

**VIOLATION AND ABUSE OF WOMEN’S HUMAN RIGHTS
IN THE CUSTOMARY PRACTICE OF ‘KUZVARIRA’
AMONG THE NDAU PEOPLE OF MOZAMBIQUE**

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ABSTRACT

This paper examines the customary marriage practice of kuzvarira among the Ndaou people of Mozambique. It investigates the perception of the Ndaou people towards the customary practice of kuzvarira. Kuzvarira is a traditional customary practice of marrying off, without her consent, an underage girl (sometimes as young as eight or even before birth) to a rich man who already has another wife or wives in exchange for money, food and other material possessions that guarantee the girl’s family not to suffer acute economic deprivation ever again (Financial Gazette, 2/12/2004). To establish the receptivity of the traditional African marriage custom, kuzvarira, a study was conducted. Forty people (24 females and 16 males) from Manica and Sofala provinces participated in the study. A questionnaire comprising closed and open items was used as a data collection tool. The collected data was summarized by means of frequency tables and analyzed qualitatively using evaluative descriptions. The paper makes a critique of the practice of kuzvarira due to the prominence the subject has assumed in African philosophical discourses on human rights in recent years. Among the Ndaou this is particularly so, because despite some mounting intellectual controversy over the practice, it continues unabated owing to a range of economic deprivation and aggravating social circumstances. Our philosophical argument as substantiated by the results obtained is that kuzvarira is a psychological ‘death sentence’ meted on defenseless minors and is a gross

violation and abuse of women's human rights. Some African traditional societies particularly the Ndaus tend to vindicate the elderly in the name of respect for the will of the custodians of culture and sacrifice the aspirations of the minors. In light of the HIV/Aids pandemic, the custom also exposes young girls to the contraction of the deadly disease. *Kuzvarira* which still have a strong foothold and remain an integral part of the everyday lives of many

Mozambicans should therefore be challenged and mitigated against, especially given that Mozambique is a signatory of the Convention on the 'Prevention of All Forms of Discrimination Against Women'.

Key words: Violation, abuse, women's human rights, *kuzvarira*, *Ndaus* people, Mozambique, Africa

INTRODUCTION

While globalization has swept across Mozambique, there are some residues of traditional practices that have stood the test of time among the *Ndaus* in the country. One of the most enduring traditional customary practices among this tribe is *kuzvarira*. This practice involves marrying off, without her consent, an underage girl (sometimes as young as eight or even before birth) to a rich man who already has another wife or wives in exchange for money, food and other material possessions that guarantee the girl's family not to suffer acute economic deprivation ever again (Financial Gazette, 2/12/2004). Because the practice of *kuzvarira* often involves minors who are unable to make informed life decisions or often done without their informed 'consent', we argue that the practice is a gross violation of the young girl child. Moreover, given that the older *Ndaus* generation are inevitably the perpetrators of this practice, often with the stamp of legitimacy by the larger *Ndaus* society, we philosophize that the *Ndaus* perspective on marriage constitute a deliberate concoction by the old folk deliberately crafted to jeopardize the interests and rights of the younger generation in the name of social survival.

Among the Ndaus like in any other African society, marriage is something greatly sacred and respected. In contemporary Mozambique, marriage is understood as a union and bond between two people of the opposite sex. Marriage is basically about love and companionship in the long journey of human bodily life. In this union, sexual intercourse between partners is an important fundamental for its sustenance and flourishing. This is because procreation is a profound function of a marital relationship that guarantees societal generation to ensure its continued existence. Unsurprisingly, marriage and therefore sex between people of the same sex is strictly forbidden. Heterosexual relations are often prized over homosexual ties for their procreative capacity that often consolidates the bond, not only between couple but also their families. Moreso, procreation is significant since in the Ndau culture one's own being is believed to be immortalized, that is - the person does not only live in the present, but in the future. The legacy bequeathed to the individual by his ancestors is continued after his/her death through procreation. The family name is perpetuated and the link between ancestors and the living is assured. Without children, therefore, the family genealogy and identity ultimately die off. In view of this, a childless marriage is considered a misfortune or a curse from the ancestors or God. A childless marriage is the genesis of the exploitation and abuse of women rights as this relentless desire for genealogical survival often inadvertently springs the commitment to *kuzvarira*. This is because a female partner in a childless union in the Ndau culture is often inevitably the 'suspect' or 'at fault'. Most often the blame is never laid on the male counterpart's door step because of the patriarchal nature of the Ndau, and by extension the African society in general.

