Harmful Practices 7



Instances of child marriage increased across SADC as the COVID-19 pandemic led to lockdowns, school closures and economic strife.
Photo: Gender Links

KEY POINTS

- The negative effects of the COVID-19 pandemic continued to wreak havoc in the region, including in contributing to high numbers of girls who did not return to school due to teenage pregnancy.
- Zimbabwe passed a new Marriages Act that unequivocally punishes child marriage with sentences of up to five years for engaging in any action that leads to, or has potential to result in, child marriage.
- In a ground-breaking case, the Constitutional Court of Zimbabwe increased the age of sexual consent from 16 to 18 years in line with the age of consent to marriage and the definition of a child in its constitution.
- Lesotho continued with, and Botswana embarked on, a constitutional review process. Both countries still have constitutional clauses that allow for discrimination based on customary and personal law. Gender activists hope legislators will amend these during the respective review processes.
- South Africa gazetted a constitutional amendment to make sign language the country's 12th official language.
- After 16 years of advocacy to end child marriage, activists in Mauritius celebrated when the country's lawmakers promulgated a new Children's Act, which bans the practice.
- In Lesotho, the Senate stalled efforts to amend the Laws of Lerotholi to provide for widows' inheritance rights, with some senators arguing they do not have authority to amend these historic laws.
- Zimbabwe launched a National Disability Committee to spearhead the implementation of its new National Disability Policy.
- New research points to increasing rates of female genital mutilation in South Africa.

Introduction

From female genital mutilation (FGM) to child marriage and customary laws that prevent women from owning land, harmful practices that restrict the rights of women, girls and children persist throughout the Southern African Development Community (SADC) region. The COVID-19 pandemic has increased their prevalence in some parts of the region, risking gains made over the past several decades. This chapter examines the causes and effects of these harmful practices in Southern Africa, including on people with disabilities. It explores the constitutional and legal provisions to address them; access to justice; marriage and family rights; child marriages; their impact on people with disabilities; and the rights of widows and widowers.

The context of the COVID-19 pandemic provides a timely framing for this research, which looks at recovery efforts, the possibility of future pandemics and emergencies, and the need for measures to build resilient communities and end harmful practices through law and policy, practice and actions. Because most systemic crises remain gendered, recovery efforts to "build back better" likewise require responses that thoroughly incorporate gender considerations.

Despite the many difficulties caused by the COVID-19 pandemic, SADC countries have continued efforts to provide policy and legislative frameworks for the protection of the rights of women, girls and other vulnerable and marginalised persons. The following examples illustrate some of this important work over the past year:

- South Africa gazetted its 18th constitutional amendment to make sign language the country's 12th official language;
- Zimbabwe launched a National Disability Committee to spearhead the implementation of the National Disability Policy;
- The promulgation of the Marriages Act in Zimbabwe unequivocally bans and criminalises child marriages;
- South Africa advanced the development of a new marriage law regime, which will be put to cabinet for approval by March 2023 as a new legislative framework;
- Lesotho continued a constitutional review process, which started in 2019 and will conclude before year-end; and
- Botswana embarked on a constitutional review process, with public hearings to conclude by 30 September 2022.

South Africa's Department of Basic Education reported that 46 000 pupils did not return to school after COVID-19

Challenges and setbacks in other areas also punctuated the past 12 months, including limited progress in the Democratic Republic of the Congo (DRC) in passing a planned Disability Bill, and in Tanzania, where legislators delayed critical amendments to the country's Marriages Act. Further, Lesotho lawmakers failed to pass long-awaited constitutional modifications before the dissolution of Parliament on 14 July 2022. Among other things, the reforms sought to address traditional and customary law practices that rob women and girls of their rights.

Although COVID-19 pandemic infection rates in Southern Africa have decreased, the outsized impacts of the pandemic, and its disproportionate impacts on women and girls continue to reverberate across the region. Countries have struggled to get tens of thousands of children

who dropped out of school because of the pandemic back into classrooms, including many adolescent girls forced into child marriage or exposed to teenage pregnancy. Recent research shows that gender-related vulnerabilities and inequalities due to COVID-19 place female learners in South Africa at high risk of disengagement from the school system.[1] The Department of Basic Education reported that about 46 000 pupils did not return to school after COVID-19. While researchers did not disaggregate the data by sex, they note that many girls dropped out due to pregnancy.[2]

In August 2020, Zimbabwe introduced a law to enable pregnant girls to return to school as the country faced an unprecedented number of girls dropping out due to pregnancy during the early days of the COVID-19 pandemic. However, practical difficulties of reintegrating the girls back into schools due to stigma and resistance from other students and communities rendered the legislation largely unsuccessful despite government efforts to relax procedures. In 2018, 3000 girls dropped out of school nationwide due to pregnancy; in 2019, the number remained almost the same. It jumped to 4770 in 2020 and a high of 5000 in 2021.[3] Countries across the region saw similar spikes during this period.[4]

The COVID-19 pandemic also negatively affected economies in Southern African countries, at both national and household levels. This resulted in reduction in services and efforts to help women and girls escape harmful practices as lawmakers diverted national budgets to pandemic expenses such as providing vaccines and personal protective equipment. As the region recovers, rebuilding efforts should include reinstating all budget lines linked to eliminating harmful practices such as child marriage. This includes research, public policy interventions, social interventions, and health services that address the needs of girls and women affected by, and at risk of, harmful practices.[5]



A Zambian community comes together to protest child marriage. Photo: Albert Ngosa

[1] Duby, Z. et al (2022) 'Navigating Education in the Context of COVID-19 Lockdowns and School Closures: Challenges and Resilience Among Adolescent Girls and Young Women in South Africa', Frontiers in Education, p. 1
[2] 'School dropouts open up on tough choice between survival and education', Eyewitness News, https://ewn.co.za/2022/01/31/school-dropouts-open-up-on-tough-choice-between-survival-and-education, accessed 20 July 2022
[3] 'Zimbabwe encourages teenage girls to return to school after giving birth during COVID-19', abc News, https://www.abc.net.au/news/2022-01-30/zimbabwe-encouraging-teenage-mothers-to-return-to-school/100788702, accessed 20 July 2022
[4] MIET Africa, The Impact of COVID-19 on Adolescents and Young People in the Southern African Development Community Region, available https://mietafrica.org/wp-content/uploads/2021/07/REPORT-Impact_COVID_19_AYP_SADCRegional.pdf, accessed 20 July 2022
[5] UNICEF Technical Note on COVID-19 and Harmful Practices, https://www.unicef.org/media/67506/file/TechnicalNote-COVID-19-and-HarmfulPractices-April%202020.pdf

Table 7.1: Key indicators on harmful practices

	Angola	Botswana	Comoros	DRC	Eswatini	Lesotho	Madagascar	Malawi
Constitution								
Constitution has clawback clauses	No	Yes	Yes	No	Yes	Yes	No	Yes
Constitution addresses contradictions between the constitution, laws and practices	Yes	No	No	No	Yes	Yes	Yes	Yes
Early child marriages								
Minimum legal age of consent to marriage for women	15	21 21 18	18	15	16	16	18	18
Minimum legal age of consent to marriage for men	18	18 10 Data not	18	18	18	18	18	18
Exceptions for women	15	available	A judge can authorise marriage younger than 18 in certain cases and if both parties consent	None	Possible, no age	Possible, no age	Possible, no age	None
Exceptions for men	16		A judge can authorise marriage younger than 18 in certain cases and if both parties consent	None	Possible, no age	Possible, no age	Possible, no age	None
Percentage young women married by age 18[6]	30		32	37	5	16	40	42
Percentage young women married by age 15	8		10	10	1	1	12	9

[6] UNICEF Child marriage, https://data.unicef.org/topic/child-protection/child-marriage/, accessed 19 June 2021.

	Mauritius	Mozambique	Namibia	Seychelles	South Africa	Tanzania	Zambia	Zimbabwe
Constitution								
Constitution has clawback clauses	Yes	No	No	No	No	No	No	No
Constitution addresses contradictions between the constitution, laws and practices	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Early child marriages								
Minimum legal age of consent to marriage for women	18	18	18	15	18	15	21	18
Minimum legal age of consent to marriage for men	18	18	18	18	18	18	21	18
Exceptions for women	16	None	Possible, no age	Possible, no age	None	Supreme Court ordered government to ban marriage of children younger than 18	16	None
Exceptions for men	16	None	Possible, no age	Possible, no age	None	Legislation under appeal	16	None
Percentage young women married by age 18[6]	Data not available	53	7	Data not available	4	31	29	34
Percentage young women married by age 15	Data not available	14	2	Data not available	1	5	6	4

Source: Gender Links (2019) and Girls Not Brides; https://data.unicef.org/country/ accessed 27 June 2021.

The key indicators in Table 7.1 show that, despite significant progress over the years, countries must do more to bring in progressive policies and align their constitutions with the SADC Protocol on Gender and Development (the SADC Protocol). For example, six of the 16 constitutions still have clawback clauses that take away non-discrimination protections for women and girls. Six constitutions also have different ages of consent for marriage between girls and boys, with girls invariably getting permission to marry before reaching age 18. These countries have constitutionally sanctioned child marriages, making it difficult to challenge this harmful practice within national legal systems.

The percentage of young women getting married before age 18 is worrying. Mozambique ranks highest on this indicator, with 53% of young women married as minors, followed by Malawi at 42% and Madagascar at 40%. South Africa has the lowest percentage of young women married before they turn 18 (at 4%) followed by Eswatini (5%) and Namibia (7%). Child marriage rates in all other countries stand at 10% or more. This illustrates that this harmful practice remains widespread and will require significant work, including legal and constitutional reforms, to eradicate it.

Constitutional and legislative provisions

Article 4:1: State parties shall enshrine gender equality and equity in their constitutions and ensure that any provisions, laws, or practices do not compromise these.
Article 6: State parties shall review, amend, or repeal all discriminatory laws and specifically abolish the minority status of women.

To adhere to the SADC Protocol, member states need to ensure that their constitutions do not compromise key gender provisions. Constitutions, being the supreme law of a country, should generally reflect accepted principles of equality and democracy. These include provisions for non-discrimination based on sex, marital status, promotion of gender equality, removal of clawback clauses, and addressing contradictions between the constitutions, laws, and practices.



In 2022, **Botswana** embarked on a broad-based constitutional review process.[7] Botswana is one of the few countries in Southern Africa that still allows for discrimination based on customary law and personal law. Section 15 (4) (c) of its constitution allows for discrimination based on "adoption, marriage, divorce, burial, devolution of property on death or other matters of personal law," and section 15 (4) (d) allows for discrimination based on customary law. Most discrimination and harmful practices faced by women and girls in Botswana link directly to customary and personal law.

