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The social, economic, political and cultural factors hindering anti-child marriage initiatives in Zimbabwean urban areas

Cedric E. BHALA

ABSTRACT

Child marriages have been a rising phenomenon which has attracted a lot of legislative and program attention. Government and non-governmental agencies have all directed a lot of resources towards the process of eradicating child marriages. On a global scale, child marriages were incorporated as part of the sustainable development goals through SDG 4 and 10 which are focused on gender equality and reducing inequalities respectively. Regardless of this regional, local and global attention child marriages have continued unabated. It is on this background that the study was conceptualised. The study aimed to explore the challenges that are faced in the implementation of anti-child marriage initiatives in high-density suburbs so as to strengthen future implementation and enforcement efforts. The study utilised a qualitative research methodology. A case study design was chosen, with Harare selected as the case being studied. A total of 12 research participants were selected as the study sample. The sample was drawn from officials from governmental and non-governmental organisations that are responsible for the implementation of anti-child marriage initiatives. Ethical clearance for this study was obtained. The findings of the study were presented thematically. The challenges were deemed to be a rare combination of internal and external factors such as underreporting of child marriage cases, faulty social perceptions of the phenomenon, lack of resources, poverty and economic crisis prevalent in most high-density suburbs. Stakeholders recommended that availing of more resources, bridging of legislative gaps and robust awareness campaigns would greatly strengthen implementation and enforcement efforts. The main recommendation from the study is for there to be a unified or coordinated approach to anti-child marriage initiatives by government and non-governmental actors.

KEY TERMS: child marriages, child marriages programs, children's rights, urban areas.

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INTRODUCTION

Child marriages have been addressed by numerous global, regional, and local legislative instruments, yet the practice continues unabated. These marriages involve one or both parties being under 18 years old, and the Constitution of Zimbabwe defines a child as anyone under 18, stating that individuals are legally capable of marrying at 18. Consequently, any marriage, formal or informal, before this age is illegal. Despite global efforts, including reports indicating that about 650 million women were married in childhood and that one in every four children is at risk of early or forced marriages, the issue persists (UNICEF, 2021). In developing countries, the rate of child marriages is even higher, with a significant percentage of girls marrying before 18 and some even before 15. In Zimbabwe, over 1 million girls were married before 18 (PLAN 2021), highlighting the widespread nature of child marriages. The Zimbabwe Demographic and Health Survey reveals that economic and political factors force many families to violate children's rights, especially those of girls. Child marriages are most prevalent in certain regions, with urban areas seeing a rise despite numerous programs and policies aimed at eradicating the practice. These initiatives include the United Nations Convention on the Rights of the Child, the African Charter on the Rights and Welfare of the Child and the Children's Act (Chapter 5:06) efforts, but their protective measures can sometimes be harmful and oppressive. Factors such as tradition, religion, and poverty are often blamed for the continuation of child marriages, even though frameworks exist to combat them. Zimbabwe ratified the African Charter on the Rights and Welfare of the Child, which prohibits child marriage and requires legislation to set the minimum marriage age at 18, but little has been done to address inconsistencies. The neglect of child agency in anti-child marriage laws complicates child protection efforts. This study examines the challenges faced in implementing anti-child marriage initiatives.

THEORETICAL FRAMEWORK

The study utilised the Ubuntu philosophy as the theoretical framework. The Ubuntu philosophy offers a culturally relevant lens for examining the factors hindering the effective implementation of anti-child marriage initiatives in Zimbabwe. Ubuntu, with roots in Shona and other African traditions, promotes a worldview of interconnectedness and collective identity within communities (Mbiti, 1969). At its core, Ubuntu postulates that "I am because we are" - implying that individuals cannot be properly understood separately from the social relationships and contexts that shape them (Nussbaum, 2003). This aligns well with the study's finding that child marriages are influenced by broader socio-economic conditions in Zimbabwe's high-density suburbs. By emphasizing shared fate between community members, Ubuntu can help shift entrenched social norms that normalize child marriages by reframing the issue as detrimental to society's well-being in the long-run (Metz, 2007). It also encourages resolving social problems through consensus-building approaches that garner cooperation from all stakeholders (Van Niekerk, 2017). This aligns with the need identified in the study for stronger coordination between fragmented anti-child marriage programs run by different actors. Furthermore, Ubuntu's stance of mutual support and collective responsibility for basic rights like dignity (Tutu, 1999) provides cultural legitimacy for mobilizing joint action across families, faith groups and government institutions. This speaks to recommendations around improving resource allocation and public awareness campaigns through unified efforts. Given its strong emphasis on indigenous epistemologies, Ubuntu theory centres the analysis on how cultural values can enable or prevent violations of children's rights depending on whether addressed narrowly or collectively.

