

THE SOCIO-LEGAL PERSPECTIVES OF CHILD MARRIAGE IN ZANZIBAR

Sikujua Omar Hamdan¹

Dr., Lecturer, Faculty of Law, Zanzibar University

DOI: <https://doi.org/10.5281/zenodo.7515781>

Published Date: 09-January-2023

Abstract: This paper seeks to discuss the practice of child marriage in Zanzibar community as an existing culture. The custom treats child marriage as one of the accepted forms of marriage in Zanzibar. However, this practice is not in compliance with the international laws. With the change of time, the child marriage has now taken a different shape and treated as “forced marriage”, or is popularly known as “Ndoa za Mkeka” in Zanzibar. The paper examines the reasons and the consequences of forced marriage and its impact on various issues faced by children in Zanzibar such as early pregnancy, school dropouts, poverty and health issues. Although it is against the socio-economic trends according to the international standard, to some extent, this practice of child marriage is still accepted by many as they claim it is not against the Shariah percept. The methodology adopted in this paper is based on the content analysis of reports, leading textbooks, journal articles as well as structured interviews that have been conducted with the relevant people in Zanzibar. It concludes with a series of recommendations and suggestions for improvement in regulating the practice of child marriage in Zanzibar.

Keywords: forced marriage, children, law, Zanzibar.

I. INTRODUCTION

Marriage is a social institution which passed through different stages of social evolution. However, morals, norms, and values of the society design the notion of marriage, to be the issue which needs to be adjusted and accommodate the changing social conditions and laws. This notion relates to the institution of the family.¹ Child marriage remains prevalent in many parts of the world despite repeated efforts by national governments and international agencies to discourage and end the practice. Child marriage means the marriage of young girls below the age of 18, the age majority as specifically defined in the United Nation Convention on Rights of Child (CRC).² According to the State of World Population Report 2005, 48 percent of women in Southern Asia, and 42 percent of women in Africa in the age group 15-24 years had married before reaching the age of 18.³ Across all developing regions, one-third of women aged 20-24 were married or in a union before the age of 18 during the period 2000-2011.⁴ Many kinds of literature argue that early marriage is likely to cause disruption in the accumulation of human capital, due to early school drop-out, withdrawal from labor markets, and the adverse effects on health from early childbearing.⁵ In recent years, there have been renewed efforts from national governments and

¹ Makame, Moh'd Haji, “The Legal and Social Implication of the Forced Marriage in Zanzibar: Towards Proposing Islamic Family Law Act” (PhD Thesis: IIUM Malaysia, 2012), 73. See also UN Report, *No Way-Out Child Marriage and Human Rights Abuses in Tanzania* (Tanzania: 2014), 1-85. website: <http://www.hrw.org>, 1-85. Retrieved on 1st September, 2022. At <https://www.hrw.org/news/2014/10/29/tanzania-child-marriage-harms-girls>, pdf 1-75. Viewed 1st Septemer, 2022.

² Art. 1 CRC: “For the purpose of the present Convention, a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.” Another United Nations instrument is the Convention on Consent to Marriage, Minimum Age for Marriage, and Registration of Marriages (UN 1962), which reaffirms the consensual nature of marriages, requires the parties to establish a minimum marriage age by law and to ensure the registration of marriages.

³ <https://www.unfpa.org/publications/unfpa-annual-report-2005>.

⁴ <https://www.unfpa.org/publications/unfpa-annual-report-2012>.

⁵ Jensen, R. and R. Thornton, *Early Female Marriage in the Developing World, Gender and Development*, Vol. 11(2), (2003), 9-19. See also <https://www.unfpa.org/publications/unfpa-annual-report-2012>

transnational bodies to address the issue of child marriage. In July 2015, the United Nations Human Rights Council unanimously adopted a resolution to “Eliminate Child, Early and Forced Marriage” and the “Sustainable Development Goals” specifically includes the elimination of child marriage as one of its targets within the broader goal of gender equality.⁶ The practice of child marriage is also prevalent in Zanzibar. Therefore, it is necessary to have an immediate response of the government in addressing this issue as to create the correct perception and awareness of the people of Zanzibar regarding the negative impacts of the early marriages.

II. DISCUSSION AND MATERIALS

The paper examines the practice of child marriage in Zanzibar, the existing law and policy, the family and society abuse and attitudes on this matter and the causative factors which lead early child marriages to contribute to negative health impact, psychological impact, and early pregnancies in Zanzibar.⁷

A. Position of Child Marriage under International Law

The international law puts the age of 18 years as the international standard age of a child.⁸ It requires states to take specific legislative, administrative, social, and educational measures to prohibit child marriages as it leads to many impacts on other rights such as education.⁹ In 1948, the voluntarily and free consent to marriage was explained by the Universal Declaration of Human Rights.¹⁰ The UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) calls for all countries to establish a minimum age for marriage and prohibit child marriage.¹¹ The African Charter on the Rights and Welfare of Children (ACRWC), makes child marriage unlawful.¹² The treaty includes Article 16 of the Universal Declaration on Human Rights (UDHR) which examines that “a person must be of full age” when entering into a marriage union and marriage should be entered “voluntarily and with full consent”.¹³ The international laws put specific measures to the African context and examine those problems of “an African child” in relation to child marriage and the way to solve the problem of child marriage.¹⁴

B. Position of Child Marriage under Islam

Determining the period when a person develops from the stage of childhood to the stage of adulthood is very important.¹⁵ In Islam, the age of puberty may not be specified as attaining the age of 18 as understood under the international law, but it depends on the physiology, faculty, and understanding of a child. Shari’ah fixed a particular period in the life of a human being as the line of demarcation between immaturity and maturity. The Quran has mentioned attainment of adulthood.¹⁶ Some scholars are of the opinion that adulthood simple means the age of marriage.¹⁷ Neither the Quran nor the traditions of

⁶ <http://www.reuters.com/article/2015/07/02/us-womensrights-un-resolutionidUSKCN0PC25O20150702>

⁷ Abimbola Adebimpe ALLEN & Paul Oluwatomipe ADEKOLA, *Health Implication of Child Marriage in North-east Nigeria* (Analele Universității din Oradea: Seria Geografie, 2017), No. 1/2017 (June), 54-61, Seen at, http://geografie-uradea.ro/Reviste/Anale/Art/2017-1/6.AUOG_730_Allen.pdf, 1-8, 28th day of February, 2018.

⁸ Human Rights Watch, *Child marriage is a silent human right issue* (UNICEF: 2013). See also Svanemyr et al., This was noted by the 65th Assembly of the World Health Organization (WHO) in 2012. Prior to this, the UN General Assembly adopted a resolution (A/RES/66/170) designating 11 October as the International Day of the Girl Child, choosing ending child marriages as the theme of the first year, in 2012.

⁹ Article 11 of the ACRRWC states that “Every child shall have the right to an education” it is also stated under Article 14 (1) of the ACRWC that “Every child shall have the right to enjoy the best attainable state of physical, mental, and spiritual health.”

¹⁰ Article 16 (2): “Marriage shall be entered into only with the free and full consent of the intending spouse”.

¹¹ Report, *National Survey on the Drivers and Consequences of Child Marriage in Tanzania Final Draft*, 02 July 2016, (Dar as Salaam Tanzania), page 1, 2, 8 and 9.

¹² Article 21 (2).

¹³ Articles 1, 2 and 3 of the 1962 Convention of Consent to Marriage, Minimum Age for Marriage and Registration of Marriages oblige nations to institute a minimum age for marriage and register all marriages.