As the country engages in conversations around the development of a revised constitution, activists expect legislators to remove clawback clauses from the constitution and other statutes. It is important to recognise that lawmakers in other countries discarded similar discriminatory constitutional provisions in constitutions following consultative constitutional reviews and reform

[7] Constitutionnet (2022) In Botswana, president appoints constitutional review Commission, https://constitutionnet.org/news/botswana-president-appoints-constitutional-review-commission, accessed 21 July 2022.

processes. Examples include the 2013 Constitution of Zimbabwe. To date, legislators have ensured that Botswana's constitutional review process is broad-based, consultative and participatory, which should ensure that they capture citizens' views on these and other matters. Gender Links has also been documenting women's voices in the constitution-making process in Botswana.



Botswana: Women speak out as part of constitutional review process

To ensure that decision makers hear and reflect women's voices in the constitution-making process and within the new constitution, Gender Links worked with women, women's rights organisations and other interest groups in Botswana to shape their submissions to the Presidential Commission of Inquiry into the Review of the Constitution.

Starting in 2021, Gender Links held three academies on women's political participation: in Palapye (November 2021), Francistown (December 2021), and Gaborone (February 2022).[8] Through the SADC Gender Protocol Alliance, Gender Links also created a roadmap for participation, including the creation of strategic alliances with non-governmental and religious organisations religious, farmers' associations, trade unions, the Botswana Music Association, and the Constitutional Review Commission, amongst others. The Alliance also held meetings with these actors to capture their views in the proposed new constitution.

In its written submission in June 2022, the women's alliance, led by Gender Links, noted, "One of the most compelling reasons for the review of Botswana's 55- year-old Constitution is to ensure compliance with global, African and Southern African commitments to attain gender equality."[9]

In its recommendations, the Alliance proposed the introduction of a standalone chapter on women's rights, reinforcing the principles of non-discrimination based on gender. Such a chapter,



Women take part in the Gender Links constitution academy in Palapye, Botswana, on 9 November 2021. Photo: Gender Links

it submitted, must provide for policy and legal measures aiming at accelerating the elimination of discrimination against women and promoting gender equality.

It also recommended the removal of provisions that exempt issues such as family matters, and the introduction of provisions on compliance of all laws, including customary law, with international human rights standards.[10] More than 225 individuals and organisations subsequently endorsed the written submission: 194 from Botswana, 27 from Southern Africa and eight from other regions of the world.[11]

On 25 July 2022, Gender Links' coordination work led to an oral submission to the Presidential Commission into the Review of the Constitution by a women's coalition called Women Speak Out. It comprised women from all five major political parties, women's rights organisations and civil society partners.

Source: Gender Links.

[8] Gender Links (2021) Concept Note on Women's Political Participation and the Constitution, https://genderlinks.org.za/wp-content/uploads/2022/03/BotswanaWPP_conceptnoteWPPandConstitutionUPDATED_clm_032022.docx, accessed 17 August 2022.
[9] Gender Links (2022) Submission to the Presidential Commission of Inquiry into the Review of the Constitution of Botswana (The Dibotelo Commission), https://genderlinks.org.za/wp-content/uploads/2022/06/BotswanaConstitutionSubmissionGender_062022.pdf, accessed 19 August 2022.
[10] Gender Links (2022) Submission to the Presidential Commission of Inquiry into the Review of the Constitution of Botswana (The Dibotelo Commission), https://genderlinks.org.za/wp-content/uploads/2022/06/BotswanaConstitutionSubmissionGender_062022.pdf, accessed 18 August 2022.
[11] Gender Links (2022) Botswana Women Speak Out on Constitution, https://genderlinks.org.za/news/bots-women-speak-out-present-submission-to-dibotelo-commission/ accessed 19 August 2022.

Table 7.2: Key gender provisions of SADC Constitutions

Country/Constitution	Angola	Botswana	Comoros	DRC	Eswatini	Lesotho	Madagascar	Malawi	Mauritius	Mozambique
Provides for non-discrimination generally	Yes, Article 23	Yes, Section 15	Yes, Article 2	Yes, Articles 11, 12 and 13	Yes, Section 20	Yes, Chapter II, Sections 1 and 18	Yes, Article 8	Yes, Section 20	Yes, Article 3	Yes, Article 35
Provides for non-discrimination based on sex specifically	Yes, Article 21	Yes, Section 3	Yes, Article 2	Yes, Articles 14, 36 and 45	Yes, Section 20	Yes, Section 18	Yes	Yes, Article 20	Yes, Section 16	Yes, Article 36
Provides for non-discrimination on the basis of sex and others e.g. marital status, pregnancy	Yes, Article 21	Yes, Section 15	Yes, Article 2 (sex only)	Yes, Articles 40	Yes, Section 20 (2)	Yes, Section 18	Yes, Article 8	Yes, Sections 13 and 20	Yes, Section 16	Yes, Article 39
Provides for the promotion of gender equality	Yes, Articles 21 and 35	No	Yes, Articles 3, 34, 38, 61	Yes, Article 14	Yes, Section 28	Yes, Chapter III, Sections 26 and 30	Yes	Yes, Article 13	Yes, Article 16	Yes, Article 120
Has other provisions that relate to gender equality	Yes, Articles 36 and 77	No	Yes, Articles 34, 38, 61	Yes, Article 16	Yes, Section 28	Yes, Section 26	Yes, Article 17	Yes, Sections 19 and 18	No	Yes, decrimina-lisation of homo-sexuality and termination of pregnancy
Addresses contradictions between the constitution, laws and practices	Yes, Article 239	No	No	No	Yes, Section 2 and Article 20	Yes, Section 18	Yes, Article 160	Yes, Article 5	No	Yes, Article 143

Country/Constitution	Namibia	Seychelles	South Africa	Tanzania	Zambia	Zimbabwe
Provides for non-discrimination generally	Yes, Article 10	Yes, Article 27	Yes, Chapter 1	Yes, Article 13	Yes, Article 23	Equality and Non-Discrimination Section in the Declaration of Rights
Provides for non-discrimination based on sex specifically	Yes, Article 10	No	Yes, Chapter 2, Section 9	Yes, Article 9	Yes, Article 23	Section 23, Declaration of Rights
Provides for non-discrimination on the basis of sex and others e.g. marital status, pregnancy	Yes, Article 14	Yes, Article 30	Yes, Section 9	Yes, Article 16	Yes, Article 23	Section 23, Declaration of Rights
Provides for the promotion of gender equality	Yes, Article 95	No	Yes, Section 9	Yes, Article 66	Yes, 231	Gender equality a Founding Value and Principles; gender balance a National Objective
Has other provisions that relate to gender equality	Yes, Article 8	No	Yes, Section 12	Yes, Article 13	Yes, Articles 45, 69 and 231	The Declaration of Rights in the new Constitution has been expanded to include equality and non-discrimination
Addresses contradictions between the constitution, laws and practices	Yes, Article 19	Yes, Article 5	Yes, Chapter 7, Sections 15 and 30	Yes, Article 30	Yes, Article 1(1)	Lawmakers began a law review and reform process following the 2013 elections, but progress has been slow in achieving alignment

Source: Gender Links.

Table 7.2 provides a synopsis of some of the key constitutional provisions on gender in all SADC countries, noting that:

- All SADC constitutions provide for non-discrimination generally.
- All SADC constitutions (except Seychelles) provide for non-discrimination based on sex, specifically. They also (including Seychelles) provide for non-discrimination on the basis of sex and others, e.g. marital status and pregnancy.
- The constitutions of Botswana and Seychelles do not provide for the promotion of gender equality.
- The constitutions of some countries, including Lesotho and Botswana, still allow for discrimination based on personal and customary law. Because of this and because reform efforts remain incomplete, women and girls still face discrimination and experience a plethora of harmful practices in these countries.

Efforts to review some of the constitutions and related legislative provisions continue in several countries in the region, despite challenges and delays. In addition to the Botswana constitutional review process, Lesotho lawmakers continue to undertake political and constitutional reform efforts. Whilst originally framed from a political perspective, Lesotho's constitutional review process has provided an opportunity to address other flawed aspects of its constitution, including those impacting women and girls.

The Expert Report on Constitutional Reforms (incorporating public consultations and submissions) recommended reforms addressing various harmful practices against women and girls. It suggested creating a unified and expanded Bill of Rights and the removal of section 18 of the Constitution: a clawback clause allowing for discrimination based on customary and personal law. The report identified this section as a major constitutional impediment to the rights of women and girls and recommended a change to succession and inheritance laws that perpetuate discrimination against women and girls.[12]

The constitutions of Botswana and Seychelles do not provide for the promotion of gender equality

The constitutional review also addressed disability, land ownership, age of majority, chieftainship, and religion and religious rights.[13] All these issues represent significant concerns for women and girls' rights in the country as attendant practices have led to discrimination against them. Unfortunately, lawmakers did not adopt the constitutional changes at dissolution of Parliament on 14 July 2022 as the country prepared for elections. Similarly, they stalled the process of amending the customary law code to address women's inheritance rights. Activists see these delays as a setback to efforts to create a national constitutional and legal framework that complies with the requirements of the SADC Protocol. The expectation is that the new parliament and government will prioritise completion of these processes to ensure better protections for women and girls in the country.

[12] Government of Lesotho (2019) Expert Report on Constitutional Reforms (Incorporating Public Consultations and Written Submissions), https://www.gov.ls/download/expert-report-of-constitutional-reforms/, accessed 21 July 2022, p. 7.
[13] Government of Lesotho (2019) Expert Report on Constitutional Reforms (Incorporating Public Consultations and Written Submissions), https://www.gov.ls/download/expert-report-of-constitutional-reforms/, accessed 21 July 2022, pp. 7, 26, 29, 30-33.



Lesotho: Proposed modernisation of 115-year-old customary law code sparks political row

A war of words over the proposed amendment of a historic customary law code has divided politicians in Lesotho. Among other things, the amendment would give widows control over their husbands' estates.

In February 2022, the National Assembly of Lesotho passed the Laws of Lerotholi (Amendment) Bill of 2022. The Laws of Lerotholi is a historic document compiled around 1907 that enshrines Basoto customs that courts in the country can enforce, some of which discriminate against women and girls.

Until now, customary law has treated widows as minors when it comes to access to, and administration of, their deceased husbands' estates. The Bill remains stuck in the Senate, which has refused to pass it. Divided lawmakers have expressed differing views on the amendment, with some arguing that they cannot amend the Laws of Lerotholi because they represent a codification of customary law rather than an act of parliament.

Some senators, such as Thaba-Bosiu Principal Chief Khoabane Theko, argue that the Ministry of Gender in Lesotho "should be pushing to enact a law to cater for the empowerment of women without necessarily seeking to make the Lerotholi laws an Act of Parliament."[14] Meanwhile, Likeleli Tampane, Minister of Gender and Youth, Sports and Recreation, has accused Theko of playing politics to prevent the modernisation of the 115-year-old laws.