LITERATURE REVIEW

Presumed factors affecting the enforcement of child marriage initiatives in Zimbabwe

The available literature (Taylor, 2017; Rembe et al, 2011; UN, 2022; and Kefalo et al, 2020) on child-marriages does a splendid job of describing the problem and its causes, while it is weaker at highlighting the success stories of implemented strategies. Taylor (2017) noted that there is also lack of literature that gives a clear picture of the challenges that are being faced in implementing programs that fight child marriages. Despite the existence and provisions of many Children's Acts in many countries, including Southern Africa Development Community member states, which prohibits and provides penalties for marriage and betrothal of a child less than 18 years, child marriage is still rampant in many countries (Rembe et al, 2011). There has been a lack of literature that thoroughly exposes the reasons for the continued existence of child marriages albeit the existence of many anti-child marriage initiatives. The few available literature points towards socio-cultural factors as a catalyst in the failure of many anti-child marriages initiatives at global, regional and local level.

Zimbabwe has similar laws that differently characterised the age that one is considered a child. For example, the Children's Act (Chapter 5:06) defines a child as any person below the age of 16 with those in the age bracket 17-18 years as young persons, while the Constitution (2013) defines any person below 18 as a child. The

implication of this is that those in 17-18 years age bracket who are married, cannot be classified as “children in need of care” as per the dictates of section 2 of the Children’s Act (Chapter 5:06). All these gaps are in direct contradiction with the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW), article 5, which states that all state parties should take appropriate action to modify social and cultural patterns of conduct in order to eliminate prejudices, customary and all other practices that hinder the realisation of women’s human rights. Child marriage was labelled as a human rights violation by Kefale et al (2020), thus state parties should be actively engaged in fighting child marriages. However, without a globally agreed age of marriage, child marriages somehow evade criminalisation. These gaps, though they vary in nature, are noted as an impediment to the enforcement of anti-child marriage legislative frameworks (UN, 2022).

Culture has also been blamed as a problem bewildering anti-child marriages programs. PLAN (2021) noted that cultural activities such as lobola are key drivers of child marriages in African countries. Lobola/Dowry system acts as a way out of poverty for most food insecure households in Sub-Saharan Africa (Kefale et al, 2020). Some cultures reportedly make it difficult for child brides to legally terminate or run away from a marriage. Pelayo (2015) noted that in male dominated cultures it is nearly impossible for women and girls to seek divorce either because they will not be supported by the family, might face the risk of paying back her original bride price and taking on all of the legal costs associated with the process. Furthermore, it is socially undesirable in some cultures for one to be divorced at a young age (Moyo, 2018). Thus, culture has acted as a barrier, preventing women and girls from actively seeking out assistance from policies and programs that are meant to benefit them.

Religion has also been seen as a factor that is hindering the progress of anti-child marriage initiatives. Chitando (2007) highlighted that religion is a powerful influence in the lives of Southern Africans which affects all aspects of health and daily living. Hallfors et al (2016) noted that rural churches are a source of social interaction and they also provide the standard for acceptable social standards within communities. Thus, religion is a key in determining the way communities actually live. Gwirayi (2013) noted there is a contradiction between statutory law on one hand and religious and customary law on the other. A notable example is of how Lebanon recognises the importance of international law in its constitutional law yet the national law stills deal with child marriage according to religious court rules, where each denomination sets it legal age of marriage. There are a total 15 family and personal laws in Lebanon, each with a different legal age of marriage. In 2021, Zimbabwe reported a case of one Anna Machaya, a girl aged 15, who died while giving birth at a religious shrine in Marange. In 2022, another similar incident was reported at a local shrine but there has been little effort to weed out child marriage that is being committed in the name of religion. While there are many studies that trace the link between religion and other social problems, there is a lack of literature that looks at religion and anti-child marriage programs. The current study intended to fill that gap.

