Protecting the Girl Child *or* Upholding Patriarchy?

A Case Study of Child Marriage in the Cultural and Legal Context of Tanzania

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ACRONYMS

AMREF African Medical and Research Foundation
AU African Union
CDF Children's Dignity Forum
CEDAW Convention on the Elimination of all forms of Discrimination Against Women
CRC Convention on the Rights of the Child
CSO Civil Society Organisation
DaO Delivering as One
EISA Electoral Institute for Sustainable Democracy in Africa
FGM Female Genital Mutilation
FORWARD UK Foundation for Women's Health Research and Development United Kingdom
GBV Gender Based Violence
HDR Human Development Report
HRW Human Rights Watch
ILO International Labour Organisation
IPPF International Planned Parenthood Federation
KIWOHEDE Kiota Women Health and Development Organisation
MDG Millennium Development Goal
NGO Non Governmental Organisation
OHCHR Office of the High Commissioner for Human Rights
PRS Poverty Reduction Strategy
SOSPA Sexual Offences Special Provisions Act
TAMWA Tanzania Women's Media Association
TAWLA Tanzania Women Lawyers Association
TDHS Tanzania Demographic Health Survey
TGNP Tanzania Gender Networking Programme
TIP Tanzania Interfaith Partnership
UDHR Universal Declaration of Human Rights
UNDP United Nations Development Programme
UNESCO United Nations Educational, Scientific and Cultural Organisation
UN-HABITAT United Nations Human Settlements Programme
UNFPA United Nations Population Fund
UNGA United Nations General Assembly
UNICEF United Nations Children's Fund
YUNA Youth Association of United Nations

ABSTRACT

This is a case study of child marriage in Tanzania aiming to explore how failures to implement laws prohibiting child marriage can be understood in the Tanzanian context. The study is of a qualitative nature and primarily based on interviews with development actors, working on community and national level with the issue of gender based violence and child marriage. A theoretical framework combining social constructions of gender, notions of childhood, and a rights-based approach was applied when reviewing failures of transforming international and regional human rights agreements into domestic law. Results show how gender inequalities and conceptualisations of childhood continuously are reproduced through bottom-up -and top-down processes alike. These further play a crucial role in explaining the government lethargy of changing the age of marriage to eighteen for girls despite being signatory to relevant international and regional conventions. The paper argues for the need to expand opportunities of rights-holders to participate at local levels in order to influence national laws and institutions to live up to signed international human rights conventions.

Key words: Tanzania, child marriage, girl child, social constructions of gender, notions of childhood, human rights, patriarchy, children's sexuality, law enactment, access to justice, participation, accountability mechanisms

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DEFINITIONS

CHILD MARRIAGE

Terminologies of *child, early -and forced marriage* are found to be applied interchangeably in much of the literature. Early marriage may however not be an optimal definition given that what may be considered and early marriage in some cultures may be considered late in other contexts. It is as well problematic to talk about forced marriage since a child may neither be in a position to make such a life-long commitment, nor in a position to disapprove the choice made by her parents and overall community. In international and regional human rights agreement, child marriage is commonly described as a union that "lacks the free and full consent of both parties" (UN Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriage Art. 1.1 and AU Protocol on the Rights of Women in Africa Art. 6a). The European Parliamentary Assembly Resolution 1468 has a similar definition of "forced marriages and child marriages"(2005), describing it as a "union of two persons at least one of whom has not given their full and free consent to the marriage" (paragraph 4). To clarify, force does not necessarily have to be of physical nature but can be psychological, economic, and sexual or social/family oriented. This study will refer to child marriage as any marriage, with or without formal registration, where one or both spouses are under the age of eighteen irrespective of any directions given by civil, customary or religious law.

RIGHTS BASED APPROACH TO DEVELOPMENT

A rights-based approach to development may be applied in various ways in the context of programming as well as research. For some, it mainly regards the integration human rights legislation while others emphasise on a specific version of the discourse, often of an actor-oriented character (Cornwall & Nyamu-Musembi 2004). This study integrates conceptualizations of the overall human rights discourse in order to argue for its value and application in the given context. Legal empowerment strategies, as a part of a rights-based approach, are discussed in relation to local participation and accountability mechanisms.

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1 INTRODUCTION

> *"When I had completed grade seven I told my father that I wanted to continue to study and go to secondary school. My father just kept quiet. I asked my mother why and told her that when I ask my father about the tuition he doesn't reply. She told me that he doesn't answer anything because he is not ready to pay the tuition and he wants me to go to mutilation. After being mutilated I was told that they would take me for marriage and I would go stay with my husband. So I decided to run away"* (Interview Girl Child 1).

The girl comes from a Maasai community in the outskirts of Moshi town in Northern Tanzania. In her ethnic community the majority of girls are subjected to female genital mutilation (FGM) and child marriage. For most girls this is a reality they cannot and will not escape however this particular girl managed to flee, resisting a life she was not ready to live. Lately it has become more common for girls in her village to complete primary school although advancing to secondary school is not as common. Instead many are forced to undergo FGM and are married off by their parents, who often receive dowry for their girls. The legal status of child marriage makes intervention problematic. While the country has ratified several human rights agreements prohibiting the practice, it has failed to domesticate such laws. Lacking commitment to address these issues justifies the continuous exploitation of the girl child, depriving her of a life changing decision - to choose when and whom to marry.

Child marriage remains common among several ethnic tribes in Tanzania, with regions showing numbers as high as 59 percent of girls entering communion under the age of eighteen (UNFPA 2013). Its negative psychological and physical effects deprive children to reach personal aspirations and full potential in life (Nour 2006). Girls have been pointed out to be particularly vulnerable; including premature pregnancy and higher risks of lifelong sexual and domestic abuse (UNICEF 2001). Lately, media have paid attention to scandals around the world relating to the deaths of young brides as cause of sexual violence and rape - last time involving an eight-year-old girl in Yemen who died on her wedding night (Guardian 2013). More recently, the issue of child marriage was highlighted in relation to Iraq; where a new draft law, the Jaafari Personal Law Status, presented in March 2014 lowers the marriage age to nine for girls and fifteen for boys (HRW 2014). While the debate in Iraq differs greatly from the Tanzanian context, similarities are evident considering religious and cultural jurisprudence influencing the legal sphere in both countries. Issues of participation and representation in this debate become somewhat problematic due to the subordinated position

of the girl child. (UNICEF 2001). The African Union (AU) expresses a concern on the overall implications child marriage have on economic and human development, pointing out its particular harm to the children for which reason the practice must be eradicated (African Union 2007). AU further states, *"Today's investment in children is tomorrow's peace, stability, security, democracy and sustainable development" (African Union 2007).*

The topic of child marriage is highly current in the context of Tanzania, given the Constitutional reform. Its outcome can come to influence the overall progress of the country and its people, considering the essence of gender equality in relation to development (Gordon & Gordon 2007:307). The Constitutional review process will take place in four steps (a) collection of public opinions (b) public consultations on first draft (c) establishment of the national Constitutional assembly and (d) the referendum (UNFPA 2013). While the referendum initially was scheduled to take place in April 2014, we received information from a respondent in May that budgeting has delayed the process. The last draft did neither include a legal definition of a child nor prohibit marriage under the age of eighteen.

PURPOSE AND RESEARCH QUESTION

The entry point to the study relates to the institutional capability, capacity and will to tackle the high prevalence of child marriage in the country. We are particularly interested in how cultural dimensions affect national legislation with regard to child marriage. The purpose of the study is to explore *how failures to implement laws prohibiting child marriage, despite having ratified relevant international and regional conventions, can be understood in the Tanzanian context.*

In order to understand this, the study will explore constructions of gender and childhood, reflected in two research questions as follows:

1. How do social constructions of gender affect the reproduction of traditional values and norms within the country's institutional sphere?

2. How do notions of childhood influence the legal framework relating to child marriage?

To answer these questions, the study will review the reproduction of patriarchal norms and values in the private and public sphere of Tanzania, also addressing women's restricted participation in the political context (RQ1). Moreover, it will look into the transformation into

adulthood, and perceptions on children's sexuality (RQ2). Connecting the research questions with the purpose of the study a rights-based approach to development will be applied, addressing issues of access to justice and accountability mechanisms.

DEMARCATION

The study takes on a macro level analysis when interviewing development actors working nationally and locally on the issue of child marriage in Tanzania. It should however be noted that the respondents do not work in all regions and cannot claim to present the full picture of the situation. The Island of Zanzibar will not be included into the study, despite being part of the United Republic of Tanzania, since child laws differs to the ones on the mainland. While child marriage concerns both sexes, girls appear to be most affected by the practice. For this reason, the study only focuses on girls in relation to the practice, which reflects the choice of theory. There are several health effects of child marriage, which is a vast topic in itself and will thus not be discussed in detail given the limited space.

DISPOSITION

The second chapter provides background information on child marriage in the political and legal context of Tanzania, also introducing the reader to human rights in the context of development. A literature review appears in the third chapter, reviewing previous approaches to studies of child marriage also highlighting intended contributions. The fourth chapter outlines the methodology, including its strengths and weaknesses. The fifth chapter includes an analytical framework, integrating three overarching perspectives; namely the social constructions of gender, notions of childhood and the realization of rights. The analysis, found in chapter six, follows the same structure also reflected in the overall aim and research questions of the study. Lastly, chapter seven provides a conclusion of the findings.

2 SETTING THE SCENE

THE POLITICAL CONTEXT

In pre-colonial times, local legal systems existed in Tanzania based on customs and traditions of clans. Laws were enforced by clan leaders dedicated responsibilities of civic and spiritual character, including disputes among community members and performance of rituals. Land

was commonly shared in communities under the power of the clan leader, distributing pieces to the members influenced by their gender, age and position. Women most often only had secondary access to land, whether as daughters, sisters or wives (UN-HABITAT 2002:41). Married women are believed to have had a strong position in the private sphere, in particular if she had unmarried sons living at home or in a separate house in close spatial range. Despite village elders commonly being men at this time, women in the overall East-African region are described to have had more of an opportunity to participate in decisions in the private and public sphere as communities tended to be complementary rather than hierarchical (UN-HABITAT 2002:42).