In the traditional Ndau society, a plethora of traditional customary marriage systems are permitted. *Kuzvarira* is one such system where parents normally pledge their daughter to a rich old man (old in relation to the age of the girl pledged) with or without her consent in exchange for food, money and other material possession that guarantee the girl's family economic, social or financial security against hunger, natural calamity and other forms of economic deprivation (ibid). Sometimes pledging is done before birth if the child is speculated to be a baby girl. While *kuzvarira* marriage system has been criticized

in public media in sub-Saharan Africa, there has been a dearth of intellectual engagement with the matter in the mainstream academic literature in Mozambique. As a matter of consequence, *kuzvarira* marriage system is still common practice not only among the Ndaus but in most ethnic groups in the rural areas of Mozambique. Yet it is the element of coercion on the part of the girl who is taken into marriage that makes *kuzvarira* a contentiously debated marriage system. The paper then challenges, criticizes and militates against *kuzvarira* as a customary marriage system to ensure upholding and respecting of human rights in Mozambique. It is surprising that while Mozambique is a signatory of CEDAW- Convention on Elimination of All Forms of Discrimination Against Women, the violation of women's rights continue unmitigated. If the philosophical question is one on how we can ensure a just society, then balanced, consensual relationship, based on free will and transparent choice should be adopted.

A BRIEF GEOGRAPHICAL LOCATION OF THE NDAU PEOPLE AND THEIR CONCEPTION OF MARRIAGE

The term *Ndaus* refers to the linguistic dialect group who occupies the greatest part of the central western region of Mozambique. There are sub-ethnic groups under the *Ndaus* who speak the same language and share the same cultural beliefs. The major difference among these groups is their way of speaking and pronunciation of some words. These groups include the *Vadanda* who occupy the districts of *Chibabava* (Sofala province) and *Machaze* (Manica province); the *Vadondo* who occupy the district of *Dondo* in Sofala; the *Vauteve* who occupy the district of Chimoo and the surrounding regions and the *Vamanyika* people who occupy the largest part of Manica province (Mawere, 2010). The *Ndaus* also spill over into Zimbabwe and are a sub-ethnic group found under the large ethnic group of the Shona. In Zimbabwe, the *Ndaus* who are believed to have migrated from Mozambique occupy the South-eastern region of the country. This paper however focuses on the marriage custom of *kuzvarira* as practiced by the *Ndaus* people of Mozambique.

It is worth noting that marriage in the Ndaus society like in other African societies is a complex difficult concept that defies precision in definition. This complexity owes itself to the fact that marriage is a process that embodies rituals, negotiations and transactions that can stretch over years (Mawere and Mawere, 2010). This is so because the Ndaus and other Mozambican tribes conceived marriage as a binding union and commitment of co-existence between two people of the opposite sex and not of the same sex. At least “four main types of marital union can be identified in Mozambique: Traditional customary marriage, religious marriage, civil marriage and mutual consent union/cohabitation” (Mawere and Mawere, 2010: 226). The former is the traditional Mozambican form of marriage commonly practiced by different ethnic groups across the country. Under the traditional form of marriage, there are also sub- marriage systems. *Kuzvarira* is one such marriage system practiced among the Ndaus and other ethnic groups across the country. The custom of *Kuzvarira* which is also understood as pledging or “selling” a daughter by parents into a preplanned marriage is quite common custom in Mozambique and remains a legitimate of the everyday lives of Mozambicans. However all marriage systems under traditional customary marriage are anchored on the payment of *lobola* (bride price) by the bridegroom’s family to the bride’s family. Thus, normally marriage necessitates the consent of both families and is a process that involves a series of procedures that can go for months if not years. The marriage relationship is underpinned by procreation, love and companionship. The important aspect of this love and companionship is sexual relations.

Marriage among the Ndaus like that in sub-Saharan Africa in general has been commonly described as early and universal (Lesthaeghe, 1989). We infer that because of the meager resource base of many African families, daughters are often coerced into early marriages to provide under privileged families with some befitting security in times of economic difficulty or as a stop gap measure for ensuring personal security. Given the perceived benefits for the bride’s family that often accompany marriage, the daughter’s marriage becomes a legitimate expectation for every parent, and being married a holy grail for the daughters themselves.