¹⁴ The Committee on Economic, Social and Cultural Rights (CESCR) (1999), commenting on the implementation of the right to education, described education as “both a human right in itself and an indispensable means to realizing other human rights” and an important means for the empowerment of vulnerable groups. The right to health is explained in article 12(1) as follows “The States parties to the present covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.”

¹⁵ Azizah Mohd, *Protection and adoption of Abandoned Children in Malaysia: A Comparative Overview with Islamic Law*, (Selangor: International Law Book Services, 2008), 198.

¹⁶ The Quran states “And test the orphans [in their abilities] until they reach marriageable age. Then if you perceive in them sound judgment, release their property to them.” Quran, an-Nisa 4:19. also the Glorious Quran has used various terms to represent children such as “dhurriya, ghula, ibn, walad, walid, mawlud, sabi, tifl and saghir” however the context in which the term is used makes it clear whether it is referring to immature.

¹⁷ Ambali, M.A., *The Practice of Muslim family Law in Nigeria*, 2nd ed., (Zaria: Tamaza Publishing Company Ltd, 2003), 147

the Prophet mention a particular age of maturity.¹⁸ However, the Islamic scholars opined that with respect to males, maturity is determined by the onset of a wet dream, change of voice or growth of pubic hair.¹⁹ In the case of females, maturity is determined by menstruation, pregnancy, one set of wet dream or growth of pubic hair.²⁰ The majority of Muslim scholars are however of the opinion that, if these signs do not appear, adulthood will be determined by age, but they differ as to the actual age.²¹ Therefore, Islam speaks about puberty as an age of maturity and a child become capable of being married.²²

C. Trends of Child Marriage in Zanzibar

Despite international agreements and laws regarding the illegality and negative impacts of child marriage, the practice is still persisting in Zanzibar.²³ Customarily Zanzibar follows Islamic religion. Its people adopt the Islamic law which views a child become matured upon attaining his or her puberty.²⁴ In the Zanzibar society, it is morally acceptable that after puberty a child can be married.²⁵ As such, early marriage is not really considered as an alarming issue.²⁶ However, there are many pieces of evidence which show the negative impacts resulting from the early child marriages in Zanzibar. The example in 2005 to 2012 a total of 153 children get pregnant and 562 children were early married.

In Zanzibar, there is no law or regulation which provides for the legal age of marriage. Prior to the enactment of the Children's Act No. 6 of 2011. The Age of Majority Decree Cap. 53 of 1917 sets the age of majority which is 18 years. The Decree, however, did not provide for the detail requirement of the marriageable age. In the case of *Hasumat Chaganlal v. Basheer Husen Gulamal and another*²⁷ Ramadhan C.J addressed whether the age of majority mention in Age of Majority Decree, 1917 would affect the capacity to marry on the religious rights. It was held that the age of majority under 18 years does not affect the capacity to marry under religious rite as the girl already attained puberty. Besides Section 2 of the Children and Young Person's Decree of 1917 defines a child to mean a person who is under 14 years and young person is a person of 14 years or up and under the age of 16 years.²⁸ The marriage Solemnization Act No. 6²⁹ was passed to amend the Solemnization and Registration) Decree of 1936. The changes made base on the concept of marriage only.³⁰ The Act No. 6 of 1966 adds additional section. 17A (1) and (b) on the refusal of the marriage proposal, but the ground s listed were such as if a person proposed have been convicted by theft, suffer from leprosy, mental illness or suffers any venereal disease. The Children's Act, No. 6 of 2011 defines a child as a person under the age of 18 years,³¹ despite the fact that the Children's Act does not deal with the aspects of the age of marriage. The Interpretation of Laws and General Provisions Act No. 7 of 1984 defines a minor as a person who has not attained the age of majority.³² In Zanzibar, there is no comprehensive Family Law. Giving example in the case of the case of *Idrisa Husein Mrisho v. Sihaba Waziri*³³ Omar O. Makungu J., several legal

¹⁸ Shamil Jeppie, Ebrahim Moosa & Richard Roberts, *Muslim Family Law in Sub-Saharan Africa Colonial legacies and Post-Colonial Challenges*, edited by Annelies Moors & others, isim series on Contemporary Muslim societies, (Amsterdam: University Press, 2010), 85.

¹⁹ Badamasiuy, J, *Obligation and Rights of the Parents Under the Child's Right act. A sharia Perspective*, (Kaduna: Zakara Communication Limited, 2009), 8.

²⁰ Ibid.

²¹ Accordingly, the Maliki School of thought opined that, maturity is presumed upon reaching the age of 15 for both sexes. Whereas the Hanafi School opined that, puberty for boys is on attaining 18 years and 17 years for girls. While the Shafii and Hanbalim jurists set the age of maturity for both boys and girls at 15 years.

²² Marriage is the institution which legalize sexual intercourse for the proclamation of the children.

²³ Moh'd Makame Haji, "The Quick Sands of the Law of Marriage and Zanzibar: Some Missing Footnotes" *Journal of Culture, Society and Development: An International Peer-reviewed Journal Vol.15, (2016)*, 1-11. Viewed at <http://www.iiste.org/Journals/index.php/JCSD/article/viewFile/28122/28868/>, pdf pp., on 28th February, 2018.

²⁴ The view was taken from the Majority school of thought.

²⁵ Moh'd Makame Haji, *The Quick Sands of the Law of Marriage and Zanzibar: Some Missing Footnotes* (Journal of Culture, Society and Development: An International Peer-reviewed Journal Vol.15, 2016). ISSN 2422-8400. Viewed on 28th February, at <http://www.iiste.org/Journals/index.php/JCSD/article/viewFile/28122/28868/>,pdf pp., 1-11.

²⁶ Erin Stiles, *The Right to Marry, Daughters and Elders in the Islamic Courts of Zanzibar*, Islamic Law and Society, University of Nevada, Reno Islamic Law and Society, Brill (2014), estiles@unr.edu, brill.com/ills, 4.

²⁷ [1983] TLR 320.

²⁸ Besides Section 2 of the Children and Young Person's Decree of 1917

²⁹ The Marriage Solemnization Act No.6 (Act No. of 1966).

³⁰ Section 16 and 17 of the Marriage Solemnization and Registration) Decree remained the same that only parties who are residents with the District in which the marriage is intended to be solemnized and whose the age is 21 years and above, with the exception of the widowers and were entitled to license to marry.

³¹ Section 2 of the Children's Act No. 6 of 2011.

³² Section 2 of The Interpretation of Laws and General Provisions Act No.7 of 1984.

³³[2009] Civil Appeal No. 30 High Court, Vuga, (unreported); from original Appeal No. 2 of 2008 of Appellate Kadhi's Court, Vuga, from original case No. 570 of 2007 District Kahi, Mwanakwerekwe, About nine issues of law were raised in this case.

issues, including both substantive family law and procedural matters, were raised by an applicant's counsel, who appeared to be an advocate trained in both Islamic and common law. However, several issues raised were crashed by the Court for a reason that they "had no legal basis". It was expected that this case could derive a landmark ratio decidendi which could raise a challenge towards the improvement of the current situation. To the contrary, it even disappointed the efforts of learned advocate on the attempting of using proper channel for advocating effective changes. This case support point of the absence of comprehensive Family Law Act in Zanzibar leads to the inappropriate of regulating matrimonial issues especially child marriage. However, the Muslim marriage practices based on Quran and Sunnah of the Prophet. Kadhi's Court Act No. 9 of 2017³⁴ therefore, given the jurisdiction to entertain the Muslim family matters including marriage.