However since independence, politics in Tanzania have been male dominated and women have been excluded from political positions until recently. Efforts aimed at including women in official spheres have been half-hearted despite attempts of the AU to promote gender equality through its legal frameworks (Gordon & Gordon 2007:304-305). Despite a continued focus on participation and inclusiveness in the development agenda, women still face many obstacles before they can be seen as equals to men in Tanzania due to fundamental gender roles that subordinate women. Even women in leading positions may be expected to act subordinately to men, making it problematic for women to influence those issues concerning particularly women and girls; such as violence against women, and property and marital rights (Gordon & Gordon 2007:307-308). Tanzania is ranked 152 on the gender inequality index despite the government's commitment to international conventions on women's rights (UNDP 2013).

THE LEGAL CONTEXT

INTERNATIONAL VERSUS REGIONAL HUMAN RIGHTS AGREEMENTS
Tanzania has ratified several international and regional human rights agreements addressing the issue of child marriage, including the Universal Declaration of Human Rights (UDHR), Convention on the Rights of the Child (CRC), Convention of the Elimination and Discrimination Against Women (CEDAW), African Charter on Human and People's Rights (African Charter), African Charter on the Right and Welfare of the Child (African Children's Charter), and African Protocol on the Rights of Women in Africa (Maputo Protocol).
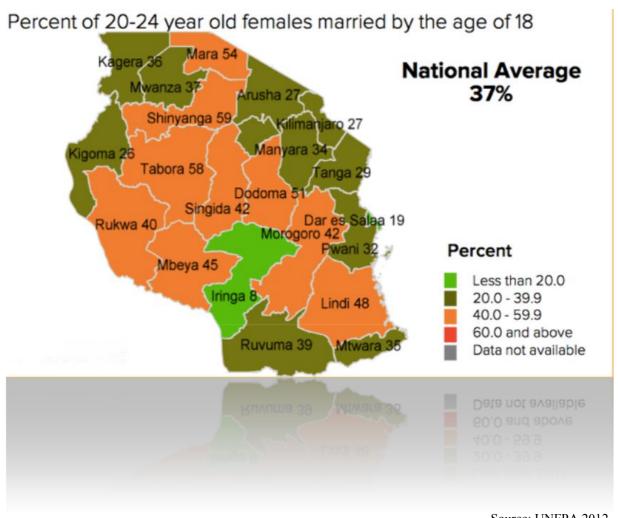
Internationally binding human rights declarations relevant to the topic all together outline the right to life (e.g. UDHR Art. 3, and CRC Art. 6), oppose harmful practices (e.g. CRC Art.

24.3), and insist on the equal right of women and men to enter marriage with free and full consent (CEDAW Art. 16a,b). While human rights agreements formulated by the AU build on international agreements to a great extent, the African Charter has been groundbreaking in its elaboration of individual duties. Moreover, it takes an overall culturally sensitive approach, recognising the family unit to be the basis of the society and the custodian of traditional morals and values recognised by the community (Art. 18.1-2). The Charter outlines its duties to support the family (Art. 18.2) while concurrently taking on the task to diminish all discrimination against women and protect the rights of women and children in accordance to international human rights agreements (Art. 18.3). The Maputo Protocol, once added as a separate part to the African Charter, complements its weaknesses by clarifying "that the legal protection of tradition ends where discrimination against women begins", as expressed by Equality Now (2013:20). The African Children's Charter outlines the duty of all State parties to take all appropriate measures to eliminate harmful practices inflicting with "the welfare, normal growth and development of a child in particular" (Art. 21.1), also including "practices prejudicial to the health or life of the child" (a), and "those customs and practices discriminatory to the child on the grounds of sex or other status" (b). Article 19 of the same Charter address the right of the child to enjoy the full parental care and protection also entitled to reside with the parents and may not be separated from the parents against his/her will. Altogether, the African rights agreements oppose cultural acts and practices harmful to the physical and psychological well-being of the child, outlining not only the rights of the child but also the duty of the state and the parents to ensure the child to enjoy his/her rights. Nevertheless, in the context of Tanzania progress is slow, as these laws have not been integrated into the national legal framework. Instead, political promises of further protection continue; one of the most recent concerning the elimination of child, early and forced marriage; a resolution adopted in late November 2013 (UNGA 2013a).

NATIONAL LAWS AND THEIR CONTRADICTIONS

Marriage laws in Tanzania provide discriminatory, gender-based minimum ages of marriage outlined in the Law of Marriage Act, which sets the age of fifteen for girls and eighteen for boys (Section 13.1). With approval of the court, both girls and boys may already marry from the age of fourteen (Section 13.2a) given there are special circumstances (Section 13.2b). Statutory laws operate parallel to customary laws, creating loopholes for further interpretation of the minimum age for marriage. The Islamic Restatement Act permits marriage at puberty, but stipulates that "[n]o male under the age of twelve years and no female under the age of

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nine years shall be held to have attained puberty" (Unterhalter 2012:369). Customary laws allows each ethnic groups to make decision based on its customs and traditions, promoting a continuation of the practice reflected in the statistics of child marriage prevalence; highest in Shinyanga (59 %) followed by Tabora (58 %), Mara (55%) and Dodoma (51%) (UNFPA 2013).

Percent of 20-24 year old females married by the age of 18

	Region	Percent
Kagera 36	Mara 54	
Mwanza 37	Arusha 27	
Shinyanga 59	Kilimanjaro 27	
Kigoma 26	Manyara 34	
Tabora 58	Tanga 29	
	Dodoma 51	
Singida 42		
Rukwa 40	Dar es Salaa 19	
	Morogoro 42	
Mbeya 45	Pwani 32	
Iringa 8	Lindi 48	
Ruvuma 39	Mtwara 35	

National Average 37%

Percent
- Less than 20.0
- 20.0 - 39.9
- 40.0 - 59.9
- 60.0 and above
- Data not available

Source: UNFPA 2012

Moreover, the Law of Contract Act (Cap. 345) clearly states that a person is only competent to contract when having reached the age of majority (Section 11.1). The act includes a definition of contracts as "any registration of documents" (Section 10), in which the registration of marriage thus applies. Until recently, this law would not have applied as an exception to the Law of the Marriage Act however, given that the legal definition of a child to be anyone under the age of eighteen first came to appear in the Law of the Child Act from

2011 (Section 4.1). In Tanzania today, children may only enjoy their rights with the help of advanced legal support able to benefit from the contradicting laws and argue for their case in court - something most girls concerned neither are able to access nor afford (Interview TAWLA). In addition, the contradicting laws make intervention utterly problematic for development actors working towards increasing child protection in the country (Saldhana 2004:210).

HUMAN RIGHTS IN THE DEVELOPMENT CONTEXT

For the last decade there has been an increased focus among development actors and agencies on integrating a rights-based approach to development (Cornwall & Nyamu-Musembi 2004). Some scholars, such as Wallerstein (2006), address the issue of universalism in a somewhat provocative manner; arguing the primary function of such claims to mask power structures and their inequalities. Wing (2012:512) on the other side argues human rights agreement to have contributed to an expansion of laws protecting women's rights in Africa, particularly in the realm of family law. She suggests an increased focus on regional commitments adapted to cultural diversity on the African continent to facilitate implementation of such laws into the national legal framework (Wing 2012:522).

The Millennium Declaration recognizes the connection between human rights and development, although the Millennium Development Goals (MDGs) have received much critique for not aligning sufficiently to the discourse - paying little attention to concerns revolving discrimination and inequalities. In response, there appears to be an increased demand for incorporating human rights more consistently into the post-2015 development agenda (OHCHR 2014). 'A life of dignity for all', Report of the Secretary General, highlights the need to address issues of social justice to combat global challenges (UNGA 2013b:3). Moreover, the report acknowledges women and girls to be drivers of development, while challenged by continuous gender inequalities - including denied right to (a) primary education, (b) secure jobs with social benefits, and (c) influence in decision making processes affecting their lives (UNGA 2013b:5). An inclusive economy appears central to the post-15 development agenda, targeting girls and women's need for social protection as well as increased participation in local and national governance. Exploitation against this group is thoroughly addressed and the report particularly points out the need to put an end to child marriage (UNGA 2013b:13).

3 LITERATURE REVIEW

Country specific reports on child marriage are available from various organisations. Equality Now (2013; 2014) has compiled a range of reports relating to gender discrimination in the legal context of Tanzania and provides valuable insights to the approach of this study. Despite the high prevalence of child marriage in Tanzania it was surprising to realise the limited amount of academic research available within the field. In contrast, much of the literature relates to the regional context of sub-Saharan Africa, although primarily addressing more technical aspects connected to the phenomenon; e.g. Nour (2006) and Narcisi et al. (2010) focusing on child marriage and health correlations, and Raj et al. (2010) and Svanemyr et al. (2012), reviewing correlations between maternal age and maternal mortality. The disproportionate amount of research on health and disease compared to research on GBV may be explained by limited funding opportunities within GBV discourse where major donors and private interests often favour disease research.

There is a lack of research on how cultural norms and values impact gender inequality in society. Some reports can be found studying this on the household level (IPPF 2006; Plan International 2007). Walker (2012) further expresses how patriarchal rights are exercised through child marriage, seen as the mechanism reinforcing family social status and strengthen economic bounds. Moreover, Buntings (2005) argues that the cultural conceptualizations of childhood need to be considered when analysing child marriage since childhood is perceived differently across the world, over time and in various cultures (Bunting 2005:18).

In the last decade a more 'child centred' focus has been accepted in the academia where children now looked upon as individuals compared to previously being viewed as passive 'objects of concerns' (Bridgeman & Monk 2000:1). This implies an optimistic progress of the rights of children and the rights of childhood being increasingly valued. This study takes on a rather unique focus in comparison to previous literature using cultural and feminist perspectives to analyse how reproduction of norms and values on the ground influence legal decision making at the national level.

4 METHODOLOGY

The chapter describes the study's point of departure with regard to positionality, self-reflexivity and research design. It also covers the methodological process, including data construction and sampling strategies. The data analysis and validity and reliability section will hereafter follow as separate sub-chapters.

