exceptions.

“The removal of exceptions for customary marriages is a significant leap forward in achieving a society free from the harms of early marriages. As the nation celebrates this milestone, we anticipate positive changes that will resonate through generations,” says Wanki.

#### HOW WILL ZAMBIA ERADICATE CHILD MARRIAGE?

By passing this law, Zambia joins six other countries in the Southern African Development Community (SADC), including the Democratic Republic of the Congo, Malawi, Mauritius, Mozambique, Seychelles, and Zimbabwe, that have laws that fully provide for the minimum age of 18 for both boys and girls with no exceptions. This is in line with the SADC Model Law on Eradicating Child Marriage and protecting children already in Marriage that was adopted in June 2016 by the SADC Parliament.

However, more than legislation is required. “As we celebrate with Zambia on this progressive legal reform milestone, We call on the Government of Zambia to close the divide between legal approaches and those aimed at influencing social and community norms,” emphasizes Ncube.

“Government agencies and CSO partners have to educate the public about why child marriage is harmful, and this requires a multi-sectoral approach with ample budgetary allocation. It is also vital that the government and stakeholders accelerate mass public awareness of the law and review and strengthen relevant institutions and duty-bearers for efficient and effective implementation.

“In addition, there is a need to ensure accountability mechanisms for the implementation of the law to ensure enforcement, survivor-centered access to justice, protection and support provision as well as timeous prosecution of perpetrators,” remarked Ncube.

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Equality Now: Equality Now is an international non-governmental human rights organization that works to protect and promote the rights of women and girls worldwide by combining grassroots activism with global, regional, and national legal advocacy. Our international network of lawyers, activists, and supporters achieve legal and systemic change by holding governments responsible for enacting and enforcing laws and policies that end legal inequality, sex trafficking, online sexual exploitation, sexual violence, and harmful practices such as female genital mutilation and child marriage.

About: Generation Alive (GAL) is a feminist organization dedicated to advancing girls' and women's rights, with a special focus on leadership, leadership development, advocacy, gender equality, child protection, and sexual reproductive health and reproductive rights (SRH&RR) among others. Their mission involves promoting equality, addressing injustices, and empowering women and girls to enjoy their rights fully. GAL emphasizes building young women's collective voice, power, and influence by enhancing their knowledge and skills, enabling informed choices, and facilitating active participation in decision-making processes. The organization is committed to transforming social norms, tackling unequal power relations, and collaborating with partners to achieve a sustainable impact.

[SADC Policy Briefs](#) on child marriage:

In the collective effort to combat child marriage in Eastern and Southern Africa, four insightful policy briefs have emerged as collaborative endeavors by Equality Now, UNFPA, and the SADC Parliamentary Forum, shedding light on crucial aspects of this pervasive problem. The first brief meticulously delineates the Gaps and Opportunities in Legislative Frameworks about child marriage, emphasizing the need for comprehensive legal reforms. Simultaneously, it. The second brief addresses the challenges and potential benefits of Domesticating the SADC Model Law and reviews the extent to which SADC Member States have domesticated the SADC Model Law on Child Marriage.

This third policy brief highlights the challenges in implementation, best practices, and recommendations on how the implementation of child marriage laws and policies can be improved within the East and Southern Africa region. The brief focuses explicitly on the situation in three countries – Zambia, Uganda, and Malawi – using them as case studies to analyze the Challenges in Implementing Domestic Laws and the SADC Model Law on Child Marriage.

The fourth brief, Ending Child Marriages in Eastern and Southern Africa: A Multi-Sectoral Approach, defines the multi-sectoral approach in the context of child marriage, highlights best practices from countries already implementing it - specifically focusing on the role of parliament and CSOs - and gives recommendations on making the approach more effective.

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