Some parents view girls as an economic burden, a commodity, or as a means of selling familial debts in securing social, economic alliance.³⁵ To adverse pregnancy outcomes,³⁶ girls below the age of 15 who give birth are more likely to die in childbirth.³⁷ Married girls also tend to be more isolated from her family³⁸. They are also at risk of early sexual relations³⁹. In North Unguja, 19.1 percent of all childbearing women) gave birth between the ages of 15 to 18 years and 4.3 percent (5 women) between the ages of 12 to 15 years old⁴⁰.

Child marriage continues to be a global challenge, especially in Zanzibar. This is because the child marriage affects both boys and girls. However, girls are the most affected and become the victims of forced marriage.⁴¹ Child marriage inhibits development and denied the opportunities of increasing the human capital and be in an independent life.⁴² It is because girls who marry as children drop out of school which more likely to lead her to live in illiteracy and hence lack of awareness.⁴³ The effect of illiteracy resulted from the child marriage is affecting national development in the sense that there are no skilled workers. At a personal level, children are unable to choose their own partners.⁴⁴ Despite many reasons which lead child marriage, the family abuses and attitudes, laws and policies are the main factors in Zanzibar which contribute to early child marriage.⁴⁵ Consequently, these married children are remaining poor and be behind in the vicious cycle of poverty for them and their families.⁴⁶ The main reason is the religious and social attitude for instance parents are afraid of their children to get pregnant before marriage as they will bring shame into the family.⁴⁷

The survey made in Unguja⁴⁸ "North A district" shows 18.6 percent of married girls were married between the ages of 12 to 15 years and 32.9 percent were married between the ages of 15 to 17 years.⁴⁹ In North B District, 19.3 percent of married girls were aged 12 to 15 years at the age of their marriage and 24.6 percent were aged 15 to 18 years. This is to say 48 percent of all married girls surveyed in North Unguja were married between the ages of 12 and 18 years.⁵⁰ The survey also

³⁴ An Act to repeal the Kadhi's Court Act No.3 of 1985 and to provides for the re-establishment of the Kadhis' Court, to prescribe certain matters relating to Kadhi's Court and Maters Incidental there to.

³⁵ J. Middleton, *The World of Swahili: An African Mercantile Civilization*, (Yale University: 1992), 112 quoted in Amory, Politics Identity, 154 – 155.

³⁶ Married girls also tend to be higher risks during pregnancy such as fistula, anemia and eclampsia. Girls below the age of 15 who give birth more than 5 likely to die in childbirth than women in their twines isolated, exacerbating their vulnerability.

³⁷ They are also at risk of obstetric fistula which has been associated with early sexual relations.

³⁸ Child brides are likely to become pregnant at an early age and face.

³⁹ Sharon Smee, *Survey Wall of silence: A look at violence against women in northern Zanzibar*, Edited by: Dorcas Erskine and Annmarie Mavunjina supported by Zanzibar Female Lawyers Association, (Action Aid International Tanzania, 2012). Viewed at admin.tanzania@actionaid.org. www.actionaid.org on 1st March 2018, pp 29.

⁴⁰ Ibid.

⁴¹ See Forced Marriage Unit (FMU) website. https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/141823/Stats_2012.pdf. Viewed on 18th December, 2017.

⁴² All Africa.com, *Child Marriage shatters the future of Girls, Communities*. (Daily News: Woman Magazine Issue No. 344, 2015), Viewed on Thursday, January 8, 2018. pp. 2.

⁴³ Ibid at 250.

⁴⁴ Ibid at 280.

⁴⁵ Human Rights Centre & Zanzibar Legal Services Centre, *Tanzania Human Rights Report, Mainland and Zanzibar*, (Tanzania, 2016), 317.

⁴⁶ Report, *National Survey on the Drivers and Consequences of Child Marriage in Tanzania Final Draft*. (Dar-as Salaam: Tanzania, 02 July 2016), 1, 2, 8, 9.

⁴⁷ Report, *Adolescent Girls in the Balance: Changes and Continuity in Social Norms and Practices Round Marriage and Education in Uganda*. See also Nicola Jones et al., *Early Marriage and Education: the Complex Role of Social Norms in Shaping Ethiopian Adolescent Girls' Lives* 2014, 35-68.

⁴⁸ Unguja is an island, about 85 kilometers (53 miles) long (north-south) and 30 kilometers (19 miles) wide (east-west) at its widest, with an overall area of about 1,666 square kilometers (643 square miles). It is located in the southern half of the Zanzibar.

⁴⁹ Report, *Social institutions and Gender index* www.genderindex.org assessed 15th December 2017. Development Centre: Tanzania).

⁵⁰ Sharon Smee, *Survey Wall of Silence: A Look at Violence Against Women in Northern Zanzibar*, (Action Aid International: Tanzania

indicates that children are abused by both parents, for example, some of them based on the gender balance and measures the female girl inferior. In Zanzibar, there is a need to conduct the research on the knowledge, attitudes, and practices in Zanzibar⁵¹. While in Pemba, on the other hand, the literature revealed that, the percentage of girls married between the ages of 12 and 15 years old is much higher than North Unguja with 35.6 percent of married women surveyed married at this age. Moreover, 26.7 percent of women surveyed were married between the ages of 15 to 18 years old and 31.1 percent were married between 19 and 23 years of age. The total, 62 percent of ever-married women surveyed in Pemba were married between the ages of 12 and 18 years.⁵² Girls who enter into marriage early face serious health risks and they are vulnerable. Bad parents' perceptions are the major factor which contributes child marriage in Zanzibar.⁵³ Many parents believe that marriage will secure their daughters' futures and they did not realize the impact of such child marriage.⁵⁴ However, there are also the parents in Zanzibar who understand the importance of education. These parents take care of the young child from the early childhood until they attained their age of majority.

D. Causative Factors of Early Child Marriages

i. Legal Aspects: Law and Policies

Zanzibar's Constitution does not make specific reference to the rights of children. However, the constitution provides for the protection and promotion of fundamental and other human rights and freedoms for all people of Zanzibar.⁵⁵ The laws and policies in relation to the child care, Children's Act, 2011, Education Act No. 2 of 1982, Education of Offenders Act 2015, Criminal Procedure Act No. 7 of 2004, The Kadhis' Courts Act No. 9 of 2017, Evidence Act No. 9, 2016 Employment Act No. 11 of 2005, Spinsters and Single Parent Children Protection Act 2005, Sexual Offences Special Provisions Act, 1998, Birth and Death Registration Act 2006, National Health Policy 2010, Child Survival, Protection and Development 2001, Education Policy 2006, Children's Court Rules 2015, National Health Policy 2010, Zanzibar Social Protection Policy, 2014.⁵⁶ These laws, however, do not provide the issue of child marriage and do not give any strict punishment for the parents who bring the child into early child marriage.

ii. Family Abuses and Attitudes

The family attitude includes many factors such as social norms and practice, believes, culture, violence. The family attitude is main causative factors which lead to early marriages and impacts in the society. Parents' attitudes toward upbringing children differ. It happens sometimes due to the parent's habit, for instance, unconcerned with the child idea, harshness. In this context, a child will build the unhappy attitudes and unsatisfactory emotions of their parents.⁵⁷ The children build an unhappy attitude and search for her own freedom as to engage themselves in a child marriage. In Zanzibar for example in West District, the men have more power to control family. The members are influenced by the culture that man pays the dowry that makes him have power over his wife and his children. This sometimes led to family conflicts and cause domestic violence and unhappy condition to the young children.⁵⁸ In Zanzibar, Parents may pursue marriage for their child daughters in an attempt to secure a shame and worried about their young children to get pregnant.⁵⁹ In turn, child girls may consent to the arrangement without fully understanding and being prepared for the responsibilities, risks and considerable complexity of navigating the roles of a wife.⁶⁰

February 2012), 29.