APPROACH TO KNOWLEDGE AND REALITY

The study is based on an understanding rooted in social constructivism and interpretivism, as discussed by Bryman (2012:16), allowing us as researchers to gain a subjective insight as to why Tanzania has failed to implement a normative legal framework prohibiting child marriage. The two worldviews are frequently combined in social research and commonly seen as an approach to qualitative research (Creswell 2009:8). Social constructivism assumes individuals to have a subjective understanding of the world and to the life they live, shaped by their previous experiences (Creswell 2009:8). Interpretivism recognizes the need to apply a different logic when studying the social world as compared to the natural order – highlighting the need to consider diverse perspectives (Bryman 2012:15). In this study we rely on participants perceptions on child marriage, pointing out that we have constructed rather than collected data. We write this paper through the lens of Caucasian females who holds training in peace and conflict theory and human rights respectively and thus our critiques will likely employ background knowledge from both fields. We are also both mothers and possess some knowledge of African history and culture since we both have lived in Africa at previous occasions, which we think may be relevant in the foregoing discussion.

RESEARCH DESIGN

A qualitative approach was chosen for the benefit of the research topic given that the most essential information to answer our research questions cannot be quantified. The study falls under the characteristics of a case study, reviewing child marriage in the cultural and legal context of Tanzania. When contextual circumstances navigate the research problem, as being the case in our study; 'how' and 'why ' questions are suitable to explore 'a contemporary phenomenon in-depth' as described by Yin (2009:8;18). Further on it has been guided by an explorative research design, aiming to understand and discuss possible reasons as to why

Tanzania so far has failed in implementing a legal framework prohibiting child marriage. The study makes use of an *abductive approach*, where data and theories were altered and developed throughout the process (Blaikie 2009). While the initial and preliminary analytical framework helped shape the interview questions, the empirical data guided the final choice of theories. The units of analysis are development actors working with the issue of child marriage, a journalist reporting on GBV for a national newspaper in the country, and two girl children having run away from their parental home and community of origin in order to escape the practice.

DATA CONSTRUCTION

THE STUDY AREA

The data was constructed mainly in the urban area of Dar es Salaam, where a majority of development actors are located. Most interviews took place in their offices although a few were conducted in public locations. Four interviews took place in the northern part of Tanzania, in and around Moshi town situated in the Kilimanjaro district where prevalence of child marriage is higher compared to Dar es Salaam.

INTERVIEWS

The process of selecting participants was initially based on what we knew of the field but later 'snowball sampling' came to steer our way towards getting a comprehensive picture of the issue. In total, eighteen interviews were carried out; of which fifteen were with development actors working for different organisations, one with a journalist reporting on GBV for a national newspaper, and two girl children having run away from their communities in order to escape marriage (see appendix 1). The development actors brought forward their personal perspectives and cannot be said to speak on behalf of the organisation they work for. They will however be referred to in terms of the organisation to provide the reader with an understanding of the context in which they operate, naturally affecting the information brought forward during interviews. Unstructured and semi-structured interviews with open-ended questions were used to grasp the subjective meaning of the participants – negotiated socially and historically (Creswell 2009). All interviews were carried out between December 2013 and March 2014.

DOCUMENT REVIEW

Secondary data consist of international, regional -and national legal frameworks, documents and reports from various national and international organisations as well as statistics from Tanzania Demographic and Health Survey (TDHS), journalistic articles and academic articles and books. The articles has been found using various methods, LUB search through Lund University website where especially two databases that have been helpful; Political Science Complete and SocINDEX with Full Text (EBSCOhost) and Google scholar. The main search terms when searching was 'child marriage', 'early marriage', 'forced marriage', 'Tanzania', 'Africa', 'culture', 'customary law', 'religion', 'children', 'girls', and 'human rights'.

OBSERVATIONS

Living and working in Tanzania for six months, participatory observations were an important part of the data construction process of this study. During our time as interns at UNFPA and UNESCO we were involved in multiple formal as well as informal discussions with colleagues and meetings with other external development practitioners. During the internships, meetings with 'Ministry of Community Development, Gender and Children' as well as 'Police Partner Coordination Group on GBV and Child Protection' generated a good picture of the overall situation on the situation of gender equality in the society and provided information on the present efforts in the work against violence against children and women in the country.

The empirical data construction includes information from a 'high level panel on child marriage', organised by Delivering as One (DaO) UN Tanzania with UNFPA in the lead on the international day of the girl child in October 2013. A large percentage of representatives from UN agencies, International and Local NGO's, and CSO's working against child marriage in the country attended the event along with several Ministers from the government.

GENDER FESTIVAL

We had the opportunity to attend the annual Gender Festival of 2013 in Dar es Salaam, organised by Tanzania Gender Network Programme (TGNP). During the week several interviews were conducted with festival participants, founders of the organisation as well as other stakeholder participants, such as youth group representatives and female lawyers. Two workshops at the festival, organised by UNFPA, on FGM and child marriage, generated lots of verbal information; some retrieved with the help of interpreters while other discussions were held in English. The Gender Festival and High Level Panel took place prior to the actual

data construction had begun, best described to have served an overall background information to the topic and its contextual complexity.

DATA ANALYSIS

As pointed out by Kvale (2007:5), there is no magic tool for grasping deeper implications and an essential understanding of what is said in an interview. Attempting to embrace the different perspectives of the respondents, the study adopts methodological bricolage of interview analysis in order to move more freely between different techniques of analysis (Denzin and Lincoln 2011:4-6). This is appropriate for the study, engaging in fluid and creative approaches to inquiry and meaning making. Influenced by Kvale (2007:3), insisting the data analysis process to be considered and integrated already at the stage of doing the interviewing, we consistently attempted to incorporate the method of analysis into the interview situation by (a) focusing on the participant's overall experience around child marriage in the beginning of the interview. Moreover, we strived to (b) clarify the meaning of what was said by the participant, by asking to clarify when unsure, and in some cases even (c) rejecting or confirming what was said to gain a deeper understanding (Kvale 2007:3). The latter proved to be particularly helpful when addressing more technical and legal aspects of child marriage during the interviews since some information regarding interpretations and understandings of laws differed substantially, making it important to confirm what had been said in order to portray the validity in what had been said.

Completed interviews were transcribed from oral speech to written text. Majority of transcribed material reflects the exact formulations of the participants, yet some interviews did not allow for such precise documentation due to surrounding noises. Striving for detailed and precise transcriptions of the interviews contributes positively to the analysis in the sense to project true reflections of the respondents by carefully considering their formulations.

During the next step, we went through translated material in search for patterns and themes, as well as contrasting information that could be used in comparisons to generate a sharper understanding of the topic (Kvale 2007:21). The themes found were later colour coded and sorted in new categories. A short summary was made in the end of each category to facilitate the process. Before initiating the interviews we had some overall themes in mind although during this stage they were slightly altered, as a result given the abductive nature of the study.

SOURCE CRITICISM

The respondents were purposely selected, applying the strategy of *maximum variation sampling* (Schwandt 2007:271), aiming to include the experiences and perspectives from a broad range of fields connected to child marriage. In terms of primary data, development actors were interviewed on behalf of the organisation they work for. They were able to provide information on child marriage, at times including experiences from interventions on the ground and/or collaboration with government. The journalist participating in the study was chosen since she is one of few reporters in the country reporting on GBV, as well having done research in the Manjara region. The interviews with the girl children provided a different perspective as they had lived in a community where the practice is highly normalised. Given the distinct nature of the interviews, the interview questions differed substantially in order to adapt to the experience of the participant. Considering the respondents represented various organisations specialised in specific areas a certain bias was inevitable; however we were aware of it.

For secondary data and sources, articles were mainly taken from academic journals and reports were taken from well-known organisations or research institutions/associations. Since the theoretical framework combines various perspectives, efforts have been made to ensure an equal thematic division from different scholars. When using statistics and referring to laws and conventions; official regional, national and international documents have been used. However, there are appreciable challenges in the reliability of data on the extent of child marriage. Statistics from the Tanzania Demographic Health Survey (TDHS) fail to reveal the magnitude of the problem, covering only information between the ages of 15-49. Since many children tend to get married or in union directly after puberty, which often is around fourteen or earlier, these events are missed out altogether in the TDHS statistics. Since marriages under the age of fifteen falls under customary law, many may not even register their marriages formally, further excluding cases of child marriage within national statistics. As a result, statistics related to the practice may not be fully trusted.

RELIABILITY AND VALIDITY

The respondents were chose bearing in mind the structural focus of the study, in which development actors were able to make a significant contribution. Legal perspectives are

central to the study and were often discussed in relation to the topic during interviews. When receiving contradictory information on laws from respondents, we frequently crosschecked such information with legal documents to ensure validity. In order to ensure reliability and avoid pleasing answers, we attempted to avoid one-sided formulations. These aspects are vital to the quality of the analysis. Given the abductive approach and the open-ended questions during interviews, different perspectives were brought forward than what the study initially intended to focus on. Moreover, we found it difficult to access respondents working within political instances, which naturally has limited the data construction.

All of the official interviews were recorded with a tape recorder to capture the content well and enable precise formulations of respondents to be included in the study when using quotes. Interviews with development actors and the journalist were held in English, while the interviews with the girl children required the use of a female translator. These translations were done continuously during the interview in order for us to engage in a dialogue with the children. The interviews with the girl children took place in a setting familiar to them where they were able to feel secure.

ETHICAL CONSIDERATIONS

Child marriage is a rather sensitive and controversial topic in Tanzania. With regard to the new Constitution being drafted while we were in the country, one could not mistake the strong resistance to a potential change of the law concerned. It is important to bear in mind that socio-economic and cultural backgrounds of the participants differed in between them and us, allowing them to view the phenomenon and its implications from different perspectives. We attempted to respect their voice and contribution through the choice of method, including open-ended answers that allowed them to speak freely. We experienced the autonomy of the development actors and the journalist to be rather high compared to the interviews with girl children having escaped from child marriage. All participants gave consent to take part in the study prior to being interviewed and were offered anonymity where those wanted to be anonymous were assured anonymity (Mikkelsen 2005:342). Contact information of the respondents was saved in order to provide all that were interested with an electronic copy of the final version of the study. The two girl children, both over the age of fifteen, will receive a copy through the NGO connecting us to them also promising to translate selected parts for them. For security purposes the electronic material was coded with

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a system avoiding revealing time, placing or naming in order to not disclose the identity of the participant in case the device would be lost or stolen. The material will be kept until the paper has been approved at Lund's University, after which it will be erased from the tape recorder and computers.

5 THEORETICAL FRAMEWORK

The analytical framework builds on three main aspects reflected in the overall aim and research questions of the study, namely; the social construction of gender, notions of childhood, and the realization of rights.