Likeleli Tampane, Lesotho's Minister of Gender and Youth, Sports and Recreation, and Thaba-Bosiu Principal Chief Khoabane Theko. The two leaders have publicly clashed over the issue of amending the country's customary law code, the Laws of Lerotholi. Photo courtesy of Lesotho Times

The proposed amendments address harmful practices that hinder women from inheriting from their husbands. The political spat has delayed the promulgation and implementation of these progressive provisions aimed at protection of women's inheritance rights in the country.

Source: Lesotho Times Newspaper, 15 July 2022.

Access to justice

Article 7: Equality in accessing justice

1. State parties shall put in place legislative and other measures which promote and ensure the practical realisation of equality for women. These measures shall ensure:

• Equality in the treatment of women in judicial and quasi-judicial proceedings, or similar proceedings, including customary and traditional courts and national reconciliation processes;
• Equal legal status and capacity in civil and customary law; including, amongst other things, full contractual rights, the right to acquire and hold rights in property, the right to equal inheritance, and the right to secure credit;

[14] Lesotho Times (2022) Tampane, Theko Clash Over Laws Of Lerotholi, https://lestimes.com/tampane-theko-clash-over-laws-of-lerotholi/, accessed 22 July 2022.

• The encouragement of all public and private institutions to enable women to exercise their legal capacity;
• Positive and practical measures to ensure equality for women as complainants in the criminal justice system;
• The provision of educational programmes to address gender bias and stereotypes and promote equality for women in the legal systems;
• That women have equitable representation on, and participation in, all courts, including traditional courts, alternative dispute resolution mechanisms and local community courts; and
• Accessible and affordable legal services for women.

African experts define access to justice as "the ability of people to seek and obtain a remedy through formal or informal institutions of justice, and in conformity with human rights standards."[15] For most women in the region and especially those living in rural areas, access to the courts remains a challenge. Women require access to courts not only to have criminal or civil cases heard, but also to access other services such as registration of marriages.

Access to courts remains a persistent challenge, especially for those women living in the rural areas

The inaccessibility of the courts is one of the reasons for low marriage registration in Southern Africa. In the absence of a registered marriage, women are more vulnerable to harmful practices such as property grabbing upon the death of a husband or partner or property loss at divorce. Registering marriages represents an important way of fighting such practices. Zimbabwe's new Marriages Act expands the availability of marriage registration services by appointing traditional leaders[16] and heads of the country's embassies[17] as marriage officers.

In 2020, the Africa Judges and Jurists Forum (AJJF), with support from the Open Society Initiative for Southern Africa (OSISA), conducted a study to understand the impact of COVID-19 on the administration of justice by the courts in Botswana, Malawi, Mozambique, Zambia and Zimbabwe. Researchers conducted desktop research and facilitated key informant interviews as part of the project, with women in these five countries comprising 60% of the 40 interviews conducted.[18]

Among other things, the study found that COVID-19 restrictions in these countries:
- Worsened the inaccessibility of courts and legal representation;
- Severely undermined the capacity of the courts to performs even some of the most basic functions;
- Severely limited (and in some cases suspended) some of the constitutionally guaranteed rights;
- Created delays in the resolution or finalisation of cases;
- Constrained civil society, para-legals and university legal aid clinics from providing legal awareness at a time when such awareness was needed the most; and
- Undermined efforts to ensure transparency in court processes.

[15] Justice in Transition and the Complexities of Access, ACCORD, https://www.accord.org.za/conflict-trends/justice-transition-complexities-access/, accessed 28 June 2021.
[16] Government of Zimbabwe, 'Marriages Act: Chapter 5:15], section 9
[17] Government of Zimbabwe. 'Marriages Act: Chapter 5:15], section 11
[18] Access to Justice During Lockdown in Southern Africa: A Case Study of Zimbabwe, Zambia, Mozambique, Malawi and Botswana, https://africajurists.org/wp-content/uploads/2021/publications/Access-to-Justice-During-Lockdown-in-Southern-Africa.pdf, accessed 9 September 2022.

To address these challenges, it made seven recommendations:

1. Digitise court services to provide litigants and the public with the option to use virtual means to bring cases to the court as well as observe court proceedings.
2. Judiciaries should consider allowing certain matters to be adjudicated entirely on the basis of written submissions, without requiring physical attendance by the parties and lawyers.
3. Recruit acting judicial officers and allocating resources to enable the judiciaries to recruit and appoint acting judicial officers to assist in clearing these backlogs.
4. Develop COVID-19 protocols for courts to protect users from COVID-19.
5. Scale up civic education on key human rights issues.
6. Allow law-based civil society and para-legals to resume their work.
7. Design and execute programmes targeted at assisting victims of rights violations.

Marriage and family rights

Article 8: Marriage and family rights
1. State parties enact and adopt appropriate legislative, administrative, and other measures to ensure that women and men enjoy equal rights in marriage and are regarded as equal partners in marriage.
2. Legislation on marriage shall therefore ensure that:
(a) No person under the age of 18 shall marry;
(b) Every marriage takes place with free and full consent of both parties;
(c) Every marriage including civil, religious, traditional, or customary, is registered in accordance with national laws; and
(d) During the subsistence of their marriage the parties shall have reciprocal rights and duties towards their children with the best interest of the children always being paramount.
3. State parties shall enact and adopt appropriate legislative and other measures to ensure that, where spouses separate, divorce, or have their marriage annulled:
(a) They shall have reciprocal rights and duties towards their children with the best interest of the children always being paramount; and
(b) They shall, subject to the choice of any marriage regime or marriage contract, have equitable share of property acquired during their relationship.
4. States parties shall put in place legislative and other measures to ensure that parents honour their duty of care towards their children, and maintenance orders are enforced.
5. States parties shall put in place legislative provisions which ensure that married women and men have the right to choose whether to retain their nationality or acquire their spouse's nationality.

Marriage laws and practices in SADC remain heavily influenced by patriarchal norms that view men as heads of the family, with everything within a family, including children, belonging to men. In Eswatini, family, customary and patriarchal norms heavily mediate women's access to land and do not recognise women's right to own land during and at dissolution of marriage by either death or divorce. Civil society organisations in Eswatini and the SADC region have worked to bring this negative state of affairs to the attention of international human rights mechanisms.

A 2021 study identified gender-based discrimination in accessing land as a violation of women's rights in Eswatini

For example, Eswatini was up for the Human Rights Council's Universal Periodic Review (UPR) in November 2021. Women's Rights Organisation and the Women and Law in Southern Africa (WLSA) Research and Education Trust Eswatini filed a shadow report in partnership with the Advancing Rights in Southern Africa (ARISA) programme. The UPR's Summary of Stakeholders' Submissions captured WLSA and ARISA's submissions, in particular that "women were very often unlawfully subjected to land grabbing, evictions and disinheritance, a situation that had been heightened by the COVID-19 lockdown where victims had very limited options for seeking redress for rights violations."[19] The UPR adopted this language and recommended to the Government of Eswatini to "Make further efforts to bring the legislation into compliance with the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), to enable women's enjoyment of fundamental human rights, such as the right to property and inheritance."[20]

This issue is also a recurring theme in the CEDAW committee recommendations to the country, highlighting the need for action to address women's property rights in marriage and in families.



Zambia's House of Chiefs recently lent its support to women's rights and gender equality in access to land. Like many other countries, women in Zambia have less access to land and other natural resources compared to men. In November 2021, the country's House of Chiefs adopted the *Gender Guidelines for Traditional Leaders in the Management of Natural Resources in their Chiefdoms*. These guidelines buttress women's land and resource rights in the country's 288 chiefdoms and "provide traditional leaders with tools to encourage gender equality in policies and practices at the local level."[21] This example illustrates the importance of working with men - and within long-established systems - to modernise traditional practices in sustainable ways and eliminate harmful gender norms, especially those within the marriage and family settings.

Polygamy

Although the once widespread practice of polygamy has been slowly dying out in Southern Africa, many communities still practice it. Polygamy discriminates against women because it permits men to marry many wives, yet women cannot marry multiple husbands. Critics of polygamy note that women in polygamous relationships face an increased risk of exposure to HIV and AIDS. Research shows that relatively poor child health and reduced economic independence for the women in such relationships have been associated with polygamous unions. Wives in such settings often have very little access to their husbands' estate, with the possible exception of the first wife.

In a stark illustration of the inherent inheritance challenges faced by subsequent wives in polygamous marriages in the event of the husband's death, the late Zulu King Godwin

[19] Human Rights Council, Summary of Stakeholders' Submission on Eswatini, https://documents-dds-ny.un.org/doc/UNDOC/GEN/G21/224/04/PDF/G2122404.pdf?OpenElement, accessed 21 July 2022.
[20] Human Rights Council, Matrix of Recommendations on Eswatini, OHCHR | Universal Periodic Review - Eswatini, accessed 19 August 2022.
[21] Land Portal Foundation, Zambia's House of Chiefs Speak Up for Gender Equality, https://landportal.org/blog-post/2022/01/zambia%E2%80%99s-house-chiefs-speak-gender-equality, accessed 22 July 2022.

Zwelithini's first wife Queen Sibongile Dlamini Zulu has approached the courts to claim half of her late husband's estate. At the time of his death, Zwelithini had six wives.



Sibongile Dlamini Zulu has approached the courts to claim half of her late husband's estate even though he had six wives. Credit: Twitter



Zimbabwe's new Marriage Act provides that parties to any marriage have equal rights and obligations during, and at dissolution, of the marriage. This is an important provision in promoting equality between a husband and wife, especially because Zimbabwe's customary law stipulates that the husband is the head of the household and therefore required to make all critical decisions affecting it. This new provision scraps that practice and gives wives a voice in the affairs of the household and in marriage. The Act, however, still recognises polygamy and specifically acknowledges the harmful practice of widow inheritance as long as the parties to the marriage are older than 18, consent to the marriage and face no other legal impediments.



In a controversial move, the **South Africa**n Department of Home Affairs (DHA) released a green paper in 2021 that detailed a proposed alignment of the country's marriage laws to its constitution.[22] Section 4 of the green paper addressed polygamous marriages. The Recognition of Customary Marriages Act 120 of 1998 (RCMA) provides for polygamous marriages between a man and more than one woman. In the green paper, South Africa sought to make this acceptable by providing for women to be able to marry several husbands, even though this practice is uncommon and unlikely to become widely practiced. However, in August 2022, Government published a white paper, which is a refinement of the green paper that considers submissions from members of the public and interest groups and organisations.[23] In it, the government's recommended policy position and rationale on the issue of polyandry notes that the proposal received widespread negative media and public attention. It concluded, "While there is no constitutional or legal basis for rejecting polyandry, it is recommended that this proposal should not be included in the marriage policy or statute"[24] and that "polyandry doesn't seem to be practiced widely enough to warrant recognition at this stage of development of the country's constitutional democracy."[25] Lawmakers have indicated that government will present the draft marriages legislation to cabinet for approval by March 2023.[26]

Zimbabwe's new Marriage Act provides that parties to any marriage have equal rights and obligations

[22] Department of Home Affairs - Know Your Green Paper on Marriages in South Africa, http://www.dha.gov.za/index.php/notices/1449-know-your-green-paper-on-marriages-in-south-africa, accessed 21 June 2021.
[23] Government of South Africa (2022) White Paper on Marriages in South Africa, http://www.dha.gov.za/images/PDFs/White-Paper-on-Marriage-in-SA-5-May2022.pdf, accessed 17 August 2022.
[24] Government of South Africa (2022) White Paper on Marriages in South Africa, http://www.dha.gov.za/images/PDFs/White-Paper-on-Marriage-in-SA-5-May2022.pdf, accessed 17.
[25] Government of South Africa (2022) White Paper on Marriages in South Africa, http://www.dha.gov.za/images/PDFs/White-Paper-on-Marriage-in-SA-5-May2022.pdf, accessed 17.
[26] Businesstech (2022) South Africa is changing its marriage laws from next year, https://businesstech.co.za/news/lifestyle/570998/south-africa-is-changing-its-marriage-laws-from-next-year/, accessed 22 July 2022.

