

PARLIAMENTARIANS FOR GLOBAL ACTION ACCRA, GHANA, MARCH 2016.

ENDING CHILD AND EARLY MARRIAGES IN TANZANIA CHALLENGES AND OBSTACLES; WAY FORWARD

1. STATING THE PROBLEM

It is interesting to note that when speaking of child or early marriages, most people make reference to female children. Not many concern themselves about male children. It could be true that the harm done to female children is more grave than that done to male children.

For sure this problem exists in Tanzania. Girls get married at young age. Many forces lie behind this. I can generally say that it has become a common practice, and the problem is more serious among societies that are not, or are less educated, among the underprivileged, and again more serious in rural areas.

It is not a surprise to find female children of as young as 14 years getting married.

Section 3 of the Age of Majority (Citizenship Laws) Act, 1970 sets the age of majority to 18 years. Although there is a lot of confusion in the laws in Tanzania regarding the age of majority, or more precisely, the age of majority is subject to many different purposes in law in Tanzania, it is generally and internationally agreed that a person is considered and declared to have attained adulthood if he or she has attained the age of 18 years. It suffices for now to say that maybe the said confusion in the laws is the cause or partially contributes to the reason why this vice is still prevalent.

2. **COMMON PRACTICE**

Female children as young as 15 or younger get married. The situation becomes worse because men marrying these children are not fellow children. Almost always, much older men are the husbands or prospective husbands to these children. More often these men are already husbands to another or other women.

These men, and more so in rural areas, grab these girls and marry them. Sometimes it goes through ceremonies “supported” by parents of the girls.

Husbands-to-be pay dowry to the parents of the female children. This may range from 1 to quite a few cows. Among the poor peasant societies, if you have a 13 year old daughter, and a prospective husband gives 10 cows (worth say USD 3000), this is a very strong persuasion to send away the daughter to marriage. It is easier if the father himself married the girl’s mother in the same way, more or less.

3. **THE LAW**

The law has not been helpful in helping stop this menace. In fact, the law has been the promoting factor. The Law of Marriage Act itself categorically sets the age for girls to marry at 15 years! Section 13(1) of this law reads.

“No person shall marry who, being male, has not attained the apparent age of 18 years or, being female, has not attained the apparent age of 15 years”. It is worse in the subsequent subsection. It is section 13(2) which reads “Notwithstanding the provisions of subsection 1, the court shall, in its discretion, have power, on application, to give

leave for a marriage where the parties are, or either of them is, below the ages prescribed in subsection (1) if

- (a) Each party has attained the age of 14 years; and
.....

The Penal Code, the law expected to curb crime and vices in society, has not been of any help in this regard.

Section 138 reads “Any person who, being married to a girl under the age of 15 years, has or attempts to have carnal knowledge of the girl, whether with or without her consent, before she has attained the age of 12 years, is guilty of a misdemeanor, and is liable to imprisonment for 10 years”. Several other laws come into play but nothing much has been achieved in alleviating the problem.

4. **CONSEQUENCES ARE NOT FEW**

The practice of having girls to marry at young ages has had so many devastating consequences. Imagine a girl child of 14 or 13 conceiving pregnancy, herself being a baby, having a baby and babies! She is not fully grown. Physically, medically and psychologically this is terrible.

At such age, she is certainly not employed or working anywhere. So the means of survival are very very hard to come by. Most fathers in such unions cannot be expected to be of any help either.

Such a young mother cannot be expected to offer any meaningful parenthood to her children. Therefore, the children of this child mother will be condemned to live in gross poverty. Again the child mother is not physically fully grown to be able to properly conceive and deliver children.

So this practice puts the lives of these girls in complete danger.

In Tanzania, the age to start schooling is 7 years. Primary education lasts for 7 years. So one is expected to complete primary education at the age of 14 years. At this age, the kid is allowed to marry. Consequently, this means these girls are deprived of the opportunity to join secondary schools for further learning. These children are condemned to stop learning at Primary level, sometimes not even finishing primary education.

5. **WAY FORWARD**

It is therefore imperative that something needs and must be done. As a Member of Parliament, I can and I undertake to do some or all of the following;

- 5.1 Participating in debates in Parliament. Taking an active role in saying and showing that this is a vice in society and must be fought from all angles.
- 5.2 There is a Standing Committee in the Parliament of Tanzania dealing with issues of social welfare. The best thing to do is to visit this committee during their sittings, address them seriously on this matter and arouse their attention. It may be of great value if a high powered delegation from PGA visits Tanzania and meets with this committee and seek to address this issue.
- 5.3 A Private Member's Bill may be tabled in Parliament. It should state categorically that for any purposes and intents, no girl shall marry if she has not attained the actual age of 18 years. It should also repeal all laws and or parts of laws providing otherwise.

- 5.4 Awareness programmes should be introduced in the media to educate the people about the negative consequences of this malpractice.
- 5.5 It may be essential to engage the Minister responsible for children affairs, and or the Attorney General, and see if a Government Bill can be brought up to redress this injustice to young girls.
- 5.6 At Constituency level, to address the people on this injustice, tell them about the terrible consequences thereof and raise their awareness. In Tanzania education is now free in Primary and Secondary Schools. People can be asked and urged to take their children, males and females alike, to school.

6. **CONCLUSION**

The problem indeed exists and it is quite a big one. It affects a big section of the society. Action must be taken to correct the situation.

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