METHODOLOGY

A qualitative research methodology was utilised to gather data related to the social, economic, political and cultural reasons that have perpetuated the existence of child marriages in Zimbabwe. The rationale for using the qualitative research approach stems from the fact that the research is exploratory in nature and adopts a case study design. The qualitative research approach allowed the researcher to have a close interaction with the research participants in their natural environment. The study purposively sampled 12 participants, with the aim of delving deeper into the experiences of these program implementers so that answers to the research questions are provided for. The table below shows the sample size and the justification for the inclusion of the participants’

Table 1: Sampling specifications

| Sample group | Sample size | Sampling method | Selection criteria |
|---|---|-----------------|--|
| Managerial staff Ministry of Public Service, Labour and Social Welfare Ministry of Women Affairs, Community, Small and Medium Enterprises Mwanasikana Wanhasi PLAN International | 2 (Director/PSDO) 1 (Managerial Officers) 1(Project Manage) 1(Project Manager) | Purposive | <ul style="list-style-type: none"> Knowledge on challenges being faced in implementing anti-child marriage initiatives Over two years' experience in the field |
| Frontline Staff Department of Social Development Mwanasikana Wanhasi PLAN International ZRP | 3 SDOs 1 Field Officers 2 Field Officers 1 Officer | Purposive | <ul style="list-style-type: none"> Field knowledge and the challenges that are being faced on the ground in implementing anti-child marriage initiatives Must be based in Harare and operating in anyone of the high-density suburbs |

The researcher utilised the data saturation concept. Thus, in this study the researcher stopped collecting data when he realised that no new information was being found from the respondents.

FINDINGS

The main objective of the paper was finding out the social, economic, political and cultural factors hindering the enforcement of anti-child marriage initiatives in Zimbabwe. This section attempts to provide answers to this research question by reflecting on the responses that were given by the study participants. The challenges that were listed included underreporting of child marriage cases, religious views of some Zimbabweans that normalise child marriages, lack of resources, poverty and the current Zimbabwean economy, and the lack of human resources within agencies. These will be discussed as themes and subthemes below.

Underreporting of child marriage cases

A recurring theme from most of the respondents that were sampled for the study indicated that child marriages are underreported, and this makes implementation or enforcement of antichild marriages a hard job. Looking at the responses obtained from the research participants, underreporting is as a result of lack of knowledge on the criminality of child marriages or societal conceptions of the phenomenon. A government Social worker, Mr Nhema pointed out that:

The communities that we work in seem to not know that marrying a child is a criminal offence which can get someone arrested.

This was backed up by an official from the Department of Social Development, Ms Chauruka who pointed out

that:

As a district we receive a few children marriage related cases because no one brings the cases to our offices. The few cases we worked on this year were through anonymous reports that were referred to us by ChildLine.

The responses given by the two participants also showed that though child marriage cases were a common phenomenon within the communities that they work in, very few cases were being brought to their attention. Underreporting of cases was also noted as an impediment to anti-child marriage programming by UNICEF in their 2021 report. A key point from the research participant's responses was that there is a general lack of public awareness on the illegality surrounding child marriages. A participant Mr Mazimbuko pointed out that:

Our challenge is that some members of the community do not know how to act or where to report especially when it is a child marriage case that has been consented to by the families involved.

Another participant, Mr. Doe also stated that:

Communities have come up with a conflict resolution system for child marriage which is against the drive of protecting children's rights. In most instances when a girl is impregnated she is taken to her "inlaws". The case is only reported if the in-laws reject the girl

A common theme amongst study participants was that if a child is below 18 and is impregnated the reflex action for families and communities is to marry that child off. They do not regard this as a child marriage especially if the part responsible for the pregnancy is also below 18 or is an unmarried guy who expresses interest in marrying the child. The study established that it is rare for such cases to be reported, they usually show up at clinics when the child is giving birth but little action is ever taken as the parties involved are not willing to come forth with their problem. According to the 4 Ps of casework by Pearlman (1957), a problem makes a person come to a place where they are helped through a process. In this regard it can be argued that societal conceptions of child marriages in high density suburbs are making people not regard child marriages as a problem thereby limiting their need to come to places of help and thus rendering a child marriages initiative ineffective in fighting the phenomenon.