Whilst the provision on polyandry solicited the most responses from the green paper, it is important to note the other important proposals in the paper. These include raising the age of consent to marriage to 18 years without exception, and ensuring that no marriage can occur without the full and free consent of the parties concerned. Currently, the presence of both parties is not required for some religious marriages, such as Hindu and Muslim marriages.[27] The proposals also harmonise the country's marriage regime, ensuring that all marriages receive the same treatment and recognition in line with constitutional provisions on equality and non-discrimination.

Child marriages



SDGs 5.3: Eliminate all harmful practices, such as child, early, and forced marriage and female genital mutilation.
CEDAW Article 16(b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent; Article 16 (2) The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.
ICPD 6.11: Countries should create a socio-economic environment conducive to the elimination of all child marriages and other unions as a matter of urgency and should discourage early marriage.
Maputo Protocol Article 6(a) no marriage shall take place without the free and full consent of both parties; Article 6(b) the minimum age of marriage for women shall be 18 years.
SADC Protocol Article 8.2a: No person under the age of 18 shall marry.
SADC UN CSW Resolution calls upon all governments to enact and intensify the implementation of laws, policies, and strategies to eliminate all forms of gender-based violence and discrimination against women and girls in the public and private spheres and harmful practices, such as child, early, and forced marriage, female genital mutilation and trafficking in persons, and ensure the full engagement of men and boys in order to reduce the vulnerability of women and girls to HIV.
The SADC Model Law on Child Marriage defines "child marriage" as "a statutory or customary union in which one party is a child or both of the parties are children.[28] The same Model Law defines a child as any person under the age of 18 years in line with other international human rights instruments.[29]

Over the last two years, as the COVID-19 pandemic led to lockdowns, school closures and economic strife across the region, instances of child marriage increased. A recent report by UNICEF and United Nations Population Fund (UNFPA), titled *Child Marriage in COVID-19 contexts: Disruptions, Alternative Approaches and Building Programme Resilience*, also found that disruptions related to the pandemic affected regional and national work on ending child marriage.[30] This includes school-based interventions; community engagement; adolescent and youth-friendly sexual and reproductive health services; and field research and studies.

[27] Department of Home Affairs - Know Your Green Paper on Marriages in South Africa, http://www.dha.gov.za/index.php/notices/1449-know-your-green-paper-on-marriages-in-south-africa, accessed 22 July 2022.
[28] 'SADC Model Law on eradicating Child Marriage and Protecting Children already in Marriage', https://www.girlsnotbrides.org/documents/484/model-law-on-eradicating-child-marriage-and-protecting-children-already-in-marriage.pdf, accessed 28 June 2021.
[29] Article 1 of the Convention on the Rights of the Child defines a child as every human being below the age of 18 years.
[30] Child Marriage in COVID-19 contexts: Disruptions, Alternative Approaches and Building Programme Resilience https://www.unicef.org/esa/media/7651/file/Child-Marriage-in-COVID-19-contexts.pdf, accessed 10 September 2022.

The report noted, "Emerging evidence about increasing incidence of child marriages and teenage pregnancies during the pandemic, as well as projected long-term adverse impacts over the next decade, underscore multiple vulnerabilities young people face when child marriage interventions and related programming are disrupted."[31]

Among other recommendations, the report called for a strengthening of child protection and mental health systems at community level through health, social welfare services, and support to police, education and health services.

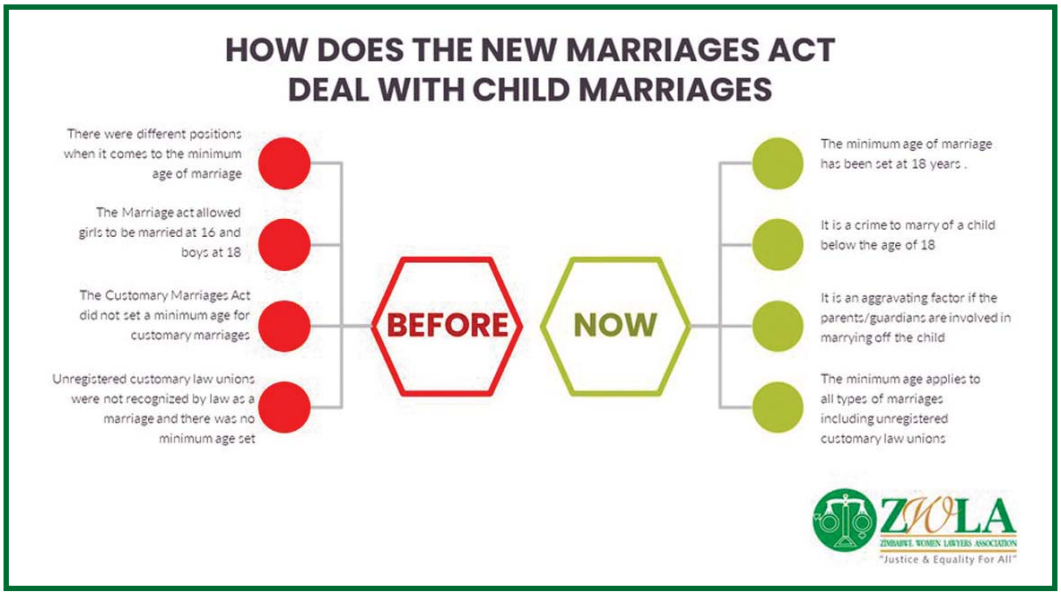


The Government of **Zimbabwe** and civil society organisations have been making strides in their efforts to comply with the SADC Model Law and relevant international standards to end child marriages in the country.

Parliament passed the Marriages Amendment Bill into law on 8 March 2022, and on 27 May 2022, the President assented to the Act. It outlaws child marriages in line with the constitution and a 2018 constitutional court ruling that affirmed the unconstitutionality of child marriages. The new Act criminalises any action that leads to, or has the potential to lead to, child marriage, with offenders facing jail time of up to five years.

Further, on 24 May 2022, the Constitutional Court of Zimbabwe ruled to increase the age of sexual consent from 16 to 18 years. In doing so, it struck down provisions of sections 70, 76, 83 and 86 of the Criminal Law Code. These provisions had regarded a young person as someone younger than the age of 16 for purposes of sexual offences. These provisions meant that the law considered a person older than 16 but younger than 18 and of sound mind capable of consenting to sex.

The decision elicited mixed reactions. Some viewed it as progressive while others saw it as a populist attempt by adults to control adolescents, without consulting with those youth they intended to protect. Others saw the value in raising the age of sexual consent to protect children from predatory adults, noting that the courts should treat consensual sex between youth, especially adolescents close in age, differently. Some Zimbabweans also raised concerns that the issue of sexual consent is being confused with consenting to, and accessing, sexual and reproductive health services and supports, which could lead to facilities denying access to youth younger than 18.



A public education poster created by the Zimbabwe Women Lawyers Association explains changes in the new Marriages Act related to child marriages. Credit: ZWLA

[31] Ibid.



Zimbabwe: Death of young bride during childbirth sparks renewed advocacy to end child marriage

The case of Anna Machaya, a 14-year-old who died while giving birth in a church shrine in the city of Mutare on 15 July 2021, became a rallying cry for Zimbabwean advocates against child marriages when media reported that the child's parents had forced her to leave school and get married at age 12.

The case exposed the issue of child marriages, which has long been a problem in Zimbabwe, with many of these marriages going unreported due to legal inconsistencies around age of consent to marriage, age of consent to sex and age of consent to access sexual and reproductive health (SRH) services.

With the recent passage of the Marriages Act, lawmakers addressed some - but not all - of these inconsistencies. Machaya's death has spurred gender activists and others in the country to accelerate their advocacy on the issue. Following the incident, members of the women's movement, through the Women's Coalition of Zimbabwe (WCoZ), convened a meeting to discuss the proliferation of child marriages and to plan a response. Key actions included launching a campaign to end child marriages, dubbed #JusticeforAnna.

As part of the campaign, the coalition published a statement on 8 August 2021 calling for the Zimbabwean police to investigate the matter and arrest perpetrators and accomplices. They also called on traditional leadership, community, media, the Ministry of Justice, Legal and Parliamentary Affairs, Zimbabwe Gender Commission and other stakeholders to work with the police on all cases of child marriage.

WCoZ then set up an Anna Machaya working group, which wrote to Paul Nyathi, assistant commissioner of police, to discuss the matter and map out possible synergies with the Zimbabwe Republic Police (ZRP) in combating child marriages and child abuse in the country.

WCoZ also participated in radio programmes discussing the Machaya case and the scourge of child marriage in the country. Along with traditional media, the activists used social media to share infographics on safeguarding survivors and the rights of children.

WCoZ noted the importance of this type of advocacy due to knowledge gaps around the laws and their provisions regarding sex with minors and child marriage.

The group decried those in the public and media who shared social media posts that included photos of Anna Machaya, calling it an ethical lapse and unacceptable way for media or concerned citizens to cover or commemorate the death of a child. On World Photography Day, WCoZ instead encouraged people to post pictures of themselves holding a sign or poster calling for #justiceforanna.

Many shared these images on social media, especially WhatsApp, which helped raise awareness about the case and the cause. On 8 August 2021, the ZPR announced an investigation into the matter, which they quickly followed a few days later with the arrests of Machaya's husband, who faces charges of child rape, and her parents.