⁵¹ Bakari Ali Mohammed, *Child abuse in Zanzibar West District Tanzania: Assessment of Knowledge, Attitude and Practice (KAP)*. (Master Degree: Open University of Tanzania 2015), 58.

⁵² Sharon Smee, *Survey Wall of silence: A look at violence against women in northern Zanzibar*, (Action Aid International Tanzania, 2012). Viewed at admin.tanzania@actionaid.org. www.actionaid.org, 1st March 2018, 30.

⁵³ The Revolutionary Government of Zanzibar, *The Revised Judiciary Strategic Plan and Mtefu Final Report (2013/2014 – 2015/2016)*. Unreported, 12.

⁵⁴ Ibid, 13.

⁵⁵ Chapter 3 of the Zanzibar constitution 1984.

⁵⁶ Shean Keanan, *Zanzibar Situation analyses*, (Zanzibar: United Nations International Children Fund, 2016), 7

⁵⁷ Grace Kyomuhendo Bantebya, Florence Kyoheirwe Muhanguzi and Carol Watson, *Adolescent Girls in the Balance: Changes and Continuity in Social Norms and Practices Around Marriage and Education in Uganda*, (Uganda: 2014), 25-68.

⁵⁸ Report, *The Government of the United Republic of Tanzania Initial Report to African Committee of Expert on the African Charter on the Rights and Welfare of the Child* (Dar as Salaam: Tanzania, 2016), pp. 57.

⁵⁹ World Health Organization (WHO), "WHO Guidelines on Preventing Early Pregnancy and Poor Reproductive Outcomes at all stages throughout their childbearing years. S. Shawky and W. Millat, "Early Teenage Marriage and Pregnancy Outcome", *Eastern Mediterranean Health Journal*, vol. 6, issue 1, 2000, at <http://www.emro.who.int/publications/emhj/0601/06.htm> (accessed July 22, 2014). See also Zanzibar National Survey, "Violence Against Children in Tanzania. Zanzibar, (2009), 7.

⁶⁰ Report, *a statistical snap short of violence against adolescent girls Cover photo*. (New York: USA, October 2014). Seen at

Family abuse such as child labor in Zanzibar causes the children to leave in a difficult state. The children suffered due to heavy work and cheap labor. They are humiliated by the employees in the place of work.⁶¹ Due to this reason, the children believe that marriage as the only way out of the suffering and agreed to marry.⁶² Poverty is another factor leads to early marriage. Poverty drives many children into premature employment.⁶³ Children who lack financial and other support from their parents, guardians, or family relatives, and who are abused at home, are more likely to engage in child labor.⁶⁴ According to a 2006 government survey, about 21 percent of children between the ages of 5 and 17 are engaged in some form of child labor in Zanzibar.⁶⁵ Girls who face abuses in their in the place of their work may see marriage as a way to escape their suffering.⁶⁶ Additionally, girls who engaged themselves in households become vulnerable to commercial sexual exploitation”.⁶⁷

Base on the government report⁶⁸, bad perceptions of family attitude allocates about 6 in 10 females and 7 in 10 males reported experiencing physical violence prior to the age of 18. Almost 1 out of 2 females and more than 4 in 10 males 13 to 17 years old reported having experienced physical violence in the past 12 months by either a relative, trusted authority (such as teachers) or an intimate partner. Almost 3 in 10 females and about 6 in 10 males reported physical violence by their fathers. More than 1 out of 10 females and about 3 out of 10 males reported being violated by both their mother and father. Over 7 in 10 females and 6 in 10 males 13 to 24 years of age who experienced physical violence prior to the age the of 18 reported to be abused by teachers.⁶⁹ The above-mentioned family attitudes cause a lot of impacts to a girl child in Zanzibar.

E. Impacts

i. Early Pregnancies and Schools Drop Out

Child girls in Zanzibar currently have extremely limited access to appropriate reproductive health information and services, including family planning.⁷⁰ This contributes to early pregnancies and childbirth both inside and outside of marriage.⁷¹ However, pregnancy and childbirth outside of marriage to a girl child who lives with her parents, is still viewed a negative act and surrounded by stigma and ‘injunctive’ social norms, it is viewed as the act add social burdens to the economic burden of single motherhood.⁷² From the school, girls face many gendered risks during their schooling, including school dropout due to pregnancy or early marriage.⁷³ In Zanzibar, there is a bad perception on women education as the people

UNICEF/ETHA_2014_00236/3 pp. 25.

⁶¹ ILO, “Defining Child Labor,” <http://www.ilo.org/ipecc/facts/lang--en/index.htm> (accessed July 22, 2017).

⁶² As reported Nancy J., married at 17, Mwanza, March 2014. See also United Republic of Tanzania, *National Action Plan for the Elimination of Child Labor*, 2009, p. 5. See also, ILO, *What is Child Labor: Defining Child Labor*, <http://www.ilo.org/ipecc/facts/lang--en/index.htm> (accessed July 22, 2017).

⁶³ Bakari Ali Muhammed, “Child Abuse Zanzibar West District of Tanzania: Assessment of Knowledge, Attitude and Practice”, (A Dissertation for Master Degree: Open University Tanzania. (2015).

⁶⁴ Ibid. pp. 11 and 12.

⁶⁵ National Bureau of Statistics, “Child Labour in Tanzania: An Analysis of Findings of the Integrated Labour Force Survey,” 2006, <http://www.ilo.org/ipeccinfo/product/viewProduct.do?productId=16320>, (accessed July 22, 2014), p. xvi. These are the most recent government figures available. In its 2013 report, “Toxic Toil: Child Labor and Mercury Exposure in Tanzania’s Small-Scale Gold Mines,” 87, Human Rights Watch recommended conducting a new national survey on child labour.

⁶⁶ Human Rights Watch interviewed 20 girls who said they married early to escape. Accessed on the day of 1st March 2018 in [http://siteresources.worldbank.org/DEC/Resources/84797-child labor](http://siteresources.worldbank.org/DEC/Resources/84797-child%20labor). Child domestic work is common and widely accepted as a way to contribute to the family’s income.

⁶⁷ United States Department of Labor, *Findings on the Worst Forms of Child Labor*. (US: Tanzania, 2012), 2.

⁶⁸ A Report, *The Government of the United Republic of Tanzania Initial Report to African Committee of Expert on the African Charter on the Rights and Welfare of the Child* 2016, 57.

⁶⁹ B.A. Mohammed, *Zanzibar National Survey*. (Zanzibar: 2009).

⁷⁰ Alexia Sabbe, et all., “Forced Marriage: An Analyses of legislations and political measures in Europe”, *Crime Law and Social Change*, an International Journal, Vol. 62, No.1 (2014).

⁷¹ The government of the United Republic of Tanzania, *Initial Report to African Committee of Expert on the African Charter on the rights and Welfare of the child* (Tanzania: 2016), 58.

⁷² Sharon Smee *Wall of Silence: A look at Violence Against Women in Northern Zanzibar*. (Tanzania: Action Aid International, February, 2012).

⁷³ Inspired of Universal Secondary Education (USE) policies, examines; girls in the study communities still lacked full opportunities for secondary education; the long distances to schools increased the opportunity costs and risks to girls and their families.

believe that the girls will tend to neglect family duties when they are given education.⁷⁴ In relation to this issue, the child marriage can be prevented from the programmes which evolve the idea of stopping child marriage in Zanzibar. Girls who drop out of school are like to enter into early marriage as parents fear that they will get pregnant and brings shame to the family.⁷⁵ When unmarried girls get pregnant, or a girl is suspected of being sexually active, parents and other caregivers may force her to marry her sexual partner.⁷⁶ Base on the report,⁷⁷ over one-third of Zanzibarian girls who are out of school enter into marriage, and one quarter because of pregnancy.