Poverty and economic challenges

The increasing rate of poverty was highlighted as an impediment confronting anti-child marriage programs. Thus, while the programs and policies are working to reduce the number of child marriages, poverty has been having the reverse effect. Deducing from the data collected for purposes of this study, the research noted that poverty and the deteriorating socio-economic conditions in most high-density suburbs are acting as push and pull factors for children to get into marriages at alarming rates. There was a unanimous agreement by research participants that poverty is a huge challenge. A Social worker Mr, B with the government noted that:

There is an increase in the number of urban poverty owing to the economic challenges that are being faced in Zimbabwe.

The above response shows that officials are aware of the increasing rate of poverty or food insecurity amongst urban dwellers. This is in-sync with the statistics which were produced by the ZIMSTATS (2021) which placed urban poverty at a rate of 38%. This can be taken to mean that 1 in 3 households is living in poverty. The International Centre for Research on Women (ICRW) (2020) stated that in Mali, Bangladesh and Mozambique, more than 75% of the population live below the poverty datum line and resultantly more than half of the girls are married before their 18th birthday. This establishes a link between child marriage and poverty not in this study but in other studies that had a similar thrust. The study participants were emphatic on the point that there is a cause-and-effect relationship between poverty and child marriages in Zimbabwean urban areas. A Social Development officer Chipo, stated that:

To some children, getting married is the only solution that they can be able to escape poverty that is in their households.

This response was also backed by an official from the Ministry of Women Affairs, Community, Small and Medium Enterprises who stated that:

Some of the parents marry off their children because to them, they would have one less mouth to feed.

The above responses show that poverty acts as a reason why children are pushed into marriages by their parents and also pulled into the same by the fact that marriage offers better prospects of food security than staying in their households. This finding is identical to the one by the International Alliance of Women (IAW) (2016) which stated that in Kenya, poor households opt for child marriages as an option to reduce the daily cost of living and as a way for girls to escape food insecurity in their households. On the same concept of poverty as a challenge to child marriage initiatives one official, Victor, from PLAN International stated that:

Our main challenge is when communities conceal cases of child marriages because they benefit them or where children participate in such marriages because they benefit something from it.

The main focus of the study was not on poverty as a driver of child marriage but rather its role in hindering the successful implementation of anti-child marriage initiatives. The study participants were all emphatic on the point that poverty was the leading cause for the underreporting of child marriage cases. Children and parents are opting not to report these cases of child marriages because there is no incentive to report than there is for keeping quiet. Pavlov's theory on human behaviour states that behaviour that is rewarded for is more likely to be reproduced than behaviour which is punished for (Lahey, 2011). Deducing from the responses of the participants 'escaping poverty' was being taken as a reward for child marriage as a behaviour and resultantly this behaviour has been reproduced. The reproduction of this behaviour is what's threatening child marriage initiatives as there are less cases of the phenomenon at police stations regardless of its high prevalence.

Legislative gaps

The study findings pointed towards the fact that there are some gaps in legislative frameworks and this has hindered implementation of anti-child marriage initiatives. Gathering information from the response of the research participants, it was noted that these gaps present themselves as inconsistent pieces of legislation. One such inconsistency was noted by a Social Development Officer, Chipo, who stated that:

The Children's Act states that a child is any person below the age of 16 and those in the age range 17-18 are classified as young persons. This is opposed to the constitution which states 18 as the age of adulthood. If you look at the Pre-trial Diversion Act, you get a different definition of a child. It leaves the whole child protection situation in a quagmire because there is no clarity in terms of the Act we should use.

The response shows that there is no one definition that is referred when defining a child in the Zimbabwean context. In keeping with the dictates of the Children's Act (Chapter 5:06) those in the age range 17-18 years are not considered children but young persons. It presents as a challenge in child marriage law enforcement whether those in that age range can be considered to "child brides" or not. This complexity was also noted by another respondent, Ms. Chauruka, who stated that:

The previous marriage Act, which was removed early this year, had a provision which allowed persons below the age of 18, but not younger than 16, to marry as long as their parents had consented to the marriage.