SOCIAL CONSTRUCTIONS OF GENDER

According to Ruthven (1984:2), an important task for feminists is to reveal cultural and ideological male dominance over females that create gender inequality between sexes and men's power over women. Walby (1990) explains this dominance to be a "system of social structures and practices in which men dominate, oppress and exploit women" called patriarchy (Kwathsa 2009:129). It is argued that the term cannot be used as an explanatory concept to social systems but could analyse the specifics of social relations (Pilcher & Whelehan 2004:95-96). Choosing to study patriarchal relations instead of viewing women as a group in an overarching patriarchal system signals that relationships between men and women are not homogenous but could be shifting and even contradictory (Maynard 1995:271).

The interest in the public/private dichotomy seen from a gender perspective arise from a gendered nature (Pilcher & Whelehan 2004:124) where feminists are concerned of how cultural practices affect women in the global South since women often are held back in both the public and private sphere. With regard to the private sphere some feminist scholars stress on how laws and norms often remain repressive towards women, contrary to the public sphere where colonial influence gradually, yet not adequately, have modernized the system (Nyamu 2000:384). Historically, women have often been subjected to male authority and restricted to the private sphere, while men always have had the freedom to move between the private and public sphere; in which the construction of 'gendered spheres' can contribute to theories of women's subordinated status (Pilcher & Whelehan 2004:125). Walby (1990) differentiate

between private patriarchy and public patriarchy, whereas private patriarchy describes how oppression of women is concentrated around the household. A woman could be abused or exploited by men on the individual level, at the same time restricted to participate in the society. Public patriarchy can be shown when women are no longer restricted to the private sphere but face discriminations and sexual harassments in society because of their gender (Walby 1990: 201).

Discriminations of the girl child has been an on-going debate for a while, highlighted by amongst other the UN during the 'Fourth World Conference on Women' 1995. Preference of having a son has been acknowledged to contribute to discrimination against girls, although also viewed as a product of the patriarchal norms of the society. In patrilineal cultures, boys are valued highly since they represent lineage continuity while girls traditionally marry into other families (Rwezaura 1998:32).

Nussbaum point out that women all over the world face inequalities and find themselves being treated unequally compared to men, but that women now are resisting such unequal treatment and increasingly claiming their right (Nussbaum 1999:227). This may be an immense challenge for women living in societies where traditional norms and values continue reproducing unequal gender structures. It may even be so that girls or women are simply not aware of them being mistreated due to the common perception of what define a girl and her choices in life. In many cases even laws and institutions reinforce gender norms and encourage certain behaviour, which could leave little opportunity for change.

NOTIONS OF CHILDHOOD

Childhood is a relative concept that has been negotiated historically, culturally, and socially. In some cultures in Tanzania, childhood come to an end as the child enters puberty and is therefore not connected to a fixed age. The notion of where childhood transform into adulthood is more connected to the physical capacity to perform acts associated with adulthood (Ncube 1998:19-20). A strong factor that indicates the transformation into adulthood is marriage; once married, a child will no longer be viewed upon as a child irrespective of his or her age (Letuka 1998). Children are under the authority of parents during childhood, who have the power to define and determine traditions and customs - some with lifelong commitments and consequences. Another aspect of childhood in the context of

Tanzania revolves around the idea of obedience and respect for parents and elders. This has implications of parents' role as protectors of defence and promoters of children's rights as well as the capacity of children to create resistance to practices considered as harmful by the international society and for them to assert their rights (Ncube 1998:19). The physical ability emphasised in culture could be problematized further. It is not the role of the child to decide when to enter adulthood but the guardian or parent, leaving little or no consideration to the views of the child (Letuka 1998: 207).

Attitudes and expectations regarding children, understandings of their capabilities is constantly shifting and is both culturally and historically constructed according to Jenks & Lyndell (1997), which gives the meaning that childhood itself is a construction. Jenks further argues that an analysis of childhood from a social constructivist view provide an insight in the very nature of society where the child is studied, where the way children are being controlled could reflect the ways power is being exercised in the wider community (Bridgeman & Monk 2000:4).

It has been further acknowledged how girls' and women's sexuality and reproductive capacity may be controlled not only by the parents but the extended family; a collective group (Boddy 1998:22). Sexuality can be perceived as a potential threat to the group, especially in a kinship- based society where marriages act to strengthen social, political and economic relations, and hence female's interest must be subordinated to the ones of the group (Boddy 1998: 21). It is the bonds of kinship that oppress women more than anything, where family play the bigger part in socializing the girl into the world, normalizing oppressive behaviour and 'protect' her from undesired outer influences (Pilcher & Whelehan 2004:44). In the kin-system the family and its interests are valued higher than the individual and women's status are second (Ginsburg 1995:202). The fertility of the woman is also something defining her and the institution of motherhood is where women suffer oppression defined either as mothers or as not mothers (Kwatsha 2009:147). Cross-culturally, the test of womanhood is the ability to bear children and a woman who cannot conceive is defined by childlessness and in African society is something always blamed on the woman (Kwatsha 2009:147).

THE REALIZATION OF RIGHTS

HUMAN RIGHTS AS A CONCEPTUAL FRAMEWORK

The concept and human rights remains challenged by cultural diversity and relativism within the development discourse (Donnelly 2005:400). Justifications for its universal application most commonly draw on the doctrine of natural law, grounded in ancient philosophy, scriptures, and moral and legal thoughts (Hayden 2001:3). Hohfeld distinguish between different types of rights, arguing only the claim-right to reflect the true concept of human rights; describing the relationship between the rights-holder and the duty-bearer. A claim-right imposes an obligation on people or social institutions - a duty that correlates with the right, as there cannot be a claim rights-holder without a correlative duty-bearer. In contrast, the power-right defined as "the ability or authority to do or act" (Hohfeld in Orend 2002:21), implies a subjection to power and authority. Examples may include politician's power over citizens or parents authority over children (Orend 2002:22). Liberal democracies may experience the power-right as less problematic as opposed to societies where participation in the political process is rather limited.

INCREASING PARTICIPATION - TOWARDS AN ACTOR-ORIENTED APPROACH

The legal empowerment discourse is closely related to the rights-based approach as it "involves states delivering on their duty to respect, protect, and fulfil human rights, and the poor realising more and more of their rights, and reaping the opportunities that flow from them [...]" (Banik 2008:13). Drawing some attention away from the top-down paradigm of law reforms to the needs of those facing socio economic marginalization; legal empowerment enhances the actor-oriented dimensions within the human rights discourse (Banik 2008:14). Nash (2010:139) emphasises how increased access to information and communication in the era of globalization tend to bring cultures closer together in a multicultural society, facilitating share of ideas on change progress. The Human Development Report (2013:6) points out the importance of young people to be able to "participate meaningfully in the events and processes that shape their lives". This is an interesting aspect to the study, considering girl's restricted opportunities to active citizenship in the political struggle for a legal framework recognizing children's rights – old enough to marry, yet too young to refuse. If economically marginalised, the chances of her lacking the necessary preconditions to participate in everyday life may increase. Accountability mechanisms on the state level thus become crucial to guarantee her rights as a child and human being. The legal empowerment approach insists on the need to expand access to legal services and development intervention to enhance right-holders control over their own life (Banik 2008:14). However, in discussing the bottom-up approach of applying legal empowerment as a tool to encourage disadvantaged people to take

action and improve their position, one must differentiate between the challenges of law enactment and law enforcement. With regard to the issue of child marriage in Tanzania, a law prohibiting child marriage must evidently first be in place before attending to law enforcement, which legal empowerment mainly aims to do. Nevertheless one may apply legal empowerment strategies when aiming to strengthen resistance among girl children at risk. International accountability efforts on human rights are increasingly discussed, emphasizing on a combination of strategies to ensure full commitment to ratified human rights agreements:

> *"The international and the regional human rights monitoring systems recommend action by States, but cannot enforce their recommendations. By setting targets and benchmarks, exchanging data, identifying trends and challenges, they can increase the answerability of States, strengthen the efforts of civil society and sometimes influence a State's conduct"* (OHCHR 2014:50).

The quote comes from a recent report on the integration of human rights in the MDGs and post-15 development agenda, implying the difficulties of holding states accountable. Instead, focus must be on strengthening civil society; enabling active citizenship to ensure access to justice.

SUBJECTIVITY OF VIOLENCE AND ABUSE

Child marriage may be understood as a form of violence or abuse in some contexts, while normalised in others. Writing on violence towards children, Korbin (2003:432) points out its relative understanding negotiated by a range of factors that may be categorised into "setting, perpetrator, type and severity, age and gender, and cultural context". Violence, she explains, can be individually, collectively and structurally perpetrated. Child marriage corresponds with the latter two; upheld by collective forces at the community level and reproduced by structural violence in terms of limited access to formal education, poverty, gender inequalities and lacking opportunities to employment (Korbin 2003:433). Rwezaura research (1998:43) confirms such a claim, insisting that violence against the girl child is a structural issue in societies embedded in cultural and social systems. The severity of such a crime, e.g. child marriage, could be argued to be subjective given the setting and the cultural context, which may continuously reproduce gender inequalities and social injustices - further strengthened by the absence of the government in as well legal as more hands on initiatives. Research has noted "cultural-level acts, practices, rites or rituals" to be viewed upon homogeneously by the culture in question but that other societies may have different views. Anthropologists have opposed the label of abuse on such practices, insisting they are "collective expressions of

cultural values" (Korbin 2003:434) and that these also are found in the West; giving example of how verbal abuse is considered worse than physical abuse in some cultures. Regardless of what label to be appropriate, it may be argued that the collective element of a harmful act serves as no excuse for its continuous reproduction in any given space - independent of its geographical location and cultural traditions.

6 ANALYSIS

The first section of the analysis discusses the material connected to social constructions of gender in Tanzania, including evidence of patriarchal norms and structures in the overall society and its impact on female representation in the political sphere. The second section discusses notions of childhood in Tanzania, reviewing transformation into adulthood and perceptions on children's sexuality. The third and last section explores the realization of rights for the girl child in Tanzania, looking specifically into access to justice and accountability mechanisms.