The gender against girl's child undermines the development of the child girl. Despite government efforts to improve access to education, there are still clear gender gaps in education and literacy.⁷⁸ Some of the parents did not see the importance of the child girl to go to school. They believe that the child girl will be married and be protected by the husband⁷⁹ (GBV).⁸⁰ In addition, girls are usually expelled from school if they get pregnant⁸¹. This is against the rule which has been set on CRC on the equal opportunity in education.⁸² The government provides free primary education, parents must pay related school costs such as uniform, textbooks, and testing fees, even though they cannot afford⁸³. In addition, the family faces financial constraints on sending children to schools because of their low social status and the costs of educating their children which result in the early marriages⁸⁴. The Zanzibar families live in an extended family and sometimes the cost is not afforded. Therefore, once the child girl finishes compulsory education she can be married while she is still under age of majority.

ii. Heath

Child marriage has many effects on girls' health, for instance, it increases the risk of sexually premature and death and obstetric fistulas. The report on the sexual and reproductive health revealed high levels of vulnerability in Zanzibar.⁸⁵ These increased risks are not only related to age, but also to girls' low levels of education, low social status, and lack of access to health-related information and health services.⁸⁶ According to the United Nations, Tanzania was one of the 10 countries that together accounted for 58 percent of global maternal deaths in 2013⁸⁷ which is mortality higher among these girls. However, in Zanzibar infant mortality at 54 per 1000 live births and mortality in children under 5 years old at 73 per 1000 live births.⁸⁸

⁷⁴ Nicola Jones et ell., *Early marriage and education: the complex role of social norms in shaping Ethiopian adolescent girls' lives* 2014 page 35-68.

⁷⁵ Giving birth during adolescence has serious consequences for the health of the girl and the infant with complications of pregnancy and childbirth being the leading cause of adolescent mortality in low - and middle-income areas (WHO, 2012).

⁷⁶ UNFPA estimates that nearly 16 million teenage girls aged between 15 and 19 in developing countries give birth every year, with an additional two million under the age of 15 giving birth every year (UNFPA, 2012; WHO, 2012).

⁷⁷ Shean Keenan, *Zanzibar Situation Analyses* (UNICEF: Zanzibar, 2016), 28-29.

⁷⁸ UNICEF, *Children and Women in Tanzania*, (Dar-as-Salaam: Tanzania, 2013), 64.

⁷⁹ Human Rights Watch, *Ndoa za utotoni Tanzania*, (Tanzania: 2014), 1-21.

⁸⁰ Save the Children, *Child Protection Program in Zanzibar* (Zanzibar: Zanzibar Legal Services Centre, 2016), 4. See also Report, *Stopping Violence Against Children "A National Plan to Respond to Violence Against Children In Zanzibar, 2011-2015*, (2016), 3.

⁸¹ Section 20 (3) of Education Act, 1982. The provision with regard to suspension from school after marriage has however not been reviewed. Thus, while the education policy says one thing the law has not been brought into conformity with the policy intent.

⁸² As stated under Article 28 (1) of the CRC. See, Save the Children (2016), *Child Protection Program in Zanzibar* (Zanzibar Legal Services Centre), 4. See also Report, *Stopping Violence Against Children "A National Plan to respond to violence Against Children in Zanzibar, 2011-2015*, 3.

⁸³ United Nations Economic and Social Council, *Concluding Observations on the Initial Reports of Tanzania*, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=E/C.12/TZA/CO/1-3&Lang=En, assessed on the day of 13th December, 2017, 6.

⁸⁴ UNESCO, *Global Partnership for Girls and Women's Education: One Year* viewed in on 2nd March 2018 at, http://www.unesco.org/eri/cp/factsheets_ed/TZ_EDFactSheet.pdf (accessed May 17, 2014), poverty remains the main challenge to the improvement of girls' secondary education and increases girls' risk of dropping out of school.

⁸⁵ Report, *Stopping Violence Against Children; A National Plan to respond to violence Against Children In Zanzibar 2011-2015* at page 3. See also The Ministry of Labour, Youth, Women and Children Development Zanzibar, *GBV Incidences and Responses in Zanzibar; An evidence based study*. (Zanzibar: August 2007), pp 12.

⁸⁶ Ibid. Studies on other countries show that women who marry early have the highest proportion of unfavorable pregnancy outcomes at all stages throughout their childbearing years. See also the book of S. Shawky and W. Millat, *Early Teenage Marriage and Pregnancy Outcome*, Eastern Mediterranean Health Journal, 2000, vol. 6, issue 1, assessed in 2nd march 2018 at <http://www.emro.who.int/publications/emhj/0601/06.htm>, 46

⁸⁷ On health care, Article 24 of the CRC states that "States parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health." African Charter on the Rights and Welfare of the Child, OAU Doc. CAB/LEG/24.9/49 (1990), entered into force Nov. 29, 1999.

⁸⁸ http://apps.who.int/iris/bitstream/10665/184986/1/WHO_RHR_14.33_eng.pdf, 1-2.

iii. Psychological impact

The intersection between childhood and the world of adults, child girls face unique challenges to the full development and exercise of their capabilities.⁸⁹ Yet, they may also involve effecting positive development outcomes that could give insight into future generations.⁹⁰ An investment in the empowerment of child girls is good and critical in breaking the intergenerational transmission of psychological impact.⁹¹ The research⁹² shows that investments to have maximum impact is needed to make child girls more visible in policy and planning processes and to identify the multiple social and cultural forces that shape their experiences and conditions of life.⁹³ The girl overlapping the intersecting experiences, deprivation, and exclusion serve to intensify and perpetuate vulnerabilities.⁹⁴ Such girls still face a myriad of challenges in education, household and family relations, economic empowerment or access to resources, physical safety, and health. This leads to the psychological impact and well-being of the child.⁹⁵ Discriminatory social norms, attitudes, and practices were seen to be compounded by conditions of poverty and lack of quality service provision to constrain overall opportunities and development⁹⁶. All these problems resulted in psychological impacts resulted from the early child girls.

III. FINDINGS, RECOMMENDATIONS, AND CONCLUSION

To stop child marriage, law and policies must be properly followed. The raising community awareness is also important in shaping the family structure. The standard improving family abuses and bad perceptions towards child marriage are very important. This shall be done by engaging local and religious leaders, parents, and empower girls through education and employment.⁹⁷

i. Laws and policies

The legal system is key sources and enforcers of government laws Legal and policy frameworks face many challenges. The laws and policies exist in Zanzibar are outdated and need amendments. The particular need should be identified to propose the new laws such as family law which deal with Muslims and non-Muslims. The highlight should be on the importance of updating the policies so as to resolve the problem of child marriage. When new law enacted it has to look at the environment to make the law effective. The penalties should be properly set and check. Whenever there is a violation the laws should be observed and justice be made as to reduce the impact of early marriage in Zanzibar Besides, policies and programs must educate communities, raise awareness, engage local and religious leaders, involve parents, and empower girls through education and employment.⁹⁸

ii. Raising Awareness

The identified number of mediating sites and institutions to advocate social norms are such as; the family and household, schools, health centers, local government structures and legal services, ethnic and religious institutions and ideologies, projects and activities, e.g. socialization into traditional gender norms, schools which offer avenues and opportunities for

⁸⁹ Alizadeh I. et al., "Counselling Young Immigrant Women Worried About Problems Related to the Protection of Family Honor'- From the Perspective of Midwives and Counsellors at Youth Health Clinics", *Scandinavian Journal of Caring Sciences*, (2010). 24 (1), 32–40.