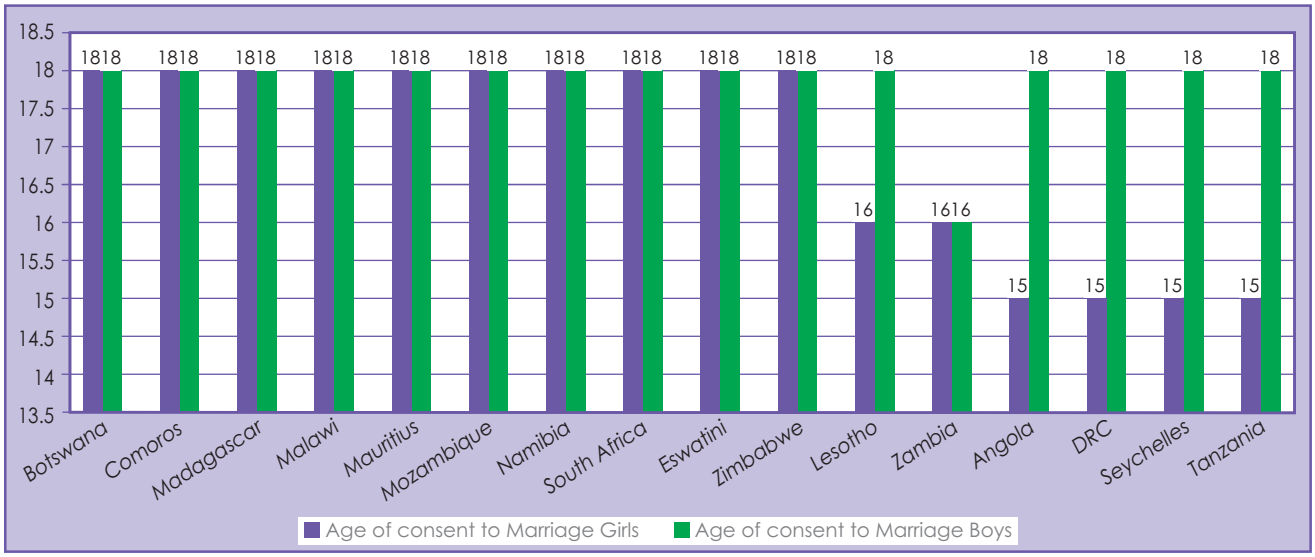
The passing of the Marriages Act, and the constitutional court case increasing the age of consent to sex to 18 years, both in 2022, indicate that advocacy efforts to fight child marriage and child sexual abuse have gained traction in the country following Machaya's death. Additionally, Margaret Mukahanana-Sangarwe, chairperson of the Zimbabwe Gender Commission (ZGC), announced in April 2022 that the commission would conduct investigations into apparent sexual exploitation, abuse of young girls and child marriages across the country.

Source: Women's Coalition of Zimbabwe.

Minimum age of marriage

The SADC Model law on Child marriage defines child marriage as "a statutory or customary union in which one party is a child or both of the parties are children."[32] It also defines a child as any person under the age of 18 years in line with other international human rights instruments. In line with the SDG 5.3, The Maputo Declaration, SADC Protocol Article 8.2a, and the SADC Model law on Child Marriage, most SADC countries have set the minimum age of consent to marriage at 18 years, but some have yet to review the minimum age limits.

Figure 7.1: Age of consent to marriage for girls and boys by country



Source: Gender Links, SADC SRHR Laws and Policies Audit 2019.

Figure 7.1 shows that most SADC countries have set the age of consent to marriage at 18. Six countries - Angola, DRC, Lesotho, Seychelles, Tanzania, and Zambia - have lower ages of consent to marriage for girls, boys, or both. The lower ages of consent do not line up with regional expectations for countries to domesticate the SADC Model Law on Child Marriages, which seeks to end all forms of child marriage.



Article 24 of the **Angola**n Family Code represents an example of the type of exception found in some SADC laws.[33] It states, "Only those over 18 years old can marry." However, the law goes on to say that, "Exceptionally, a man who has completed 16 years and a woman who has completed 15 years may be authorised to marry when, considering the circumstances of the case and taking into account the interests of minors, marriage is the best solution." Such authorisation "will be granted by the parents, guardians or whoever holds the responsibility, and may be supplied by the Court, after hearing the opinion of the Family Council, when the non-authorisation proves unjustified."



For a long time, **Mauritius** refused to sign and ratify the SADC Protocol on Gender and Development because it prohibited child marriage. Mauritius argued that this provision contradicted its own civil code, which allowed children to be married before age 18. Civil society organisations worked hard to change the civil code to remove barriers preventing Mauritius legislators from signing and ratifying the Protocol.

[32] 'SADC Model Law on eradicating Child Marriage and Protecting Children already in Marriage,' https://www.girlsnotbrides.org/documents/484/model-law-on-eradicating-child-marriage-and-protecting-children-already-in-marriage.pdf, accessed 28 June 2021.
[33] 'Angola National Legislation', https://www.icmec.org/wp-content/uploads/2018/07/ICMEC-Angola-National-Legislation.pdf, accessed 23 June 2021.



Mauritius: Patience is rewarded as long-time advocacy efforts lead to new law to end child marriages

Following 16 years of advocacy, activists in Mauritius celebrated in January 2022 when the country's lawmakers promulgated the Children's Act (CA) 2020, with a provision on banning child marriage.

In line with international law, the Act stipulates that a child is a person younger than 18 years. As such, no person shall cause or force a child younger than 18 to marry, in either a civil or religious ceremony. This offence now carries a fine and the possibility of imprisonment.

The Act provides for the complete abolition of child marriage and consequently the concept of *émancipation par marriage* (emancipation through marriage) within Section 73. It repeals existing provisions of the Mauritian Civil Code, whereby parents or legal guardians could permit children between 16-18 years to marry in the presence of a judge. It is now also illegal for children to live in *concubinage* (cohabitation) in accordance with Section 12.

Gender Links' advocacy to end child marriage began in 2016 with an emphasis on lobbying Mauritius to sign the SADC Protocol on Gender and Development. In 2018, the advocacy group Sitwayin Angaze wrote a letter to lawmakers and held a press conference at which they raised three pertinent issues. These included Mauritius's failure to sign the SADC Protocol, delays in the passing of the Children's Bill, and the gendered and adverse health effects of child and teenage pregnancy.

GL Mauritius and senior advocates from Mauritius also raised this issue while participating in the 71st session of the CEDAW committee, held at the United Nations in 2018. They put forward clear recommendations to ban child marriages and called for the creation of an authority to monitor marriages. In the Concluding Observations of the Committee in 2018, CEDAW appealed to the State to implement new legislation to protect women and girls.



Representatives of the Sitwayin Angaze movement Melanie Vigier de Latour-Berenger, Lovena Sowhee, Anushka Virahsawmy, and Nudhar Bundhoo held a press conference on 28 June 2018 in Port Louis to denounce Mauritian authorities for failing to sign the SADC Protocol. Photo: Gender Links

In addition, activists organised consultation workshops to understand the challenges faced by youth, parents, community leaders, and other NGOs. The Office of the Ombudsperson for Children issued a call for contributions from members of the public on the topic of child marriages.

The Attorney General's Office led the designing and drafting of the law, which involved meeting with stakeholders, surveys and data collection, a revision of the existing law, and finally a vote in Parliament on the Bill. Legislators designed the law in line with the United Nations Convention on the Rights of the Child (UNCRC) and the African Charter on the Rights and Welfare of the Child. GL Mauritius participated in various meetings, continuously lobbying for a ban on child marriage.

Alliance partner organisations collaborated to host advocacy activities to address taboos concerning sexuality and lodge complaints with the police and the Child Development Unit (CDU). They also coordinated online classes and trainings for children, adolescents and adults on adolescent sexual and reproductive health and rights (ASRHR) topics.

While many cultural and religious beliefs and patriarchal ideologies initially presented roadblocks in the fight against prohibiting child marriages, the wellbeing of children took precedence in the end. Thanks to the Children's Act 2020, Mauritius now bans child marriages, which means advocacy efforts can shift to ensuring proper implementation of the law as well as trainings with councillors, nurses, doctors and others to ensure they relay accurate information to the public in the coming years.

Source: Gender Links: Mauritius ASRHR Policy Case Study.



Tanzanian activists have seen little progress in amending the Law of Marriage Act in their country.[34] It has been two years since the Court of Appeal upheld a 2016 High Court judgment that outlawed child marriage and declared it unconstitutional.[35] Specifically, the upper court gave the government a one year timeline to amend sections 13 and 17 of the Marriage Act that allows a girl as young as 15 to be married with parental consent and a 14-year-old girl to marry with court consent. Child rights activists in Tanzania worry that continued delays in closing legal loopholes leaves room for discrimination and continued harm to girls and women. Advocacy efforts continued in 2022, with the Gender Desk of the Tanzanian Police calling on the government to amend the law, arguing that the current law is detrimental to girls' health. It also noted that a girl married at age 14 could have as many as 10 children by age 30 due to vulnerability and lack of knowledge about sexual and reproductive health rights.[36]

Persons with disabilities



Article 9: Persons with disabilities: State parties shall, in accordance with the SADC Protocol on Health and other regional and international instruments relating to the protection and welfare of people with disabilities to which member states are party, adopt legislation and related measures to protect persons with disabilities that take into account their particular vulnerabilities.

Seven SDG targets specifically mention persons with disabilities (education, accessible schools, employment, accessible public spaces and transport, empowerment and inclusion, and data disaggregation).[37]

People with disabilities in SADC face a myriad of challenges, including lack of access to SRHR information, goods, and services. In many cases, women and girls with disabilities remain unable to make decisions about their own body and life - essential human rights often overlooked compared to other groups. Many live without sufficient government support and face exclusion from relevant programmes. According to UNICEF, widespread underestimation of the abilities and potential of children with disabilities creates a vicious cycle of under-expectation, under-achievement and low priority in the allocation of resources.[38]



In the DRC, with approximately 10 million disabled people - close to one in eight people in the country - activists hope the proposed 2020 Disability Rights Bill will bring significant change.[39] The Bill would address the discrimination and harmful cultural practices directed specifically at women and children with disabilities. Children with disabilities in the DRC often face accusations of witchcraft.[40] The proposed Bill represents a critical piece of legislation aimed at addressing this issue and providing disabled children with protection. However, promulgation of the Bill has stalled, with legislators making little progress to move it forward since introducing it in 2020.

[34] Msichana Initiative (2021) 'Ending child marriage: Stakeholders' collective efforts in reviewing of the Law of the Marriage Act.', February, https://msichana.or.tz/ending-child-marriage-stakeholders-collective-efforts-in-reviewing-of-the-law-of-the-marriage-act/, accessed 23 June 2021.
[35] The Attorney General v Rebeca Z, Gyumi, Civil Appeal Number 204 of 2017, October 2019.
[36] AllAfrica (2022) Tanzania: Police Gender Desk Pushes for Amendment of Marriage Act, https://allafrica.com/stories/202202180484.html, accessed 22 July 2022.
[37] United Nations Convention on the Rights of Persons with Disabilities.
[38] UNICEF (2007) Promoting the rights of children with disabilities (2007). Florence: Innocenti Research Centre (Innocenti digest, 13), https://www.un.org/esa/socdev/unyin/documents/children_disability_rights.pdf, accessed 15 July 2021
[39] New bill offers hope to people with disabilities in DR Congo, France 24, https://www.france24.com/en/africa/20201203-new-bill-offers-hope-to-people-with-disabilities-in-dr-congo, accessed 24 June 2021.
[40] 'SADC Gender Protocol 2020 Barometer Chapter 7 Harmful Practices', https://genderlinks.org.za/wp-content/uploads/2020/08/Chap7-Baro2020-HARMPRACrev2.pdf, accessed 24 June 2021.