SOCIAL CONSTRUCTIONS OF GENDER IN TANZANIA

THE PATRIARCHAL SOCIETY
Private sphere
In Tanzania, where sexuality is controlled and constructed by cultural norms and values, girls main purpose in life may be perceived as to get married, bear children and perform household chores. Patriarchy is described by Pilcher & Wheelehan as "rule of a male head of a social unit" (2004:93) where women's power is restricted to the home and household leaving men to negotiate on daughters marriages (Kwatsha 2009:137). A female lawyer from TAWLA expressed her view on the current situation:

> *"It is just a lopsided kind of system. You know, what we call, the dominating male patriarchy system. You know, boys don't have that issue. Most boys get married when they want to! No one is going to force a boy to marry when they don't want to"* (Interview TAWLA).

Existing gender roles may be understood to have its root in the distinct upbringing of girls and boys. In a study by Mabala and Kamazima (1995), girls in Tarime district in Tanzania were found to believe their brothers to be intellectually and socially superior. As a result, the girls came to accept their role in the household of doing household chores while their brothers were given time for leisure and studies. When children are socialized into these pre-determined social positions, girls learn to accept their subordinate position in society

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(Rwezaura 1998:32), which creates a skew self-image where girls believe in their lesser value. The Beijing Declaration specifically noted how social constructions of gender in the context of Tanzania tend to limit girls opportunities in life when it comes to education and future employment (Rwezaura 1998:33). Respondents highlighted parents finding it problematic to withdraw their daughters from education for her to get married, receiving pressure from teachers when the girl has passed her exam. Some respondents even stated withdrawal of girls as illegal, although we were not able to identify such claims in the current national legal framework. *"We've had kids being told by their parents that; If you ever try to pass that exam you will see what will happen to you!"* (Interview TAWLA). Poverty can be argued to contribute to the high prevalence of child marriage in some marginalized areas, in particular for families with many children and receiving dowry may (Interview TIP, Ncube 1998:22, Kwatsha 2009:152). However, some respondents disagreed on the contribution of poverty, meaning child marriage is rather a product of societies view on girls and women.

> *"Because people will say they are poor, but then when it comes to paying bride price they have no problem to pay, even 10-20 cows which could have been invested into girls education instead. Are you really poor then? If you really value the education of your child, you can sell one cow"* (Interview UNESCO).

An explanation why families often do not invest in their daughters and why dowry is collected can be that girls are generally perceived to mainly benefit the future husband's family (Interview NAFGEM; Child Reach). Others mention the influence of religion, which justifies the practice of child marriage. In Muslim dominating parts of the country it is not uncommon to find a man marrying a young girl and the practice is quite normalized. *"If even I want to get married to a 15-year-old girl the Sheik would never say no. Instead they would just praise me, saying; you got a very good young girl"* (Interview TIP). This statement illustrates the male dominance in Tanzanian society, mainly concerned of the wants and desires of men in which the needs of girls and women are neglected, contributing to their continued exploitation.

> *"In most villages most opportunities will be given to the boy and all the household chores will remain with the girls. She doesn't even find time to study and go to school. The family is not motivated to take her to school; why should she go to school when she is needed in the house to watch other kids, to cook or go look for firewood? Because of that culture, the girls themselves feel they are only good to get married and have kids. The families and their mothers feed them with that message from they are young, so it's a mentality, which comes to be a part of them as well"* (Interview UNESCO).

Girls dropping out of school at standard seven, for whatever reason, most often end up marrying and having children at a tender age or in domestic work - both realities depriving her the socio-economic opportunities she is entitled to (Interview ILO).

Public sphere

Sexual exploitation of girls is a common phenomenon in Tanzania with research revealing how male teachers instruct girls to perform chores in their home, in which environment they may use their authority over girls to demand for sex (Rwezaura 1998:35; Gender Festival). This may serve as an example of public patriarchy where women are allowed into the public sphere yet face discriminations. Even national legislation is discriminatory as the Sexual Offences Special Provisions Act (SOSPA) allows men to marry girls younger than fifteen, with restrictions for the husband not to consummate the marriage until the girl is over fifteen - making sexual intercourse with his wife under the age of fifteen a criminal act (Ezer et al. 2006:357). After the age of fifteen, the SOSPA does however not protect the girl child in this context, even if it is a matter of rape (SOSPA Section 5a;e). In Tanzania, the establishment of children's and gender desks are in process with the aim to handle cases of gender based violence and reports of abuse. Yet, without legal instruments to deal with rape within marriages, organisations lack capacity to deal with the problem (Interview CDF). Despite legal constraints, young girls do get pregnant within marriages under the age of fifteen. A respondent shares her experience: *"When I was doing my training, I met a girl of ten, eleven years having a baby and it was very difficult, like a baby having a baby"* (Interview AMREF).

A reproduction of gender inequality in Tanzania may be understood to be the product of the control exercised on the girl child, where state institutions such as schools monitoring girls and subject then to pregnancy tests. Many schools also have regulations that expel pregnant girls (Rwezaura 1998:34-35), as a way of penalizing unmarried girls who get pregnant (Rwezaura 1998:37). According to several respondents, this is not supported by national laws, but to intervene is problematic since many schools have their own regulations allowing them to expel pregnant girls, often without a chance to retake further studies (Interview UNESCO; AMREF). One of the main concerns for many respondents is that girls tend not to get the same opportunities as boys when it comes to education. As pointed out by Ruthven, such inequality and abuse issues are important to reveal to ensure the well being of the girl child.

Forced pregnancy tests and expels of pregnant girls are further an example of Walby's public patriarchy, discriminating the vulnerable position of the girl child and limiting her opportunities in life. The legal framework emphasises the right to education yet child marriage increase the number of girls dropping out of school at an early age, giving preference to boys that usually are encouraged to continue with their studies. The Marriage Act's patriarchal interpretative prerogative over the Child Act serves yet another example of public patriarchy.

It is further interesting to note that the tone and the language of the Constitution are masculine. An example can be found in the equality clause stating *"every person is entitled to recognition and respect for **his** dignity"*. Additionally, the word 'gender' only appears once in the Constitution (1977, Article 20.1a (ii) and it is when it prohibits political parties aiming for particularistic interests, amongst these is gender. The law clause further prohibits discrimination towards several vulnerable groups but fail to mention women specifically (EISA 2014). The formulation of articles and the choice of words may be explained away as formulations of its time; however it is today the ultimate example of Walby's term public patriarchy, where even the written laws discriminate half the country's population due to its sex property.

RESTRICTED PARTICIPATION - WOMEN IN POLITICS

Respondents claim female representation in government is important to raise the issues of gender equality and to bring to the table issues regarding women and children. Yet, in some cases female representation in government takes two directions, whereas one part appears to have been allocated seats based on their gender while lacking the full capacity and motivation to represent women in questions vital to their progress in Tanzania. The other part appears highly motivated to promote gender equality in the society but at times lack a voice in the male dominated context (Interview Agenda Participation 2000; TGNP). The purpose of Constitutional efforts to ensure female representation and women by allocation of special seats in parliament according to Ruth Meena has not been to "redress a historic imbalance" but rather to "enhance the representation of varied interests under a one-party regime" (2003:2-3). This could be sensed in the restricted influence female parliamentarians seem to have on gender issues as noted by several respondents: *"Most women who are in power do not have that much to say to push for changes. They are very few who can dare and stand up and say: we need to mobilize us!"* (Interview TGNP). This can be connected to historic

patterns, building on Pilcher & Whelehan (2004) arguments of how women since long have faced subjection to male authority throughout history and can explain women's subordinated status even at the highest level in society.

Respondents stressed how the socio-economic and cultural upbringings of Tanzania's leaders influence their moral stand on the issue of child marriage (Interview UNESCO). Many of the respondents work closely and directly with the government and shared their perceptions on this matter, mediated how women were opposing as they advocated to explicitly prohibit marriage under the age of eighteen in the Law of the Child Act:

> *"We don't want to have kids who are pregnant all over without being married because we know some of us were getting married at sixteen, seventeen, so why should we put that under the law?"* (Interview TAWLA).

This exemplifies how reproduction of norms and values becomes even more interesting given that women in influential political positions oppose prohibition of child marriage despite having been subjected to the practice of child marriage themselves. Some of the development actors stressed that culture is what continues to feed resistance among politicians and policy makers in the country. Emechetas (1995) ideas on older women reproducing patriarchal structures may apply as an example of how cultural perceptions and gender norms within communities can be reproduced through female exertion in the political sphere. This further provides good material to discuss the limitations of the quota system according to the Maputo Protocol, in relation to the previous discussion on female participation versus representation in political institutions. Tanzanian government has a National Development Vision 2025 in which they strive to realise. The vision, which include Poverty Reduction Strategy (PRS) realise the need for gender as crosscutting in all sectors. Additionally Tanzania has a Women and Gender Development policy (2000), which aim to support opportunities to women and provide empowerment to women in politics, economic development as well as to access leader positions.

NOTIONS OF CHILDHOOD IN TANZANIA

TRANSFORMATION INTO ADULTHOOD

The empirical data indicates childhood to end around the age of ten, after which the child is given significantly more responsibilities in the household and will be looked upon rather differently in the overall society. Economic deprivations and many children within the family

may contribute to this, as pointed out by a respondent (Interview Child Reach). In some areas, the practice of Female genital mutilation (FGM) marks the transformation from childhood to adulthood and has been recognized to contribute to child marriage (FORWARD UK 2014). FGM is prohibited in Tanzania yet the prevalence of FGM in some areas is still very high.

This is an example of how 'culture eats strategy for breakfast'[1], implying the difficulty of eliminating harmful practices, deeply embedded in societies cultural beliefs and traditions, through law enforcement. A respondent elaborates on the interlinkages between FGM and child marriage:

> "There is connection between FGM and child marriage. No one is ready to marry a lady who has not been circumcised. They have their taboo, like maybe the family will have bad luck if a man is to marry such a woman. There are a lot of things like that" (Interview Journalist).

> "FGM can also serve as a signal to men in the society that girls are now on the market for marriage" (Interview NAFGEM).

Many respondents mention traditional initiation rites aiming to prepare a girl to marry. One mentioned the Makonde group in Mtwara, who take their 10-11 year old girls to these traditional practices and to learn about marriage (Interview TCRF). Another respondent in northern Tanzania describes the practices of Wazaramuu; when a girl starts to menstruate a girl is taken away from town to learn how to handle a man and how to perform sex (Interview Journalist). The same tribe is also mentioned by a female lawyer who knew about a 'kitchen party' in Dar es Salaam for a thirteen year old girl, an arranged party to say goodbye to the bride to be, where she would be taught how to please her husband (Interview TAWLA). The main organiser of the party was the girl's paternal aunt due to the fact she had lost her mother. According to Emecheta (1995), this is an example of traditional African culture, where older women reproduce patriarchal traditions by oppressing young girls the same way they were oppressed once (Kwatsaha 2009: 150).