This provision was regarded as a loophole that had made child marriages hard to fight. These inconsistencies from one Act to the other can be largely attributed to the fact that some of these legislative frameworks are too old and are not grounded in the prevailing socio-economic realities. In this regard another Social Development Officer noted Elisha, that:

We are in 2021, yet we still use a Children's Act that was crafted in 2001. The Act was adopted from an old British Children's Act which I understand is no longer in use in the UK. I would say that is a challenge, a huge one!

The above response goes to highlight that archaic policies have been the reason for some of the loopholes which have hindered the effective enforcement and implementation of child protection initiatives in some high-density suburbs. Kaseke (1991) & Mabvurira (2019) also pointed out that the wholesale importation of the social work profession and its guiding policies and principles from the UK is a huge problem in the practice of the profession in the local context. The notable challenge being the contradiction in the definition of the child that exists between the Children's Act and the Constitution as well as the ACRWC. Deducing from the data collected, it was noted that the government was working towards adopting new laws that outrightly ban child marriages. One of the study participants, Mukudzeyi, remarked that:

The government, in May 2022, adopted legislation and also a landmark ruling in the Supreme Court which affirmed that no child under the age of 18 is legally allowed to marry.

The child right's theory views governments as duty bearers that are responsible for providing a conducive environment for children to enjoy their inalienable rights (Taylor, 2017). While the government has been making steps for the provision of child rights but this progression has been slow and this has affected many child-marriage programs. The study participants cited the law is something that is holding back the successful implementation of many anti-child marriage initiatives. An example of this was cited by one participant, Victor, that stated that:

There is no universal punishment for child marriages. Other people that are reported for marrying a child are sometimes acquitted or they end up being charged for something else other than that crime. The case of Anna Machaya is one such example.

This response highlights how the gaps existing in legislative frameworks have been explored by perpetrators to get acquitted or lighter sentences based on mere legal technicalities. The example referred to above of Anna Machaya, is a sad encounter of a child marriage that was only discovered when the teenager died during child birth at a religious shrine (Magoronga, 2021). The child's parents first attempted to protect the perpetrator by claiming that Anna was over 18 at the time of her death. The husband to the 14-year-old was however charged with "having sexual relationship with a minor" while the parents were charged with "obstruction of justice" for their role in trying to pass off their 14-year-old daughter as an 18-year-old. This example was cited in a bid to show how the lack of a precise law on child marriages is in itself a challenge hindering the progress of child marriage initiatives.

Role of traditional values

Although the study was situated in an urban setting, the responses obtained from the research participants showed that traditional values were standing in the way of the implementation of many anti-child marriages. The study participants all agreed that the success of anti-child marriage programs depends on communities as they are the ones that are major stakeholders. This form of cooperation has been lacking for the anti-child marriage programs and it was blamed on traditional values that prioritise the issue of bride price. The researcher established that the monetary value of the bride price, to most families, outweighs the negativity of child marriages and its effects on child welfare. An official from the Ministry of Public Service, Labour and Social Welfare, Gambiza, noted that:

We have noted in our child marriage programming that some parents are collecting the bride price for their children and they end not reporting such cases.

Gathering from the study data, the bride price is paid in the form of money and parents usually accept it even if the child is below the age of 18. An official from Mwanasikana Wanhasi, Tariro, further explained when they stated:

What we see in communities is that once a girl gets pregnant they are taken to the boy/man's house. The responsible part then pays tsvakirai kuno (a form of bride price) which is received by the girls' parents.

The above response shows that teen pregnancy acts as a reason why some parents decide to marry off their children even before their 18th birthday. It also showed that the tradition of paying something after the girl has been sent away is widely practiced and the girl's parents usually accept this money. Acceptance of this money formalises the union in the eyes of the family and the community and it was reported that such cases are never reported. Another respondent, Mr. Doe, stated that:

In cases where the guy is much older than the impregnated girl, the usual practice is to offer to marry the girl. This is done by paying the 'roora' and the sum that is usually paid is very high.