In **Zimbabwe**, the government launched a National Coordination Committee to implement its National Disability Policy on 7 July 2022.[41] This followed the launch of the policy in June 2021. In creating the committee, the government has shown its commitment to protecting the rights of people with disabilities. Government launched the policy in coordination with the United Nations Partnership on the Rights of Persons with Disabilities (UNPRPD). The National Coordination Committee will provide guidance to the implementation of the policy and its launch, in line with government's roadmap. Edward Kallon, United Nations Resident Coordinator in Zimbabwe, noted that the launch marked "a milestone to operationalise the policy and move forward the agenda of inclusion and rights of persons with disabilities."[42]

> Zimbabwe's 2021 National Disability Policy sets standards for the inclusion of Persons with Disabilities in all facets of life

Zimbabwe: New policy seeks to end harmful practices against people with disabilities



Paul Mavima, Zimbabwe's Minister of Public Service, Labour and Social Welfare, helps launch the national coordination committee for the implementation of the National Disability Policy in Harare on 7 July 2022.
Photo courtesy of Technomag

The Zimbabwe National Disability Policy contains the following key provisions to end harmful practices against people with disabilities and their families:

- Enforce investigation and prosecution of harmful traditional, religious and any other practices that result in the sexual abuse of persons with disabilities in all contexts.
- Traditional healers and religious prophets that prescribe sex with girls and women with disabilities as a "cure" for HIV, a conduit for getting rich, and for any other reason must be combated and prosecuted.
- The investigation and prosecution of persons who earn an income by forcefully "using" persons with disabilities as commercial sex workers, must be enforced.
- Persons with disabilities must not be denied marriage, family, parenthood and relationships at appropriate ages as provided by the law and on an equal basis with others.
- Persons with disabilities who are of marriageable age, must not be denied their right to found a family on the basis of free and full consent of the intending spouses.
- Incidences of people who ill-treat persons with disabilities, who would have married their family members must be investigated and, where appropriate, the perpetrators must be prosecuted.
- Persons with disabilities including children, shall retain their fertility on an equal basis with others. Sterilisation of persons with disabilities without their free and informed consent is an offence.
- Persons with disabilities should not be denied the right to decide on the number and spacing of their own children, to have access to age appropriate information, reproductive and

[41] The Sunday Mail (2022) NEW: Committee for National Disability Policy Launched, https://www.sundaymail.co.zw/new-committee-for-national-disability-policy-launched, accessed 22 July 2022.
[42] The Sunday Mail (2022) NEW: Committee for National Disability Policy Launched, https://www.sundaymail.co.zw/new-committee-for-national-disability-policy-launched, accessed 22 July 2022.

family planning education and child rearing practices - supports that enable them to exercise these rights must be provided.
- Raise awareness against the harmful practice of blaming, ill-treating and abandoning mothers who give birth to children with disabilities.
- Mothers who give birth to children with disabilities and their partners must be given appropriate support within the healthcare and the social welfare system immediately after delivery of the child and thereafter.
- Include the subject of disability and sexuality, particularly the individual's right to exercise free and informed consent, in the curriculum of all health and allied professionals, all social workers, all educators and support staff, justice delivery officials that include police and Court officials, and any other relevant officials.
- Rehabilitation officials must be trained on how to provide information and how to support the sexuality of children and adults with disabilities.
- Punishing persons with disabilities who engage in sexual relations of their choice is an offence - like everyone else, persons with disabilities have the right to engage in consensual sexual relations.
- Persons with disabilities must be included in holistic sexual education programmes in schools, rehabilitation institutions and communities and other relevant fora.
- All sexual health programmes including HIV programmes (prevention, treatment, care and support) should not offer blanket solutions to communities at the exclusion of persons with disabilities.
- All sexual health programmes must offer accessible physical infrastructure, information, and communication and services.
- Ensuring confidentiality, all sexual health statistics, including HIV statistics, must be disaggregated on the basis of disability and must be submitted to the Department of Disability Affairs, Ministry of Public Service, Labour and Social Welfare in November of each year.
- Raise awareness about the sexual rights of persons with disabilities and encourage the open acknowledgement and discussion of the subject of sexuality of persons with disabilities in society.
- Persons with disabilities, including children with disabilities, must not be forced into any arrangement on the fallacious belief that they are asexual beings for example, sharing bedding with persons of the opposite sex.
- Promote the concept of and support the development of peer counselling programmes as a self-help programme that holds the potential to enable the self-growth of persons with disabilities.
- Rehabilitation institutions, schools and healthcare facilities must provide free sanitary products to women and girls with disabilities.
- Persons with disabilities must be empowered to claim their agency and to challenge practices of oppression that characterise their experiences of sexuality.
- Sexual health information, including that of sexual and reproductive health must be provided in accessible formats, such as Zimbabwean Sign Language and Braille.

Source: Zimbabwe National Disability Policy, 2021.



On 19 July 2022, the **South Africa**n government gazetted the Constitution 18th Amendment Bill 2022 to amend section 6 of the Constitution to include sign language as the country's 12th official language. Ronald Lamola, Minister of Justice, noted that persons with hearing disabilities experience high levels of marginalisation and exclusion due to social, psychological and structural challenges.[43] Such exclusion and marginalisation, Lamola noted, occurs in social circles, at work, in schools, at places of worship and at many leisure, cultural and sports events. Including sign language as an official language

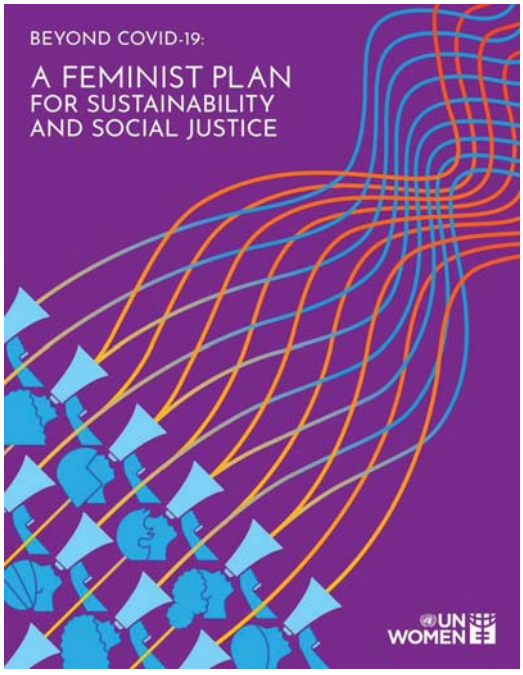
[43] Government of South Africa, 'Invitation for Public Comments on the Constitution of the Republic of South Africa, 1996: Amendment to section 6 of the Constitution' https://www.gov.za/sites/default/files/gcis_document/202207/47049gen1156.pdf, accessed 21 July 2022.

aims to ensure state provision of resources for its wider use to protect the rights of people with hearing disabilities. This will help remove barriers and practices that perpetuate their exclusion from various spaces.

In South Africa and throughout SADC, girls and women with hearing disabilities often face sexual and gender-based violence because of their disability and subsequently find it difficult to interact with law enforcement and other authorities when reporting the abuse. This leads to delays in access to justice, for example, when health facilities, police stations and courts spend considerable time seeking the services of sign language interpretation. The inclusion of sign language as an official language, if properly implemented, means that interpretation services will become a standard service at all relevant government institutions.

The rights of widows and widowers

Article 10: Widows' and widowers' rights
1. State parties shall enact and enforce legislation to ensure that widows and widowers:
(a) Are not subjected to inhuman, humiliating, or degrading treatment;
(b) Automatically become the guardians and custodians of their children when their husband/wife dies unless otherwise determined by a competent court of law;
(c) Have the right to an equitable share in the inheritance of the property of their spouses;
(d) Have the right to remarry any person of their choice; and
(e) Have protection against all forms of violence and discrimination based on their status.
CEDAW, Article 16(b) provides for widows, the same right freely to choose a spouse and to enter into marriage only with their free and full consent; among other protections that are given to widows.



In its statement to commemorate International Widows' Day in 2022, UN Women noted the many cultural and legal barriers that still affect widows, including denial of pensions and inheritance.[44] The group noted that COVID-19 exacerbated many of these obstacles. It called for the development of social policies and practices that address the needs of widows in line with its feminist recovery plan from COVID-19.

The Feminist recovery plan provides a "visionary but practical roadmap for putting gender equality, social justice, and sustainability at the centre of the recovery and transformation."[45] It maps the ambitious and transformative policies

[44] UN Women (2022) Statement for International Widows' Day, https://www.unwomen.org/en/news-stories/statement/2022/06/un-women-statement-for-international-widows-day, accessed 22 July 2022.
[45] UN Women (2022) Beyond COVID-19: A Feminist Plan for sustainability and social justice, https://www.unwomen.org/en/digital-library/publications/2021/09/beyond-covid-19-a-feminist-plan-for-sustainability-and-social-justice, accessed 22 July 2022.

- on livelihoods, care, and the environment - required to build an equal and sustainable future,[46] specifically recognising the rights of widows as requiring attention given that COVID-19 revealed and worsened inequalities.

Dubbed the Feminist Plan for Sustainability and Social Justice, the UN Women plan seeks the development of context-specific policy pathways, tailored political strategies, and financing to "build back better" from the COVID-19 pandemic. This includes help to secure rights for the most vulnerable and marginalised, including widows.

Increasing work on this front includes the development of legislative provisions to protect widows' rights in some countries.



In **Namibia**, the law allows a widow to remain on her deceased husband's land even after she remarries. Harmful customary practices amongst some communities, however, lead to the confiscation of a deceased man's property from his widow, highlighting the need to educate citizens about the law and to ensure its enforcement in order to protect widows.[47]



In **Zimbabwe**, the 2020 Supreme Court case of *Chigwada v Chigwada*[48] underscored the need for continued legal clarity on the issue of widow and widower rights. The case involved a woman whose deceased husband through a community of property marriage bequeathed his share of the matrimonial home to his son from a previous marriage. The widow stayed in the house in question. Citing the doctrine of freedom of testation, the Supreme Court ruled that anyone has the right to bequeath their property to whomsoever they choose. Before this judgment, the courts in Zimbabwe split over the issue of whether or not spouses could legally disinherit each other. The high court judgment stipulated different legal frameworks in succession for various situations, including when spouses marry in community of property, out of community of property, or when a spouse dies intestate (without a will) or testate (leaving behind a will).