It must be noted that Tanzanian children are brought up to respect and obey their parents, limiting room for negotiation - something Ncube points out to be common in African culture. In some cases, girls are not even in a position to actually question the matter since they grow up knowing nothing else, hence normalizing the practice. Connecting back to

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[1] An expression popularised by Mark Fields, president of Ford Motor Company. As the leader Mark was aware that no matter how brilliant vision or strategy, neither would be realised if not supported by the culture.

Nussbaum this may serve as an example of a situation where norms and culture have created unequal gender structures that ultimately place the girl in a subordinate position without her realising or questioning it. Rather the girl perceives herself based on the perceptions of a girl in her society, accepting her limited life choices.

After having gone through FGM, the girl child is ready to be married off at any given time and as she marry her childhood takes an abrupt end, losing out on the transformatory process of adolescence - an important time to human development. Delegated vast responsibilities as she becomes a wife and often shortly thereafter a mother, she might find difficulties in negotiating her right due to young age and limited capacity and education (Letuka 1998). Opposing the marriage, or showing side of resistance, arranged by parents is also highly problematic for the same reasons for which reason one cannot really justify the concept of consent in child marriages. Due to the sudden transfer to adulthood many girls do not comprehend what is expected of them in their new roles and face confusing situations.

> *"Some of the girls are being married and they forget that they are married. Instead of going back to the husband they go back home [...] when they go to the river to get the water, instead of fetching it and bringing it home they start playing and forget they are supposed to go and take water"* (Interview CDF).

This reveal a situation where girls are not physiologically mature for marriage and not aware of their new assigned duties as wives but may have started to menstruate, a sign that she is ready to enter adulthood.

Moreover, in some societies, like the Maasai community, a girl can be taken by her future husband at a very young age to stay with him and when old enough the man marries her (Interview girl child 1). Other tribes commonly book girls long period before actually marrying her, as described by a respondent:

> *"[...] in some tribes, even if the girl has not reached puberty age, they are booked, and considered to be somebody's wife without their consent. It is an agreement between the man who want to marry that girl, and they wait until the girl becomes mature, when they have reached puberty; then forced to be married"* (Interview TGNP).

A woman is often defined by her fertility, placing high expectations on the girl child after engaging in marriage. Cultural traditions ascribe a girl move in with the husband and his family. Ginsburg further states that a "woman's body is seen as a vehicle for bearing children to ensure the prosperity and growth of the patrilineage", where her reproduction abilities are considered to belong to the husbands family (1995:202). As Marchal, quoted in Jarrett

Macauley (1996:16) says "men just see us here as breeding animals. I don't think they see us as women who have a right to say what we want" (Kwatsha 2009:140). These statements can be connected back to Boddy's discussion on how women's sexuality can be controlled by the social group and how bounds of kinship acts as a strong oppressor towards the girls who act as a tool for economic, political and social interests. Many societies in Tanzania remain operating on a communal level where individual rights are overshadowed by the rights of the clan. It is as well an issue within the international human rights discourse itself, bearing in mind the clash between indigenous peoples rights to *freely pursue their cultural development* (Declaration on the Rights of Indigenous Peoples Art. 3) and the prohibition of harmful practices in several other declarations previously mentioned.

PERSPECTIVES ON CHILDREN'S SEXUALITY

Formal and informal sexuality education
Apart from the above mentioned, sexuality education is given to girls at kitchen parties or similar events, although there is not much information regarding the topic. Information given to girls under traditional circumstances does not concern how to negotiate sex and marriage, at times rather promoting an early sexual activity and encouraging girls to marry early (Interview TCRF). Traditional education on sexuality does however only occur in the context of marriage, otherwise considered a taboo in Tanzania (Matungwa et al. 2012:168).

In Tanzania, not only talking about sex is shameful, but also expressing love in public is considered very disrespectful as well as children openly showing to have a boyfriend or girlfriend (Matungwa et al. 2012:168). The taboos surrounding sexuality in all levels of society minimize girls' chance to access information on contraceptives and rights regarding the issue of consent. A common consequence of this is early pregnancies, which could lead to forced marriages since, to avoid shame, parents often marry off the girl to the father of the child; *"whether she was raped or what, it doesn't matter"* (Interview AMREF;TAMWA).

> *"What often happens when the parents find out that their daughter is in a relationship is that they will force her to marry as they fear that she might already be pregnant or that she will appear to be some sort of loose girl in the village, like a prostitute almost.* (Interview TCRF).

Girls in the area of Manjara who gets pregnant before marriage are considered cursed, something they call "Mtii Mani". It is a common belief that being around an unmarried pregnant girl can inflict harm and cause death, and her family may even throw her out of her home. It is not unlikely for girls in this situation to end up in a small room in the ghetto,

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forced to sell their bodies to survive (Interview Journalist). Cultural taboos surrounding sexuality restrict girl's possibilities to higher education and deprive them to reach their full potential in life. Several respondents describe the resistance and challenges girls face when wanting to take up further studies after being mothers. A respondent expresses her opinions:

> *"If you got pregnant at young age, does it mean your mind stop working? Do you get dumb as well? No! So why are you reaping all opportunities of that person to ever advance or becoming anything just because she was doing what nature has actually ascribed to her, she wasn't asked to be born a woman in the first place"*(Interview TAWLA).

Information and access to sexual education may change sexual attitudes and slowly affect norms in society; however, sexual taboos stretch all the way into the educational system. In Tanzania, sexuality education is not a subject of its own, instead it is supposed to be integrated into the other subjects. However, since it is not mandatory and due to the workload of teachers the quality is poor and sometimes even overlooked (Interview AMREF). Even when teachers teach, the quality of the content taught depend on teachers interpretations, their personal interests, beliefs and cultural taboos, hence sexuality education vary from being well implemented into school curriculums to being non-existent. Organisations promoting sexuality education face challenges related to cultural taboos, especially among school management. An organisation that sponsored a school with education material followed up on the result and found that the head teacher have kept the books in a locked drawer in his office, never having been used. When asked why he explained in anger that he could not show drawings of genital parts to the students, that it would be like undressing himself in front of them, claiming they would lose respect for him (Interview TCRF).

> *"When the teachers grew up themselves, they did never just to talk about these sorts of things with their parent or anyone in the community, so they need to be taught how to deal with it themselves. Sexuality education must in the end also be a part of the teachers' deliveries to be taken seriously. They often lack the confidence, and can't even talk about these things with their own children; so how are they to teach this subject? "*(Interview AMREF).

The information above illustrates the importance to address sexuality education as well as sexual and reproductive rights in schools through extensive policy reforms, targeting the teachers as well as the students in order to change perceptions among the younger as well as the older part of the population. Reducing unwanted pregnancy out of wedlock may come to be a result if addressed properly; having the potential to reduce some cases of child marriage and thus bring about a positive cycle.

The role of traditional and religious leaders

Even some religious leaders have been noticed to reproduce shamefulness of sexuality amongst youth. One respondent mentions that a priest in her church encouraged children who have finished standard seven to formalize marriages if having a boy or girlfriend rather of committing adultery, which is seen as shameful (Interview TGNP). This attitude of marrying off a girl rather than to live with shame of the girl becoming a single mother seems to be widespread in communities all over Tanzania and these perceptions from communities are further reproduced in religious state institutions. Some of the respondents acknowledge the importance of religious influence, in their work trying to convince religious leaders to discourage harmful practices and instead act as a positive force to encourage the youth to stand up against child marriages. In an interview with Tanzania Interfaith Partnership (TIP), the respondent highlighted this to be one of the most effective solutions to change behaviour on the ground, further emphasising the need to include traditional and religious leaders in legal process attempting to address the issue of child marriage in a more coherent way. The respondent moreover informed on community mobilizations programs in Tanzania having been initiated in some villages in Mara and Lindi region, where village leaders support child protection and condemn harmful practices such as child marriage and abuse. The intervention resulted in almost a 100 percent decline in child marriage, a number that would have been impossible to achieve without support from local leaders. The respondent as well insisted on the possibility to educate traditional and religious leaders on the curriculum on sexual reproductive health and how it may be used in Christian Sunday schools and Islamic religious schools 'Madrasas' in order to teach children the benefits of delaying marriage (Interview TIP). Such a strategy may facilitate a change on prevailing attitudes regarding sexuality and further strengthen girls' rights, who often get punished when falling pregnant.

REALIZATION OF RIGHTS IN THE CONTEXT OF TANZANIA

ACCESS TO JUSTICE

Lacking participation

In the Tanzanian context, a girl child is considered responsible and old enough to marry and have children after entering puberty, yet too young to vote and participate in political processes that may affect her life in various ways (Interview with TAWLA). While human rights should be introduced and respected because people agree on their existence to be important, legal empowerment strategies must be in place to ensure participation for those facing socio-economic marginalisation. A respondent insisted on the need to further sensitise

girls in rural communities and encourage them to persuade their parents to pay the school fees, something she has seen has had a positive effect in the area she works (Interview Child Reach). A respondent shared her reflections from the time she ran away from marriage, illustrating the potential impact of increased access to information and share of ideas:

> *"When I was in grade six, 8th of April, is when they came to take me and for the man to marry me. At the same time my mother sent me to go to the shop and that is when I got the chance to run away from my family that is when I boarded the bus and came to Moshi. Before that, I had a chance of coming to Moshi in relation to the '16 days of activism', which involves school children. When I took part in the activities they talked about gender based violence and that girls should run, that they should know their rights. That is when I got the knowledge and ran from my home and went directly to the police station"* (Interview Girl Child 2).