⁹⁰ Franziska Fay, The Meaning of Adabu and Adhabu for the 'Child Protection' Discourse in Zanzibar, *Journal of Postgraduate Research, Volume 9 (2015-16)*, retrieved at <http://eprints.soas.ac.uk/id/eprint/24139.pdf>, 24-33.

⁹¹ Khawaja, M., & Hammoury, N, "Coerced sexual intercourse within marriage: a clinic-based study of pregnant Palestinian refugees in Lebanon", *Journal of Midwifery & Women's Health*, 53(2), (2008), 150–154. See also Nour, N. (2009), "Child Marriage: A Silent Health and Human Rights Issue". *Review in Obstetrics & Gynecology*, 2(1), 51–56.

⁹² Karen Muller, "Early Marriages and the Perpetuation of Gender Inequality, Child Abuse in Tanzania", *Institute for Child Witness Research and Training, South Africa*. Viewed in 2nd March, 2018. Seen from the website at <http://www.ufh.ac.za/speculum/sites/default/files/SJ0314FPMuller.pdf>, 1-26.

⁹³ The Ministry of Youth, Women and Children Employment "The Directions on protection of Children in Zanzibar" (Zanzibar: government Press, 2011), 16.

⁹⁴ CEDAW, "Tanzania Non-Governmental Organization's Shadow Report to CEDAW: The Implementation of the Convention on the Elimination of all Forms of Discrimination Against women,"

⁹⁵ Human Rights Watch (2014), "Ndoa za Utotoni Tanzania" Marcus Bleasdale/VII, Human Rights Watch https://www.hrw.org/sites/default/files/reports/tanzania_swahili_0.pdf, 1-21.

⁹⁶ Grace Kyomuhendo Bantebya, et all., *Adolescent girls in the balance: Changes and Continuity in Social Norms and Practices Around Marriage and Education in Uganda*, (Uganda, 2014), 25-68.

⁹⁷ Alizadeh, et al., *Counselling Young Immigrant Women Worried About Problems Related to the Protection of 'Family Honour'*; From the Perspective of Midwives and Counsellors at Youth Health Clinics, *Scandinavian Journal of Caring Sciences*, 24 (1), (2010), 32–40.

⁹⁸ Nawal M. Nour, *Health Consequences of Child Marriage in Africa Emerging Infectious Diseases*, www.cdc.gov/eid, Vol. 12, No. 11, (November 2006), 1

girls' empowerment but can also serve as sites for gender discrimination and risk. Health centres promote child-friendly health information and services. The health centre should advocates health impacts of the child marriage so as to become aware of the situation.⁹⁹ In addition, the local government, policies, and protection from early marriages can act as actors for raising awareness. The leaders and religious authorities can help also the government in raising awareness of both ethnic and religious values. The community members have the contribution to the development of the government as most of the time apply the teachings and shape the family out of early marriage. The awareness is very important to the national and community level as it will reduce the child age marriage in Zanzibar.

iii. Early pregnancies and schools drop out

Child girls in Zanzibar currently have extremely limited access to appropriate reproductive health information and services, including family planning.¹⁰⁰ This contributes to early pregnancies and childbirth both inside and outside of marriage.¹⁰¹ However, pregnancy and childbirth outside of marriage, to a girl child who lives with her parents, is still viewed a negative act and surrounded by stigma and 'injunctive' social norms, it is viewed as the act add social burdens to the economic burden of single motherhood.¹⁰² From the school, girls face many gendered risks during their schooling, including school dropout due to pregnancy or early marriage.¹⁰³ Child marriage can be prevented from the programmes which evolve the idea of stopping child marriage in Zanzibar. Girls who drop out of school are like to enter into early marriage as parents fear that they will get pregnant and bring shame to the family.¹⁰⁴ When unmarried girls get pregnant, or a girl is suspected of being sexually active, parents and other caregivers may force her to marry her sexual partner.¹⁰⁵ Base on the report, over one-third of Zanzibarian girls who drop out of school enter into marriage, and one quarter because of pregnancy.¹⁰⁶ The gender-based violence as against girls still persists in Zanzibar, the literature indicates the continuation of high levels of gender-based violence (GBV).¹⁰⁷ The gender-based violence affects the child girl and brings her into early marriage as the community believed after being married the husband will take care of her. The education to the child girl therefore in Zanzibar is not given a high weight against a child girl compare to a child boy. Despite government efforts to improve access to education, there are still clear gender gaps in education and literacy.¹⁰⁸ The literacy rate for a boy is higher at 82 percent, compare to girls at 72 percent. 64 Girls face several important obstacles to education, notably gender stereotypes on the value of educating girls, school fees for secondary schooling and school-related costs, and the entrance exam for secondary school. In addition, girls are usually expelled from school if they get pregnant.¹⁰⁹ Data from the report¹¹⁰ indicates that for a period of 2014/2015 a total of 52 early marriages were reported and 59 early pregnancies. This is against the rule which has been set on CRC on the equal opportunity in education.¹¹¹ However the government provides free primary

⁹⁹ United Nation Children's Fund, "Early Marriage Child Spouses", *Innocent Digest No. 7-2001*, (March 2001), viewed on 27th February, 2018, on the website at, <https://www.unicef.org/publications/pdf/digest7e.pdf>, 1-30.

¹⁰⁰ Alexia Sabbe, et al., "Forced Marriage: An Analyses of legislations and political measures in Europe", *Crime Law and Social Change, an International Journal*, Vol. 62, No.1 (2014).

¹⁰¹ The United Republic of Tanzania, *Initial Report to African Committee of Expert on the African Charter on the rights and Welfare of the child* (Report: Tanzania, 2016), 58.

¹⁰² Sharon Smee *Wall of Silence: A look at Violence Against Women in Northern Zanzibar*. Edited by Dorcas Erskine and Annmarie Mavengjina, (Tanzania: Action Aid International, February, 2012).

¹⁰³ Inspired by Universal Secondary Education (USE) policies, that girls in the study communities still lacked full opportunities for secondary education; the long distances to schools increased the opportunity costs and risks to girls and their families.

¹⁰⁴ Giving birth during adolescence has serious consequences for the health of the girl and the infant with complications of pregnancy and childbirth being the leading cause of adolescent mortality in low - and middle-income areas (WHO, 2012).

¹⁰⁵ UNFPA estimates that nearly 16 million teenage girls aged between 15 and 19 in developing countries give birth every year, with an additional two million under the age of 15 giving birth every year (UNFPA, 2012; WHO, 2012).

¹⁰⁶ Shean Keenan, *Zanzibar Situation Analyses* (UNICEF: Zanzibar, 2016), 28-29.

¹⁰⁷ Save the Children *Child Protection Program in Zanzibar* (Zanzibar: Zanzibar Legal Services Centre) page 4. See also Report, *Stopping Violence Against Children "A National Plan to respond to violence Against Children In Zanzibar, 2011-2015* (Zanzibar: 2016), 3.

¹⁰⁸ UNICEF, *Children and Women in Tanzania*, (Dar-as-Salaam: Tanzania, 2013), 64.

¹⁰⁹ Section 20 (3) of Education Act, 1982 (Act No. 6 of 1982). The provision with regard to suspension from school after marriage has however not been reviewed. Therefore, government should review this provision so as to avail to married students, the opportunity to attend school and continue with their education.

¹¹⁰ Of the Ministry of Education and Vocational Trainings, 2015.