In its ruling, the Supreme Court stated that "The law of testamentary disposition, which is based on the universal principle of equality of men and women, gives a right to a person married out of community of property to dispose of his or her estate by will to whomsoever he or she chooses. Decisions of the high court to the effect that a testator is bound to leave his or her property to the husband or wife and declaring [wills] to the contrary to be void are inconsistent with the law. They should no longer be followed."

While the judgment might appear to be gender neutral and based on equality of men and women, such wills often negatively affect women. Thus, the ruling has a substantively negative impact on widows compared to widowers and runs contrary to section 56 (3) of the Constitution, which outlaws discrimination based on gender. Similarly, section 26 (c) of the Constitution enjoins the state to take measures to ensure that "in the event of dissolution of a marriage, whether through death or divorce, provision is made for the necessary protection of any children and spouses." Disinheriting a spouse through a will would not equate to protection of such spouse upon the dissolution of marriage through death. Scholarly arguments and women's rights groups have therefore continued to challenge the view of the Supreme Court on the basis that it runs contrary to the Constitution.[49] Civil society organisations have engaged government[50] to review the Wills Act[51] to address the issue.

[46] UN Women (2022) Beyond COVID-19: A Feminist Plan for sustainability and social justice, https://www.unwomen.org/en/digital-library/publications/2021/09/beyond-covid-19-a-feminist-plan-for-sustainability-and-social-justice, accessed 22 July 2022.
[47] Department of State (2022) Namibia Human Rights Report, https://www.state.gov/wp-content/uploads/2022/02/313615_NAMIBIA-2021-HUMAN-RIGHTS-REPORT.pdf, accessed 18 August 2022.
[48] Chigwada v Chigwada & Others SC188/20.
[49] Basutu S Makwaiba (2022) The Supreme Court of Zimbabwe's ChigwadaDecision and Its Implications for Testamentary Dispositions and Enforcement of Section 26 of the Constitution of Zimbabwe, https://perjournal.co.za/article/view/12889/18587, accessed 18 August 2022.
[50] Interview with a senior officer of the Zimbabwe Women Lawyers Association on 18 August 2022.
[51] Government of Zimbabwe, 'Wills Act: [Chapter 6:06]', akn-zw-act-1987-13-eng-2016-12-31.pdf (zimlii.org), accessed 19 August 2022.

Female Genital Mutilation (FGM)

SDGs 5.3 Eliminate all harmful practices, such as child, early, and forced marriage and female genital mutilation (FGM).

Female genital mutilation (FGM) refers to, "all procedures involving partial or total removal of the female external genitalia or other injury to the female genital organs for non-medical reasons." Global estimates show that at least 200 million girls and women have undergone FGM in 31 countries. Demographic and Health Surveys and Multiple Indicator Cluster Surveys highlight these stark figures. In Africa, the practice is most prevalent in Somalia, Djibouti, and Guinea. In Southern Africa, Tanzania has the highest number of FGM cases.[52]

Reports show that both the South African government and the World Health Organisation do not acknowledge South Africa as a country that practices FGM.[53] However, research similarly shows that the Venda people and some migrant communities practice FGM.

In 2022, research by the University of the Witwatersrand revealed that doctors at the Rahima Moosa Mother and Child Hospital in Johannesburg and other hospitals in the country often come across gruesome cases of FGM, some of which lead to death during childbirth.[54] The research found that some migrant northeast African communities practice FGM. It further found that "little research has been conducted on FGM in South Africa, despite increasing reports of women arriving in South African hospitals showing signs of genital mutilation."[55]

These critical findings show that further research and investigations on harmful practices will help activists better understand the extent of the issue. Such practices can go unnoticed or undocumented. With increasing migration and intermingling amongst communities and cultures, harmful practices can also be imported from different countries and communities, hence the need for continuous research and monitoring to protect women and girls.

Next steps

- **Scrap discriminatory laws**: The government of Tanzania must uphold the Supreme Court ruling to amend the Law of Marriage Act in line with the SADC Model Law on Child marriage. Delays in closing these types of legal loopholes leads to continued discrimination and marginalisation of girls and women throughout the region.
- **Bolster access to justice**: To ensure equality of women as complainants in accessing justice, legislators must remodel customary court

[52] Female Genital Mutilation (FGM) Statistics, UNICEF DATA, https://data.unicef.org/topic/child-protection/female-genital-mutilation/, accessed 25 June 2021.
[53] Kitiu B (2012) Female Genital Mutilation in South Africa, https://africlaw.com/2012/06/07/female-genital-mutilation-in-south-africa/, accessed 25 July 2022.
[54] Smillie S (2022) The Knife Between her Thighs, https://www.wits.ac.za/news/latest-news/research-news/2022/2022-03/the-knife-between-her-thighs.html, accessed 25 July 2022.
[55] Smillie S (2022) The Knife Between her Thighs, https://www.wits.ac.za/news/latest-news/research-news/2022/2022-03/the-knife-between-her-thighs.html, accessed 25 July 2022.

structures across the region. Access to justice must include access to related services, such as marriage registration.

- **Continue to campaign and advocate**: Inspired by successful campaign efforts following the tragic death of Anna Machaya, activists should continue to explore innovative advocacy and campaign techniques that incorporate traditional leaders and those affected by the issue, such as teen mothers.
- **Enforce child marriage laws**: Moving beyond rhetoric, decision-makers must accelerate sufficient law enforcement and monitoring to delay marriage and protect the rights of women and girls to achieve the desired outcomes of age-at-marriage laws.
- **Enhance policy support**: Legislators must implement recovery efforts and update policies following the COVID-19 pandemic by employing a gender perspective given the gendered impact of the pandemic and its disproportionate impact on women and girls.
- **Gather more evidence**: Activists and experts must undertake new research to understand what fuels harmful practices, including their proliferation and response measures in the context of COVID-19. It is also important to carry out research in countries, and amongst communities and families that appear free from harmful practices, because many harmful practices remain hidden.
- **Scale up institutional support**: Zimbabwe's National Disability Committee and others like it require adequate resources to perform their mandates.
- **Ensure people with disabilities participate in all efforts to support them**: The public consultation process ahead of the passing of South Africa's 18th Constitutional Amendment must fully involve the participation of persons with hearing and other disabilities. Similarly, all efforts to ensure people with disabilities realise their rights should guarantee their consultation and inclusion throughout.



Fehizora Rafalimanana, journalist from Madagscar, interviews Fela RAZAFINJATO, president of the NGO, Sembana Mijoro, which supports people with disabilities.
Photo: Zoto Razanadratefa

Bibliography

abc News, Zimbabwe encourages teenage girls to return to school after giving birth during COVID-19, available at: https://www.abc.net.au/news/2022-01-30/zimbabwe-encouraging-teenage-mothers-to-return-to-school/100788702, accessed 20 July 2022.

AllAfrica, Tanzania: Police Gender Desk Pushes for Amendment of Marriage Act, available at: https://allafrica.com/stories/202202180484.html, accessed 22 July 2022.

AllAfrica, Zimbabwe: Mixed reactions to age of consent ruling, available at: https://allafrica.com/stories/202205260340.html, accessed 21 July 2022.

Acts as passed by Mauritius Parliament and Gazetted for year 2020, available at: https://mauritiusassembly.govmu.org/Pages/Acts/Acts2020.aspx, accessed 15 July 2021).

Angola National Legislation', available at: https://www.icmec.org/wp-content/uploads/2018/07/ICMEC-Angola-National-Legislation.pdf, accessed 23 June 2021.

Basutu S Makwaiba (2022) The Supreme Court of Zimbabwe's ChigwadaDecision and Its Implications for Testamentary Dispositions and Enforcement of Section 26 of the Constitution of Zimbabwe, https://perjournal.co.za/article/view/12889/18587, accessed 18 August 2022

Breast ironing: a harmful practice that doesn't get sufficient attention, The Conversation, available at: http://theconversation.com/breast-ironing-a-harmful-practice-that-doesnt-get-sufficient-attention-116206, accessed 25 June 2021.

Businesstech, Government gazettes constitution change to make room for 12th official language, available at: https://businesstech.co.za/news/government/608470/government-gazettes-constitution-change-to-make-room-for-12th-official-language-in-south-africa/, accessed 21 July 2022.

Businesstech, South Africa is changing its marriage laws from next year, available at: https://businesstech.co.za/news/lifestyle/570998/south-africa-is-changing-its-marriage-laws-from-next-year/, accessed 22 July 2022.

Constitutionnet (2022) In Botswana, president appoints constitutional review Commission, available at: https://constitutionnet.org/news/botswana-president-appoints-constitutional-review-commission, accessed 21 July 2022.

Covid and Widowhood', available at: https://uploads-ssl.webflow.com/5fce889a3c0f6e35f56692ce/5fce889a3c0f6e0e0f669306_COVID-and-Widowhood-MAY-2020.pdf, accessed 7 July 2021.

Department of Home Affairs - Know Your Green Paper on Marriages in South Africa, available at: http://www.dha.gov.za/index.php/notices/1449-know-your-green-paper-on-marriages-in-south-africa, accessed 21 June 2021.

Department of State (2022) Namibia Human Rights Report, available at: https://www.state.gov/wp-content/uploads/2022/02/313615_NAMIBIA-2021-HUMAN-RIGHTS-REPORT.pdf, accessed 18 August 2022

Disability Analysis of the National Development Plan 2030, available at: http://www.women.gov.za/images/Disability-Analysis-of-the-National-Development-Plan-2030.pdf , accessed 15 July 2021.

Duby, Z. et al (2022) Navigating Education in the Context of COVID-19 Lockdowns and School Closures: Challenges and Resilience Among Adolescent Girls and Young Women in South Africa. doi: 10.3389/feduc.2022.856610.
Eye Witness News, School dropouts open up on tough choice between survival and education, available at: https://ewn.co.za/2022/01/31/school-dropouts-open-up-on-tough-choice-between-survival-and-education, accessed 20 July 2022.

Female Genital Mutilation (FGM) Statistics, UNICEF DATA, available at: https://data.unicef.org/topic/child-protection/female-genital-mutilation/, accessed 25 June 2021.
Gender Links (2021) 'Concept Note on Women's Political Participation and the Constitution', available at: https://genderlinks.org.za/wp-content/uploads/2022/03/BotswanaWPP_conceptnoteWPPandConstitutionUPDATED_clm_03 2022.docx, accessed 17 August 2022

Gender Links (2022) 'Submission to the Presidential Commission of Inquiry into the Review of the Constitution of Botswana (The Dibotelo Commission)', available at: https://genderlinks.org.za/wp-content/uploads/2022/06/BotswanaConstitutionSubmissionGender_062022.pdf accessed 19 August 2022

Gender Links (2022) 'Botswana Women Speak Out on Constitution', available at: https://genderlinks.org.za/news/bots-women-speak-out-present-submission-to-dibotelo-commission/ accessed 19 August 2022

Global Health 50/50 (no date) 'The COVID-19 Sex-Disaggregated Data Tracker', available at: https://globalhealth5050.org/the-sex-gender-and-COVID-19-project/the-data-tracker/, accessed 7 July 2021.