Two weeks prior to the interview, Youth of the United Nations Association (YUNA) shared information on its objectives to work of the UN among youth in Tanzania. Empowering youth and increase their participation in the political sphere are two vital aspects of YUNA, under which the initiative 'sixteen days of activism' was developed under the DaO UN and its Inter-Agency Gender Group to create awareness on GBV through interventions taking place in all regions of Tanzania. The respondent made particular remarks on violence against women in Moshi, who had shared their painful experiences of abuse in one of the workshops organised (Interview YUNA). While the respondent working at YUNA appeared to wonder whether the intervention could generate an actual impact on the ground, the story of the girl child provides an example of its immediate value to create resistance among those directly concerned. The life after having run away from home, appearing to have been the only alternative for this young girl to escape marriage, is however not a preferable situation for any child. In Tanzania a child protection system was recently launched in 2011 (Interview UNICEF) but institutional capacity is far from sufficient in handling all cases of girls that run to seek protection.

The influence of education and information

With regard to the objective of eliminating child marriage in Tanzania, the importance of education was directly emphasised in all interviews with development actors and indirectly in the interviews with the girl children. Mainly three aspects were brought forward. Firstly it was argued that the longer a girl would stay in school and continue her education, the longer she would wait to marry as she will be occupied with her studies (Interview NAFGEM; UNFPA). *"If one finished standard seven she is ready to be married"* (Interview TIP). In the interviews it was often argued that the MDG agenda has enabled many children in the country to

complete primary education, although it becomes more of a challenge for most to enter and/or complete secondary education.

> *"Since all this talk about primary education, parents have for instance become aware, and they say at least standard seven. So the children, maybe fourteen or fifteen, after class seven some celebrate that now their child can marry. So, at least education will push the girls ahead".* (Interview UNFPA).

Secondly, respondents insisted on the need to broaden and strengthen sexuality education for girls to avoid early pregnancies and reduce taboos around sexuality in general (Interview AMREF). Thirdly, it was found important to not only consider formal education for girls, but also that the overall community need to be educated and sensitised in various ways.

> *"The most necessary thing is to educate elder ones and to educate these ladies as to help them grow up with the notion of that; this is not good, this will not help us"* (Interview Journalist).

Limiting factors for the girl child to access formal education in Tanzania includes mainly long spatial distances to school and a reproduction of cultural values interrupting her education at a given time. A respondents share some insight in relation to this:

> *"Looking into some regions, like Shinyanga, where schools are far, the children will often walk ten kilometres to and from school. Before you go to school you have to do something, carrying water or even farming, and then you go to school. Then there is also school farm, so I do more farming, so why should I go to school, to do what many ask themselves? Let me instead stay at home and help my own farm"* (Interview UNFPA).

Long distance to school may as well be very dangerous to the girl child, and particularly if she is walking all alone she risks being subjected to sexual abuse or rape. While such incidents are considered shameful in most communities, the ultimate fear among many parents rather regard pregnancy out of wedlock that would cause stigma for the family and most likely deprive the parents from attaining dowry (Interview UNESCO; UNFPA; AMREF). One way to get around this includes further investments in boarding schools for girls (Interview UNESCO), however from the information we received the government are in the process of closing many of these facilities for unknown reasons (Interview AMREF). The two girl children did however believe it would have made much of a difference if the secondary schools had been closer located to their homes, as traditions were superior to education in their cases (Interview Girl Child 1 & 2).

In addition to education, respondents highlighted increased access to information to be key in order to strengthen girl's position and stand up for their rights. Participants expressed

challenges in reaching out to communities with the relevant information in their work against child marriage in Tanzania (Interview TIP; TGNP). The impact media have on political transformations in Tanzania is mainly limited in two ways; one being the Newspapers Act (1976) undermining press freedom and the other being the greater part of the population living in rural areas simply does not have access to a variety of information and communication except from radio. The interviewed journalist claimed there is much interest to write on the Constitutional process but insists it is a difficult task to deliver a nuanced discussion on the topic due to restricted press freedom in the country. A respondent shares his views:

> *"The right to information is not very clear in this act. It is a bit of giving with the right hand and taking back with the left hand. The freedom to say is there, but after saying you don't really have freedom again"* (Interview Agenda Participation 2000).

The journalist gave further examples of two newspapers that had been burnt just prior to the interview:

> *"They were banned because of writing about certain political and government issues. When you go inside their things, it may be a problem. There is some freedom but still not to the extent it should be"* (Interview Journalist).

A respondent emphasise that media have more to gain from keeping good terms with the government and is not surprised that journalists generally tend to report on politically sensitive issues with great caution in the country (Interview Agenda Participation 2000). Banik stresses the importance of more inclusive strategies to reach full potentials to respect, protect and fulfil human rights (2008:13), in which media has the potential to contribute. However, media faces difficulties in reaching out to people in rural areas of Tanzania. Areas where most of the people are economically marginalized and infrastructure is poor, radio appears to be the form of media having the greatest impact today. Internet and television is not easily accessible due to lack of power and network and even newspapers are considered luxury items to many. Hence, while media on the one hand have great potential to generate a change and enlighten young girls on their rights, as well as their parents and the overall communities, challenges in terms of outreach ultimately limit its impact. For those parts of the population having access, limited press freedom stands in the way to create a meaningful debate. Organisations share many of these constraints; lack of funds and vast distances from country offices could be some explanations to the rather weak impact on communicating and gathering information.

Human rights as a concept rooted in natural law may be questioned in the case of Tanzania, where cultural impediments restrict national law reforms in regard to protection of the girl child. Instead, the idea of what inflicts harm on a child may as well be subjective and context specific. In that sense universal application of the rights-based approach to development will remain contested. Orend (2002:75) insists however social morality to be prioritised over justification, meaning there is a need to further "examine our shared moral beliefs". A respondent shares his thoughts in relation to this:

> *"My opinion is that the law is not there to create conflict but rather to provide harmony among the members of the society. If the society thinks that women could be married at the age of fifteen, for you to change that when it has been there for ages it does not happen through the law"* (Interview TCRF).

At the high-level panel for eradicating child marriage, organised by DaO UN Tanzania in November last year, the Minister of Legal and Constitutional Affairs expressed a concern of prohibiting child marriage in the new Constitution; claiming doing so would be against the will of the people. We made several attempts to find out if there had been any opinion poll that would justify his statement but could not find anything of this kind when consulting expertise in the country. One may thus question what such perceptions are based on if there is no reliable data? Other actors in the Tanzanian development context counter this argument by claiming that nobody was ready for the law against terrorism, yet it was rapidly implemented. Although several respondents confirmed opposition among some communities to exist, it was as well emphasised how most members within these communities often are willing to change once informed and educated on the negative health effects of child marriage (Interview UNFPA).

Contradictions found within the national legal framework makes issues of accountability extremely problematic. Interviews with development actors working specifically with child marriage, children's rights and/or gender inequality, revealed different ways of interpreting national laws relevant to the topic. Statements referring to the legality of certain issues differed to a great extent among the respondents in discussions on (1) sexual intercourse with a person under eighteen, (2) withdrawing of a child from school in order for her to get marry, and (3) the possibility of marrying of a girl under the age of fourteen. A respondent shared her personal views on the Law of the Child Act in relation to this, although whished to be referred to anonymously on this particular point:

> *"What the law of the child act tries to do, is to bring in a framework for child protection, a framework for children in conflict with the law and it's for the first time ensuring children's rights. But when you actually look at what you can do, it's more limited than what you think"* (Interview Anonymous 1).

Interestingly enough, another participant insisted the government to have ignored contradictions between different legislatures as the Law of the Child Act passed, intending to keep a foot in both camps; pleasing international donors while limiting opposition on the ground. He had himself been working closely with the government on the formulation of the Act, insisting that technical mistakes, such as provisions being in the wrong places and opening up for misinterpretations, were all intentional and that human rights activists like himself decided to accept the poor quality in order for the Act to pass at all. The informant wished to be anonymously referred to on this particular point (Interview Anonymous 2). Other respondents working closely with the government emphasised the importance to keep in mind that the political leaders in Tanzania all are individuals, brought up under a certain set of cultural moral beliefs, which they often tend to bring into the decision making processes. Drawing from the interviews, it could be understood that the political representation in Tanzania faces difficulties to distinguish between protection of intangible cultural heritage[2] and harmful practices, and ultimately between their personal perspectives and professional expertise. In that sense, and with regard to child marriage, the authority of the government enables an application of the power-right rather than the claim-right, as described in the theoretical framework. Given the limited access to education and information in rural parts of Tanzania, a vast part of the population is not given the chance to make such a claim and perhaps even unaware of the pure existence of the rights they hold under regional and international agreements. Wing (2012) stresses the importance of regional ownership of human rights agreements in order to increase their legitimacy and efficiency. The debate does not concern a contradiction between African laws or International laws as some may choose to view it. As a respondent describe it:

> *"If you contextualize, based on those specific cultures that contributes to those specific rights, then it is obvious that by the end of the day they all remain to be human beings and they deserve exactly the same principle of human rights. However, if you put the European side and the African side together to discuss human rights issues, there will always be a clash – because of the context"* (Interview TCRF).
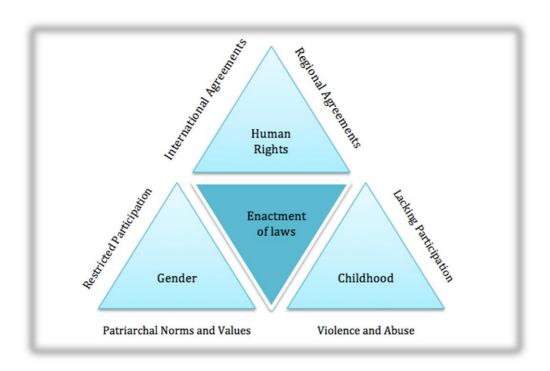
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[2] Intangible cultural heritage refers to cultural identities and cultural diversity of humankind, including oral traditions, arts and crafts, traditional festivals etc.
 (UNESCO 2014).

The international community emphasise the importance of human rights in the development agenda as previously discussed in the theoretical framework. Accountability mechanisms are however problematic although new strategies are discussed. Instead focus must be on strengthening civil society, promoting active citizenship through increased access to education and information. Wing (2012:522), insists women's rights favours from a combined approach, stressing the importance to make use of international as well as local tools to strengthen girls access to justice and increase equality on the continent. Development actors working against child marriage in the country may thus favour from an increased focus on regional human rights instruments when collaborating with communities and the government to reduce prevalence.