¹¹¹ The CRC Article 28 (1) states that "States parties recognize the right of the child to education and with a view to achieving this right progressively and on the basis of equal opportunity," put in education.

education,¹¹² parents must pay related school costs such as uniform, textbooks, and testing fees, even though they cannot afford¹¹³. In addition, the family faces financial constraints on sending children to schools because of their low social status and the costs of educating their children which result in the early marriages.¹¹⁴

iv. Improve family attitudes and government services

It is clear that discriminatory gender norms and the specific vulnerabilities they produce for child girls produce span sectors. There is a need, therefore, for integrated approaches and provisions of services that will engage multiple actors and address multiple needs. Besides there is a need to strengthen reproductive health information services in schools, for example, require stronger coordination between the health and education sectors. Problems of school dropouts cannot be attempted by the education sector alone, but need to be supported by community development officers and local authorities render women and girls more vulnerable. This issue needs to be properly addressed, in a clear way and getting girls back to school. Besides, improving the condition of poverty and economic livelihoods and enhancing communication between parents and children towards the solution of child marriage in Zanzibar.

Financial support for poor students is also identified as a potential measure to address barriers arising from household poverty. There is a need of, strengthened sanctions for parents who do not ensure their children go to school. This will improve the educational environment in schools and make parents more attentive. Whenever teachers made any harassment against a child girl at schools, the strong punishment should be inflicted upon him. Besides, school health initiatives against a child girl for her safety development should be taken addressed. This can be done by promoting the important roles and status of senior female teachers was seen to be instrumental in creating a favorable environment for girls at school. A complex nexus of sociocultural transformation seen to be driving out traditional socio-cultural norms and values this brings immoral behavior. Child girl and practices marriage should be set within the broader context of overall socioeconomic, and cultural transformation accompanied by persistent poverty, to enhance the development of young child girl.

REFERENCES

- [1] Abimbola Adebimpe ALLEN & Paul Oluwatomi ADEKOLA (2017), "Health Implication of Child Marriage in North-east Nigeria" *Analele Universității din Oradea, Seria Geografie*, No. 1 (June, 2017), 54-61, retrieved on the website at, http://geografie-uradea.ro/Reviste/Anale/Art/2017-1/6.AUOG_730_Allen.pdf, 1-8 on 28th day of February, 2018.
- [2] Absalom Aswani, "Republic of Kenya Guidelines for the Alternative Family Care of Children in Kenya", *Journal of International Studies Volume 8/ issue 4, (October 2014)*, at <https://www.bettercarenetwork.org/sites/default/files/Guidelines%20for%20the%20Alternative%20Family%20Care%20of%20Children%20in%20Kenya.pdf>, viewed on 28th February, 2018, 1-189.
- [3] Alexia Sabbe, et al., "Forced Marriage: An Analyses of legislation and political measures in Europe", *Crime Law, and Social Change, an International Journal, Vol. 62, No.1, (2014)*.
- [4] Amy Ramnarine, "The Effect of Child Marriage on Children's Health Outcomes: Evidence from Bangladesh", *JEL classification: I15, I10, J12, (2017)*, Retrieved on the website at, https://sites.tufts.edu/neudc2017/files/2017/10/paper_37.pdf, 1-46,
- [5] Bakari Ali Muhammed, "Child Abuse Zanzibar West District of Tanzania: Assessment of Knowledge, Attitude, and Practice", (Master Thesis: Open University Tanzania, 2015).
- [6] Daniel L. Hicks and Joan Hamory Hicks "Lucky Late Bloomers: The Impact of Early Marriage on Adult Outcomes in Western Kenya", *JEL Classification: I32, I15, J12, J13, J16, O12 (January 2013)*, Retrieved on 27th day of February, on the website at http://cega.berkeley.edu/assets/cega_events/49/Session4DMarriage_Market.pdf, 1-160.

¹¹² Free education in Zanzibar begins from nursery school to form II. In Zanzibar 63% of both men and women have at least attained secondary education (THMIS Report 2011/12 and Tanzania in Review 2013/14).

¹¹³ United Nations Economic and Social Council, *Concluding Observations on the Initial Reports of Tanzania*, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=E/C.12/TZA/CO/1-3&Lang=En, assessed on the day of 13th December, 2017, 6.

¹¹⁴ According to UNESCO, *Global Partnership for Girls and Women's Education: One Year* viewed in on 2nd March 2018 at, http://www.unesco.org/eri/cp/factsheets_ed/TZ_EDFactSheet.pdf. Furthermore, it is explained that, poverty remains the main challenge to the improvement of girls' secondary education and increases girls' risk of dropping out of school.

- [7] Karen Muller, "Early Marriages and the Perpetuation of Gender Inequality, Child Abuse in Tanzania", *Institute for Child Witness Research and Training, South Africa*, Retrieved at <http://www.ufh.ac.za/speculum/sites/default/files/SJ0314FPMuller.pdf>, pp.1-26.
- [8] Erin stiles, "The Right to Marry, Daughters and Elders in the Islamic Courts of Zanzibar" *Islamic law and society* 21 (2014), 252-275.
- [9] Franziska Fay, the Meaning of *Adabu* and *Adhabu* for the 'Child Protection' Discourse in Zanzibar, *Journal of Postgraduate Research, Volume 9 (2016)*, 24-33.
- [10] Friedman, K, "Early childhood abuse and neglect exploring the consequences effects and treatment". *The Faculty of Psychology and Child Development Department, California Polytechnique State University, and Luis Obispo*, (2010).
- [11] Gill, A., & Anitha, S, "The illusion of protection. Analysis of forced marriage legislation and policy in the UK". *Journal of Social Welfare & Family Law*, 31(3), (2009), 257-269.
- [12] Grace Kyomuhendo Bantebya, "Florence Kyoheirwe Muhanguzi and Carol Watson Adolescent girls in the balance: Changes and continuity in social norms and practices around marriage and education in Uganda" (2014),
- [13] Human Rights Watch (2014), "Ndoa za Utotoni Tanzania" Marcus Bleasdale/VII, https://www.hrw.org/sites/default/files/reports/tanzania_swahili_0.pdf, 1-21.
- [14] Issa B. Oba, "Evolution of Kadhis' Courts in Zanzibar", *Journal of Law, Policy and Globalization, Vol.37, 2015*. Retrieved on the day of 28th February 2018, at the website http://heinonline.org/HOL/Page?handle=hein.journals/jawpglob37&div=3&g_sent=1&casa_token=&collection=journals.pdf, 1-6.
- [15] Jeniffer Birech, "Child Marriage: A Cultural Health Phenomenon" *International Journal of Humanities and Social Science" Vol. 3 No. 17; September, 2013*. Retrieved at http://www.ijhssnet.com/journals/Vol_3_No_17_September_2013/12.pdf, pp 1-7. on the day of 1st February 2018.
- [16] Julia Sloth-Nielsen, "The Children's Act of Zanzibar Process, Progress, and Potential", *International Journal Family Law* (2015) Content downloaded/printed from <http://heinonline.org/HOL/Page?handle=hein.journals/intsfal22&collection=journals&id=403&startid=&endid=420>, in 1st Friday day of December 2017.
- [17] Karen Hardee et al., "Strengthening the Enabling Environment for Women and Girls: What is the Evidence in Social and Structural Approaches in the HIV Response?" *Journal of the International AIDS Society* 2014, seen on the 27th day of February, at the website at, <http://www.jiasociety.org/index.php/jias/article/view/18619>, pdf, in the file of | <http://dx.doi.org/10.7448/IAS.17.1.18619>, 1-2.
- [18] Khawaja, M., & Hammoury, N, "Coerced Sexual Intercourse Within Marriage: A Clinic-Based Study of Pregnant Palestinian Refugees in Lebanon, *Journal of Midwifery & Women's Health*, 53(2), (2008), 150-154. See also Nour, N. Child Marriage: A Silent Health and Human Rights Issue. Review in *Obstetrics & Gynecology*, (2009).
- [19] Laura Stark, "Early Marriage and Cultural Constructions of Adulthood in Two Slums in Dar es Salaam, Culture, Health & Sexuality", (Tanzania, 2017): 1-15.
- [20] Mahamad Arifin Norlia, Ibrahim, and Mwinyi Talib, "The Role of *Sulh* Towards the Process of Reducing the Rate of Divorce in the Kadhis' Courts in Zanzibar: Following the Malaysian Model", *Australian Journal of Basic and Applied Sciences*, 6 (11): 166-178, 2012, Retrieved on the day of 28th February, 2018, on the website at <http://ajbasweb.com/old/ajbas/2012/Special%20oct/166-178.pdf>, 1-13.
- [21] Minh Cong Nguyen and Quentin Wodon (September 2014) "Impact of Child Marriage on Literacy and Education Attainment in Africa", *Paper prepared for a task funded by the Global Partnership for Education on "Background Paper for Fixing the Broken Promise of Education for All"*, Global Partnership for UNICEF, Retrieved at <http://allinschool.org/wp-content/uploads/2015/02/OOSC-2014-QW-Child-Marriage-final.pdf>, 1-19.
- [22] Moh'd Makame Haji, "The Quick Sands of the Law of Marriage and Zanzibar: Some Missing Footnotes" *Journal of Culture, Society and Development, An International Peer-reviewed Journal Vol.15, 2016*,1-11.