Government of Botswana, 'The Constitution of Botswana, 1966', available at: https://www.constituteproject.org/constitution/Botswana_2016.pdf?lang=en, accessed 21 July 2022

Government of Lesotho (2019) 'Expert Report on Constitutional Reforms (Incorporating Public Consultations and Written Submissions)', available at: https://www.gov.ls/download/expert-report-of-constitutional-reforms/, accessed 21 July 2022.

Government of South Africa, 'Invitation for Public Comments on the Constitution of the Republic of South Africa, 1996: Amendment to section 6 of the Constitution' available at: https://www.gov.za/sites/default/files/gcis_document/202207/47049gen1156.pdf, accessed 21 July 2022

Government of South Africa, 'White Paper on Marriages in South Africa' available at: http://www.dha.gov.za/images/PDFs/White-Paper-on-Marriage-in-SA-5-May2022.pdf, accessed 17 August 2022

Government of Zimbabwe, 'Marriages Act [Chapter 5:15]', available at: https://www.veritaszim.net/sites/veritas_d/files/MARRIAGES%20ACT%20%20No.%201%20of%202022.pdf, accessed 22 July 2022

Government of Zimbabwe, 'National Disability Policy, 2021', available at: http://www.veritaszim.net/sites/veritas_d/files/National%20Disability%20Policy%20V4%28White%20Background%29.pdf, accessed 22 July 2022

Government of Zimbabwe, 'Wills Act: [Chapter 6:06]', available at: akn-zw-act-1987-13-eng-2016-12-31.pdf (zimlii.org), accessed 19 August 2022

Human Rights Council (2021) Summary of Stakeholders' Submission on Eswatini, G2122404.pdf (un.org), available at: https://documents-dds-ny.un.org/doc/UNDOC/GEN/G21/224/04/PDF/G2122404.pdf?OpenElement, accessed 21 July 2022

Human Rights Council, Matrix of Recommendations on Eswatini, available at: OHCHR | Universal Periodic Review - Eswatini, accessed 19 August 2022

Justice and Women', Women's Voice and Leadership SA, available at: http://www.wvlsa.org.za/our-grantees/my-core-grantees/justice-and-women/, accessed 7 July 2021.

Justice in Transition and the Complexities of Access, ACCORD, available at: https://www.accord.org.za/conflict-trends/justice-transition-complexities-access/, accessed 28 June 2021.

Kitiu, B., (2012) Female Genital Mutilation in South Africa, available at: https://africlaw.com/2012/06/07/female-genital-mutilation-in-south-africa/, accessed 25 July 2022.

Lesotho Times (2022) Tampane, Theko Clash Over Laws Of Lerotholi, available at: https://lestimes.com/tampane-theko-clash-over-laws-of-lerotholi/, accessed 22 July 2022

Malawi Alliance and COE SRHR Most Significant Result 2021, Gender Links, https://genderlinks.sharepoint.com/:w:/r/programmes/alliance/_layouts/15/doc.aspx?sourcedoc=%7b2f53f6ce-7d30-4b0c-8fd2-5c79b888a2d9%7d&file=malawi_kayira_joseph_alliancemsrharmfulpractices.docx&action=default&mobileredirect=true, accessed 8 July 2021.

Mauritius: A Quota System for Women in Politics, Gender Links, https://genderlinks.org.za/news/mauritius-a-quota-system-for-women-in-politics/, accessed 22 July 2022

Mauritius Alliance and COE SRHR Most Significant Result 2021, Gender Links, https://genderlinks.sharepoint.com/:w:/r/programmes/alliance/_layouts/15/doc.aspx?sourcedoc=%7b268e2579-884c-4773-b5cc-0d05c8cbe702%7d&file=mauritius_allianceandcoemsr_preetima072021.docx&action=default&mobileredirect=true, accessed 8 July 2021.

Mental Health Information Network: Analysis of Mental Health Campaigning and Advocacy in South Africa, available at: https://gospeakyourmind.org/sites/default/files/2020-10/SouthAfrica_1_0.pdf, accessed 15 July 2020.

MIET Africa, The Impact of COVID-19 on Adolescents and Young People in the Southern African Development Community Region, available at: https://mietafrica.org/wp-content/uploads/2021/07/REPORT-Impact_COVID_19_AYP_SADCRegional.pdf, accessed 20 July 2022

Msichana Initiative (2021) 'Ending child marriage: Stakeholders' collective efforts in reviewing of the Law of the Marriage Act.', February, available at: https://msichana.or.tz/ending-child-marriage-stakeholders-collective-efforts-in-reviewing-of-the-law-of-the-marriage-act/, accessed 23 June 2021.

New bill offers hope to people with disabilities in DR Congo, France 24, available at: https://www.france24.com/en/africa/20201203-new-bill-offers-hope-to-people-with-disabilities-in-dr-congo, accessed 24 June 2021.

Pandemic Takes Unique Toll on South Africa's Disabled, available at: https://www.voanews.com/COVID-19-pandemic/pandemic-takes-unique-toll-south-africas-disabled, accessed 16 July 2021.

Parry, C., and Jason Bantjes (2022) Tavern tragedy reinforces need to give priority to tackling underage drinking in South Africa, The Conversation, available at: https://theconversation.com/tavern-tragedy-reinforces-need-to-give-priority-to-tackling-underage-drinking-in-south-africa-186396, accessed 21 July 2022

Presensa Latina (2022) MPLA calls for massive electoral participation in Angola, available at: https://www.plenglish.com/news/2022/06/05/mpla-calls-for-massive-electoral-participation-in-angola/, accessed 22 July 2022

President Cyril Ramaphosa: International Day of Persons with Disabilities 2020. available at: https://www.gov.za/speeches/working-group-disability-3-dec-2020-0000, accessed 16 July 2021.

SADC Model Law on eradicating Child Marriage and Protecting Children already in Marriage', available at: https://www.girlsnotbrides.org/documents/484/model-law-on-eradicating-child-marriage-and-protecting-children-already-in-marriage.pdf, accessed 28 June 2021.

SADC Protocol on Gender and Development, Article 21 (2) South Africa government considers new marriage law that recognises women with multiple husbands, CapeTalk, available at: https://www.capetalk.co.za/articles/416021/sa-govt-considers-new-marriage-law-that-could-see-women-have-multiple-husbands, accessed 21 June 2021.

Sanef welcomes government decision to vaccinate journalists, available at: https://www.polity.org.za/article/sanef-welcomes-govt-decision-to-vaccinate-journalists-2021-06-29, accessed 16 July 2021.

Smillie, S., (2022) The Knife Between her Thighs, available at: https://www.wits.ac.za/news/latest-news/research-news/2022/2022-03/the-knife-between-her-thighs.html, accessed 25 July 2022.

Swartz, L., McKinney, D. E. L. and McKinney, D. V. (2020) 'COVID-19 and disability considerations: report on the experiences of people with disabilities in South Africa', p. 30.

The President: Republic of South Africa - Our Nations Mourns the Young lives lost in the Enyobeni Tragedy, available at: Our nation mourns the young lives lost in Enyobeni Tavern tragedy | From the Desk of the President - 4 July 2022 (bulkmailapp.co.za), accessed 21 July 2022.

The Sunday Mail, NEW: Committee for National Disability Policy Launched, available at: https://www.sundaymail.co.zw/new-committee-for-national-disability-policy-launched, accessed 22 July 2022.

Two months later, only half of over-60s have registered for their COVID-19 vaccinations, available at: https://www.businessinsider.co.za/only-half-of-south-africa-elderly-registered-for-vaccines-on-the-evds-2021-6, accessed 16 July 2021.

UNICEF (2007) Promoting the rights of children with disabilities (2007). Florence: Innocenti Research Centre (Innocenti digest, 13), available at, https://www.un.org/esa/socdev/unyin/documents/children_disability_rights.pdf, accessed 15 July 2021.

UNICEF (2020) Technical Note on COVID-19 and Harmful Practices. available at: https://www.unicef.org/media/67506/file/TechnicalNote-COVID-19-and-HarmfulPractices-April%202020.pdf, accessed 20 July 2022
UNICEF Child marriage, available at: https://data.unicef.org/topic/child-protection/child-marriage/, accessed 19 June 2021.

UN Women (2022) Beyond COVID-19: A Feminist Plan for sustainability and social justice, available at: https://www.unwomen.org/en/digital-library/publications/2021/09/beyond-covid-19-a-feminist-plan-for-sustainability-and-social-justice, accessed 22 July 2022

UN Women (2022) Statement for International Widows' Day, available at: https://www.unwomen.org/en/news-stories/statement/2022/06/un-women-statement-for-international-widows-day, accessed 22 July 2022

United Nations (no date) International Widows' Day, United Nations. United Nations. Available at: https://www.un.org/en/observances/widows-day, accessed 7 July 2021.

Vaccination of university staff to start "soon" in South Africa' (2021) Research Professional News, 1 July, available at: https://www.researchprofessionalnews.com/rr-news-africa-south-2021-7-vaccination-of-university-staff-to-start-soon-in-south-africa/, accessed 16 July 2021.

Veritas, Court Watch 3/2022 -Constitutional Court Rules on Age of Consent, Constitutional Court Rules on Age of Consent, available at: https://www.veritaszim.net/node/5689, accessed 20 July 2022

Wentzel, A. (2021) CORONAVIRUS: People living with disabilities struggle to overcome severe disruptions to life and health caused by the pandemic, Daily Maverick, available at: https://www.dailymaverick.co.za/article/2021-06-20-people-living-with-disabilities-struggle-to-overcome-severe-disruptions-to-life-and-health-caused-by-the-pandemic/, accessed 16 July 2021.

Wentzel, T. H., Narnia Bohler-Muller and Therina (2021) Vulnerable but overlooked: The COVID-19 vaccine plight of people with disabilities in South Africa, Daily Maverick, available at: https://www.dailymaverick.co.za/article/2021-07-05-vulnerable-but-overlooked-the-COVID-19-vaccine-plight-of-people-with-disabilities-in-south-africa/, accessed 14 July 2021.

White paper on the rights of persons with disabilities Implementation matrix 2015 - 2030, available at: https://www.sada.org.za/wp-content/uploads/2020/08/WPRPD-Implementation-Matrix-Cabinet-Approved.pdf, accessed 16 July 2021.

Women's Voice and Leadership SA - WVLSA, available at: http://www.wvlsa.org.za/, accessed 8 July 2021.
Zambia's House of Chiefs Speak Up for Gender Equality, Land Portal Foundation, available at: https://landportal.org/blog-post/2022/01/zambia%E2%80%99s-house-chiefs-speak-gender-equality, accessed 22 July 2022