7 CONCLUDING REMARKS

This study has contributed to previous research on the topic of child marriage by exploring how social constructions of gender influence the reproduction of traditional norms and values within the institutional sphere, and moreover how notions of childhood impact the national legal framework. The analysis illustrated various reasons as to why Tanzania has failed to domesticate laws prohibiting child marriage, despite having ratified relevant international and regional rights agreements; the main finding show how patriarchal and cultural values and norms are being reproduced through bottom-up as well as top-down processes. The use of an abductive approach resulted in a model, presented below, combining the initial focus of the study with the theoretical and empirical findings.

The reproduction of patriarchal norms and values were found to restrict women's participation in the socio-political context of Tanzania. The cultural upbringing and background of political leaders was found to greatly influence not only men but also women in powerful positions; promoting the continuation of child marriage in the country or refraining from speaking up against gender equality in the political forum. Although the findings concurrently revealed some female leaders making positive contributions, the actual representation of women in the political sphere may be questioned as well as what change the quota system could generate. Instead, empirical lessons suggest more focus should be on sensitising local leaders in communities on the negative effects of child marriage and the benefits of gender equality. The authority of local leaders enables them to change the mindset on the ground, needed to prevent the continuous reproduction of discriminatory norms and values also influencing the legal framework.

While articulations of violence and abuse encounter a high level of subjectivity, being context sensitive, the negative effects of child marriage speaks for itself. In Tanzania, the harm inflicted on the girl child when subjected to marriage at a young age may be explained by cultural and traditional understandings of childhood to end around the time she enters puberty. Perceptions on children's sexuality have shown to be a central component in the debate, in which inferior sexuality education in schools give room for reproduction of gender inequality. Educating students and their teachers on the use of contraceptives and the right to consent were believed to generate a positive cycle; limiting sexual exploitation and rape, consequently also reducing the number of unwanted teenage pregnancies. The findings reveal perceptions of girls as potential mothers and wives while boys are more likely to be invested in education. We argue this to be highly problematic since formal education has the potential to facilitate and increase access to justice for the girl child, reducing chances of her entering marriage in childhood while strengthening her position in the private sphere. There is an evident need to address accessibility and quality of education in order to equip girls with the knowledge and skills they need in life to contribute to a society in which all children, boys as girls, have equal opportunity to reach their full potential in life.

Prohibiting child marriage in the new Constitution may be considered the first step in attempting to further protect girls and reduce prevalence of the practice in the country. The lack of commitment adhering to national laws with ratified human rights agreements affect

the work of organisations in their efforts to reduce prevalence of child marriage. Thus, contradictory laws must be revised in a manner that will prioritise the interest and well-being of the girl child. Under the current legal circumstances in Tanzania, a girl may be raped within her marriage without there being any legal repercussions. It is contradictory to all international and regional human rights agreements ratified by the country, questioning their commitment to the rights discourse and intention to promote gender equality. An important finding reveals how the development actors differed in their interpretations of the law. That is in itself is a strong critique against the current Constitution and the laws surrounding it. Creating resistance among the girls affected by the practice may be realized through increasing access to information, ultimately facilitating her access to justice. The current national legal framework places the girl child in vulnerable position where she is not able to negotiate her rights. Organisations working to end child marriage in Tanzania face challenges since the law uphold the legal right for girls to marry and seem reluctant to address the issue.

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APPENDICES

Appendix 1: Record of Respondents

Nr	Date	Organisation/Characteristics	Area of Work (if applicable)	Sex	Comments
1	12/5/13	UNFPA (United Nations Population Fund)	Child Marriage, FGM	F	
2	12/9/13	TIP (Tanzania Interfaith Partnership)	Religion	M	
3	12/11/13	TAMWA (Tanzania Media Women's Association)	Women in Media, Women's Rights	F	
4	12/11/13	CDF (Children's Dignity Forum)	Children's Rights	M	
5	12/13/13	TGNP (Tanzania Gender Networking Program)	Gender equality, Feminist Activism	F	
6	12/20/13	UNICEF (United Nations Children's Fund)	Children's Rights/Protection	F	
7	1/6/14	TAWLA (Tanzania Women Lawyers Association)	Women's Rights in	F	
8	1/7/14	UNESCO (United Nations Cultural Scientific and Educational Organiasation)	Education	F	
9	1/10/14	YUNA (Youth of United Nations Association)	Youth Empowerment	M	
10	1/13/14	TCRF (Tanzania Child Rights Forum)	Children's Rights	M	
11	1/17/14	Agenda Participation 2000	Constitutional Reform, Politica Participation	M	
12	1/17/14	ILO (International Labour Organisation)	Labour Rights, Domestic Work	M	
13	1/23/14	Journalist at a National Newspaper	Reports on GBV	F	
14	1/24/14	AMREF (African Medical and Research Foundation)	Maternal Health, Sexuality Education	F	
15	2/1/14	Child Reach Tanzania	Children's Rights	F	
16	2/5/14	NAFGEM	FGM, Child Marriage	M	
17	2/4/14	Girl Child 1		F	Interpreter
18	2/4/14	Girl Child 2		F	Interpreter

Appendix 2: Guiding Questions for Interviews with UN organisations

1. Would you agree to be referred to as a staff member of (the organisation) where you prefer anonymity?

2. Could you provide some brief information on the work of (the organisation) and main focus areas?

3. Can you explain briefly how (the organisation) works to increase the opportunity and access of education for the girl child in Tanzania?

4. Through what sort of incentives is that realised, e.g. up-stream or down-stream interventions?

5. In which particular regions does (the organisation) work down-stream?

6. Could you describe further how you support these girls when providing alternative education after they have given birth?

7. In some of the areas where the prevalence of child marriage is the highest, what are the opportunities for girls' actually finishing secondary school?

8. Do you see any potential change if the tuition fees for secondary school education would be removed?

9. What about the distance to secondary schools in rural areas, what factor does it play?

Appendix 3: Guiding questions for Interview with NGO's and CSO's

1. Can you tell me a little of the overall situation in Tanzania is and describe to what extent child marriage is practiced and if some areas are more affected than others.
2. Can you briefly describe (the organisation) and the work you do?
3. What is the situation of child marriage today in Tanzania?
4. What is the perception of a girl in communities?
5. According to (the organisations) experience can you tell me a little bit of the main causes of the child marriage practice today in Tanzania?
6. How do you think children's rights can be incorporated into the communities without conflicting with the right to practice traditional laws or practices?
7. How do (the organisation) work to empower women and girls to fight against child marriage?
8. If child marriage is to be eliminated in Tanzania, what needs to be done and what would be your role?
9. Do you believe that the Constitution will change the act of marriage law to be 18 for girls to get married?
10. How do you think ratified human rights conventions could be integrated into the communities without conflicting with their right and freedom to practice their culture and religion?
11. According to you, what roles do; government, local actors, international actors, media etc. have in child marriage?
12. What strategy could be used for its realization, top down or bottom up-approach?
13. Do you personally believe that child marriage should be/will be eliminated in Tanzania?

Appendix 3: Guiding Questions for Interview with Journalist

1. For how long have you been a journalist by profession?
2. When did you undertake the gender responsive training?
3. Which region did you go to?
4. How many articles have you written and published from that field experience?

5. How has these kinds of articles been recieved by the newspapers in general, are there any challenges of selling in these kinds of stories relating to GBV?

6. Could you describe how you perceived the overall situation for women, particularly relating to child marriage, at the location of your research?

7. What do you perceive to be the main drivers of child marriage in the region you went to?

8. Would you say that the bride price is used to escape poverty or rather to accumulate wealth for the families?

9. What do you think are the necessary interventions to eradicate child marriage in the region you did your research?

10. How did you experience the opportunity of accessing information in the field from the women and the communities as a whole?

11. Could you share the focus of the articles you have published so far on GBV?

12. What response have you got after publishing these articles?

13. How were you welcomed there as a journalist, by the women, the men, and the community?

14. How do you perceive the media coverage on the new Constitution and the issues regarding child marriage, such as the age of the child and the prohibition of child marriage?

15. How do you as a journalist see press freedom in Tanzania in general, do you feel protected by the current laws and the current Constitution?

Appendix 4: Guiding Questions for Interviews with Girl Children

1. How old are you?

2. Which community do you come from?

3. Could you tell me a bit of your background, relating to how you came in touch with NAFGEM and ended up at this centre?

4. How did your every day life look like when you stayed in the village?

5. What about household chores and gender division between you and your brothers?

6. Is it common that girls in your community are told beforehand that they will be mutilated and get married?

7. Around what age does girls in your community commonly marry?

8. Could you describe the process, which remarks that the marriage has taken place?

9. What happened when you ran away, where did you go next?

10. What made you have the courage to run away from getting mutilated and married?

11. Are you aware of any example, any one of your friends, in your community that didn't go through mutilation.

12. Is it possible for any girls or woman to take part in the decision of whom to marry in your community?

13. How do you see this?

14. When would you like to marry and have children, if you are to choose?

15. What are your dreams for the future?

16. Knowing your community, what do you think could stop parents from circumcising their daughters and marry them off at a young age?

17. Are you aware if any girl from your community ran away to avoid circumcision in your community before you?

Appendix 5: Document Analysis

Selected Documents	Data Analaysed
Constitution	
Constitution of Tanzania 1977	Protection of fundamental human rights and its duty correlations; Economic and Social Rights; Representation of the People; Local Government
Constitutional draft (no. 3) 2014	Legal definition of a child; Age of marriage
Acts	
The Law of the Child Act (2009)	Legal definition of a child; National children's rights
The Law of Contract Act (Cap. 345)	Validity of child marriage (lawful considerations of marriage registration)
The Law of the Marriage Act (1971)	Age of marriage for girls and boys; Consent to marriage
The Newspapers Act (1976)	Limitations of press freedom
The Sexual Offences Special Provisions Act (1998)	Definitions of rape
International Human Rights Agreements	
CEDAW (1992)	Intrnational rights of women
CRC	International rights of children
UDHR	Basic universal human rights relevant to child marriage
Regional (African) Human Rights Agreements	
African Charter on Human and People's Rights	Basic regional human rights relevant to child marriage
African Charter on the Rights of Women	Regional rights of women
African Charter on Rights and Welfare of the Child	Regional rights of children
National Development Plans	
Vision 2025	Gender mainstreaming; Education; Youth participation
Women and Gender Development Policy (2002)	Gender mainstreaming; Womens participation
Additional Documents	
Beijing Declaration	Equality and development goals for women
TDHS	Prevalence of child marriage; Experience of violence; Education