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Zimbabwe: Prevalence of arranged marriages and availability of state protection
(2005 - 2006)

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

Information about the prevalence of arranged marriages was limited among the sources consulted by the Research Directorate.

In 13 January 2006 correspondence, a representative of the Women's Action Group (WAG) stated that while arranged marriages "may still take place in some individual families," generally this custom is "no longer prevalent in Zimbabwe."

According to information provided by the Zimbabwe Women Lawyers Association (ZWLA) in 27 January 2006 correspondence to the Research Directorate,

[i]nformation about the prevalence of arranged marriages in Zimbabwe is scanty as these are usually not reported. Information is usually available through the media when they report some scandalous matters. For instance the media has been carrying reports last week about a girl who has been married off by her family to pay off avenging spirits of the man's family as a result of a murder perpetrated by her family on the man's family. Other stories are around certain religious sects, Apostolic sects where young girls are married off to older men who are in polygamous marriages.

Various sources from 2005 partially corroborate this information and note that traditional cultural practices such as arranged or forced marriages are still practised by those who follow customary law (IPS 18 Apr. 2005; WFS 24 Apr. 2005; *Country Reports 2004* 28 Feb. 2005, Sec. 5).

As do other southern Africa countries, Zimbabwe maintains a duality in its legal system, which, among other things, permits the coexistence of customary as well as civil law marriages (WeNews 15 Feb. 2005; Genderlinks 8 Dec. 2004; WFS 24 Apr. 2005). Customary law observes traditional practices, such as the marrying off of young girls to elders (IPS 18 Apr. 2005; UN 9 May 2005), polygamy (ibid.; WFS 24 Apr. 2005), and lobola (ibid.), which leave girls and women vulnerable to domestic violence (ibid.). For example, the practice of lobola (bride price) reportedly "condemns women to marital enslavement and denies them control over decision-making, marital resources, their children and their own sexuality" (WFS 24 Apr. 2005; see also UN 1 Dec. 2005). Moreover, a

1999 Supreme Court decision on customary law marriage reportedly fixed women's status as being lower than that of men (WeNews 15 Feb. 2005; IPS 18 Apr. 2005; *Country Reports 2004* 28 Feb. 2005, Sec. 5), equating women to the standing of a minor with regard to their "rights to inheritance, ownership of property, and custody of children" (ibid.; see also WeNews 15 Feb. 2005). According to a report by the UN, that ruling has been "fairly recently" overturned, so that women are no longer considered minors (1 Dec. 2005).

Various news articles of 2005 also reported that traditional practices such as forced marriage (IPS 18 Apr. 2005; UN 9 May 2005; WFS 24 Apr. 2005), bride inheritance by a man's brother (ibid.), as well as unfaithfulness on the part of husbands (ibid.), have exacerbated the transmission of HIV (human immunodeficiency virus) infection.

In May 2005, leaders of the Apostolic Faith (AF) movement reportedly acknowledged that their religion's adherence to traditional practices such as forced marriages and polygamy was responsible for increasing the transmission of HIV and AIDS (acquired immune deficiency syndrome), and requested assistance from the AIDS Policy Advocacy Project (APAP) to help develop a strategy to identify and address traditional practices that increase exposure (UN 9 May 2005).

Still, AF elder, Bishop Revai Chitanda explained that implementing a new policy to change traditional practices would be a difficult task among followers who have well-established beliefs (ibid.). National Coordinator of Women and Law in Southern Africa (WSLA) Sylvia Chirawu also noted in April 2005 that "traditional practices take a long time to break, especially when women are socialized into believing there is nothing wrong with these" (WFS 24 Apr. 2005).

In September 2005, in an effort to combat the spread of HIV and AIDS, a coalition of more than 70 Apostolic and Zionist churches passed a "landmark resolution" to do away with the traditional practice of polygamy (*The Herald* 18 Sept. 2005). According to the Harare-based *The Herald*, "the policy document denounce[d] ... polygamy, wife inheritance [and] marriage of under-age girls" (18 Sept. 2005). The Apostolic churches reportedly constitute six per cent of the country's adult population and claim to have about 2.5 million members across the country (*The Herald* 18 Sept. 2005).

A domestic violence bill submitted to Parliament but yet to be enacted, would reportedly address abuse resulting from traditional practices such as forced marriages (IPS 27 Apr. 2004; GBV Prevention Network 2003). According to the representative of WAG, in January 2006, the proposed bill was "yet [to be] tabled in Parliament" (13 Jan. 2006).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of additional sources consulted in researching this Information Request.

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Additional Sources Consulted

Efforts to obtain information from the Legal Resources Foundation and from the Zimbabwe Women's Resource Centre and Network (ZWRCN) were unsuccessful.

The Musasa Project was unable to provide information within time constraints.

Internet sites, including: Amnesty International, BBC News, European Country of Origin Information Network (ECOI), Factiva, Human Rights Watch, International Commission of Jurists, Kubatana, PeaceWomen, Southern Africa Regional Poverty Network, United Kingdom Immigration and Nationality Directorate, United Nations CEDAW, World News Connection, World Organization Against Torture (OMCT), *The Zimbabwe Standard*.

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