- [23] Mwinyi Talib et al., "The Role of *Sulh* towards the Process of Reducing the Rate of Divorce in the Kadhis' Courts in Zanzibar: Following the Malaysian Model", *Australian Journal of Basic and Applied Sciences*, 6(11), (2012), 166-178.
- [24] Mwinyi T. Haji, Abdulfatai O. Sambo, (2012), The Influence of Common Law Advocates and Judges in the Shari'ah Adjudication: A Critical Exposition of the Experience in Nigeria and Zanzibar, 5. *Journal of Law, Policy & Globalization* vol. 1, issue 1, (2012).
- [25] Mwinyi Talib Haji, The Status of Shari'ah Courts in Zanzibar and Malaysia: A Comparative Exposition, *Journal of Law, Policy and Globalization* Vol. 53, 2016, Retrieved at <http://iiste.org/Journals/index.php/JLPG/article/viewFile/33274/34172>, pdf 1-8, on 28th February 2018.
- [26] National Bureau of Statistics, *Tanzania Demographic and Health Survey (TDHS) 2010*. (Dar es Salaam, May 2011).
- [27] ODI & UNICEF, Fiscal Space for Strengthened Social Protection: West and Central Africa. (UNICEF: 2009).
- [28] Nawal M. Nour, "Health Consequences of Child Marriage in Africa Emerging Infectious Diseases", *Vol. 12, No. 11*, November. (2006).
- [29] Paolo Sartori and Ido Shahar Legal, "Pluralism in Muslim-Majority Colonies: Mapping the Terrain", *Journal of the Economic and Social History of the Orient* 55 (2012) 637-663, at <https://oeaw.academia.edu/PaoloSartori>, 1-26.
- [30] Rashid Mohamed et al., (2015) "Implementation of Education Policy in Reducing School Dropout in Zanzibar: A Case of Tumbwe Ward Pemba, (Master Degree: Mzumbe University 2015), Tanzania.
- [31] REPOA & UNICEF, *Research on Poverty Alleviation: Update of the Situation Analysis of Women and Children in Zanzibar*, October, 2006.
- [32] Save the Children, "Child Protection Program in Zanzibar" (Zanzibar Legal Services Centre, Zanzibar, 2016).
- [33] Sharon Smee (2012), "Survey Wall of Silence: A Look at Violence Against Women in Northern Zanzibar February, (Action Aid International: Tanzania).
- [34] Report, Stopping Violence Against Children "A National Plan to respond to Violence Against Children in Zanzibar 2011-2015.
- [35] Tamar Ezer; Kate Kerr; Kara Major; "Child Marriage and Guardianship in Tanzania: "Robbing Girls of Their Childhood and Infantilizing Women", 7 *Geo. Journal of Gender & Law* 357 (2006), at, file:///C:/Users/User/Downloads/TamarEzerKateKerrKaraMajo, pdf, pp 1-95, viewed in the day of 28th February, 2018.
- [36] Tanzania Human Rights Report, (Mainland and Zanzibar Legal and Human rights Centre & Zanzibar Legal Services Centre, 2016), 317.
- [37] The government of the United Republic of Tanzania, *Initial Report to African Committee of An Expert on the African Charter on the Rights and Welfare of the Child* 2016.
- [38] The Revolutionary Government of Zanzibar "The Revised Judiciary Strategic Plan and Mtefu Final Report (2013/2014 – 2015/2016), Unreported (2013),
- [39] United States Department of Labor, *Findings on the Worst Forms of Child Labor: Tanzania*, 2012.
- [40] The World Bank, (2008), *The Consequences of Child Labor*, viewed accessed July 22, 2014, in the web link cited <http://siteresources.worldbank.org/DEC/Resources/84797-> Viewed on 17 of the December, 2017.
- [41] UNICEF - Update of the Analysis of Women and Children in Zanzibar, Zanzibar (Unpublished). 2006
- [42] The United Nations Children's Fund (UNICEF), *Early Marriage A Harmful Tradition Practice A Statistical Exploration*, (Dar-es-Salaam, Tanzania 2005).
- [43] United Nation Children's Fund (UNICEF), *Early Marriage Child Spouses, Innocent Digest No. 7*, (March 2001) viewed on 27th February 2018, on the website at, <https://www.unicef.org/publications/pdf/digest7e.pdf>, 1-30.

- [44] United Nations Children’s Fund (UNICEF), “A Statistical Snap Short of Violence Against Adolescent Girls Cover photo”. *Division of Data, Research and Policy, October 2014*, “Viewed at UNICEF/ETHA_2014_00236/”. (New York: USA), 25.
- [45] United Nations Children’s Fund, *Measuring and Monitoring Child Protection Systems: Proposed Core Indicators for East Asia and Pacific Region, Strengthening Child Protection Series No. 1*. (UNICEF EAPRO: Bangkok, 2012).
- [46] UN Report, (2014), *No Way Out Child Marriage and Human Rights Abuses in Tanzania*, Human Rights Watch viewed at <https://www.hrw.org/news/2014/10/29/tanzania-child-marriage-harms-girls>, pdf, 1-75. Viewed 1st March 2018.
- [47] The United Republic of Tanzania, *Report on Research and Public Enquiry on the Implementation of Children’s Rights in Zanzibar*, (Dar-as-Salaam: The Commission for Human Rights and Good Governance March 2008).
- [48] World Health Organization (WHO), *Guidelines on Preventing Early Pregnancy and Poor Reproductive Outcomes at all Stages Throughout Their Childbearing Years*.
- [49] S. Shawky and W. Millat, “Early Teenage Marriage and Pregnancy Outcome,” *Eastern Mediterranean Health Journal*, 2000, vol. 6, issue 1, at <http://www.emro.who.int/publications/emhj/0601/06.htm> (accessed July 22, 2014).
- [50] Zanzibar National Survey Violence against Children in Zanzibar (From ‘Violence against Children in Tanzania – Zanzibar, 2009).