It was observed that paying of the girl's parents using the traditional 'roora' /bride price tradition was something that was being used to sort of perpetuate the child marriage phenomenon in the high-density suburbs that were being studied as part of the study. It was observed from the study participants responses that once this bride price or its form has been paid to the girl's parents, then that marriage is not taken as something that should be reported to either the police or officials from the Department of Social Development. The bride price tradition limits the extent to which communities cooperate with relevant partners in fighting child marriages in their communities.

Another aspect that was brought up by study participants was tied to the issue of the patriarchal nature of most households in the high-density suburbs. The Shona culture which was characterised as the dominant culture in Harare, was said to be patriarchal and this means that whatever a father says is final and it cannot be challenged.

This point was illustrated by one respondent, Victor, who stated that:

We have had cases where children are chased away from homes by their fathers for either returning home late or other reasons and as a result, they end up going back to a boyfriend's place. This whole process is done with or without the child's consent.

The Shona culture not only mandates children to listen to their parents. Religion also places the same obligation on children. This dual cultural and religious obligation was reported as a challenge that is contributing to wards the perpetual increase in child marriage regardless of the existence of child marriage programs in the high-density suburbs. These results were akin to the ones presented by PLAN International (2021), wherein they asserted the Shangaan culture of initiation was a leading cause of child marriages in Chiredzi regardless of the existence of many anti-child marriage initiatives in the area. The UN (2022) also noted that a contradiction between the law and religious laws was also aiding the continued existence of child marriages. Thus, tradition was noted as a challenge that is hindering the effective implementation of anti-child marriages in Harare high-density suburbs.

CONCLUSIONS

The study established that there are a number of internal and external factors that are actively hindering the implementation of anti-child marriage initiatives in high-density suburbs in Harare. The second objective revolved around exploring the socio-economic elements that hindering the successful implementation of anti-child marriage initiatives. The study established that there are challenges that are hindering agencies from successfully implementing anti-child marriage initiatives. On the list of problems, the study participants listed lack of resources, underreporting of child marriage cases, lack of coordination of existing anti-child marriage programs and legislative gaps in the existing child marriage legislative frameworks. The list of problems also included elements with faulty social perceptions of the child marriage phenomenon in high-density suburbs, poverty and economic challenges in Zimbabwe. The challenges are inextricably intertwined and are rooted in social and economic problems. The economic problems prevailing in Zimbabwe were deemed to act as both push and pull factors for girls, boys and families to participate or facilitate child marriages.

Recommendations

Addressing the socio-economic challenges that are affecting anti-child marriage initiatives can be enhanced if social workers and other human service professions are awarded a leading role in the implementation and enforcement efforts of these initiatives. Social workers, in particular, have key skills which relate to social work with individuals, groups and communities which are much needed in the implementation and enforcement of anti-child marriage initiatives. Child marriage is key child protection issue which should be included in social work training and practice in Zimbabwe. Social workers at district level work on child protection cases, disability affairs and family and social protection issues. There is no apparent specialisation of social workers at district level and this has limited the amount of SDOs that focus on implementing anti-child marriage initiatives. Coming up with more specialist child protection officials by government and non-governmental organisations would directly address the challenges being faced by anti-child marriage initiatives in high density suburbs.

Social workers should take an active role in the formulation and implementation of anti-child marriage initiatives in Zimbabwe. Social work principles and ethics prioritise the uniqueness of individuals and interventions that focus on the communities and their environments. Utilising these principles and ethics, anti-child marriage initiatives would prioritise the participation of children, which has been a lacking element in both formulation and implementation. It would also pay heed to the context as the social work profession is emphatic on the role the environment plays in any intervention. Social workers need to actively assume their roles as, brokers, advocates and counsellors so that initiatives reflect the human centredness which is championed by social and other human service-related professions. Social work is adopting a developmental approach which in cooperates the sustainable development goals as a central element of practice. These goals should be adopted along with other social policies in modern day social work practice.

Declarations

The author is purely the sole writer of the paper and it will not be submitted to another journal for publication consideration. The writer is fully aware of the copy rights that the journal has and will abide by those.

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