Early marriage has partly been blamed for the persistence of high fertility rate not only among the Ndaou but in sub-Saharan Africa (Gould and Brown, 1996). These high fertility rates impose pressure on the available social amenities given that African societies thrive on state led development and on the state for provision of basic amenities. This pressure escalates the desirability of *kuzvarira* as it unlocks the leeway for disadvantaged families' access to the so called 'modern' goods and services. Nevertheless, marriage patterns in the region are not homogenous. They vary across and with countries among different ethnic groups (Lesthaeghe and Eelens, 1989). For example, the Ndaou tribe has a patrilineal system of descent and has high fertility rates. Since late marriage is associated with greater independence for women, which is more likely to be found in a matrilineal system than patrilineal one (Kaufman and Meekers, 1998), marriage age is expected to be later among matrilineal ethnic groups than among the patrilineal ones (McDonald, 1985). As such, marriage age among the Ndaou people is early, normally between the ages of 14–19. It is practice of early marriage that is attenuated by this obnoxious practice of *kuzvarira* – that is the latter is visible manifestation of the former. Unlike in matrilineal societies, the polygamous nature of the Ndaou tribe permits accumulation of many wives. The polygamous nature of the Ndaou tribe implies that a clan is constructed around the extended family that exerts pressure on family members' access to life necessities like better education, health, adequate clothing and shelter. Where family heads have meager incomes and wealth, this pressure often pushes them into this practice to make up for their incomes.

According to the Mozambique Demographic and Health Survey (Cossa et al, 1998), polygamy is highest among the Ndaou and the *Sena* (40%), followed by the *Tsonga* (28%), *Macua* (22%), *Lomwe* and *Chuwabo* (15%). The practice is fairly lower among the *Macua*, *Lomwe* and the *Chuwabo* perhaps because these are matrilineal societies and so the matrilineal or uxorilineal residence of spouses makes it difficult for a man to bring a new wife home to his first wife's kin unless the two women are related (Lesthaeghe et al, 1989). Because in matrilineal societies, matrilineality of children is often the norm, and

that the wife has overall custodianship and discretion over the children, this explains why the practice is so rare among matrilineal societies. Divorce is however lower among the Ndaus. This is because patrilineal marriage involves permanent incorporation of a woman in her husband's family through payment of *lobola* (bride wealth).

METHODOLOGY

While the discourse on *kuzvarira* has, to a larger extent, gathered momentum in Mozambique and by extension Southern Africa in the last couple of years, the customary practice is still a common phenomenon in the country and others in the region. In this marriage practice women's place and relevance in terms of human rights (freedom to choice/decision making) is overridden by traditional customs. What is even more worrying is the fact that it is still men, in most cases, who are driving the *kuzvarira* initiative and women are passive recipients. It is this kind of background which prompted us to carry out this research.

As part of our research design, we relied on literature studies, content analysis and in depth interviews. We carried out our study among the Ndaus of Manica and Sofala Provinces (of Mozambique) in 2010, and we sampled a representative category of women and men that were married or at once married through *kuzvarira*. As data on this culturally controversial customary issue is not easy to gather we interviewed only 40 people (24 women and 16 men).

In framing questions for the in-depth interviews, we were guided by the works of Erik Hofstee. According to Hofstee (2006), background type questions are important when carrying out in-depth interviews and it is also important to keep the interviewee to the topic being discussed, but it can also pay not to be too rigid. Hofstee goes further elaborating that one of the advantages of in-depth interviews is that the interviewee may even give you more than what you will have bargained for. But if not carefully administered, interviews can produce misleading responses, thereby affecting results. Details of the people participated in the study and their responses are tabled below:

Table 1
Details of the People who Participated in the Study

| Occupation | Gender | |
|---------------|--------|--------|
| | Male | Female |
| Sex workers | 0 | 2 |
| Divorcees | 3 | 5 |
| Widows | 3 | 6 |
| Village heads | 5 | 1 |
| Polygamists | 5 | 10 |

Results

Table 2
Responses to closed questionnaire items

| ITEM | RESPONSES | | |
|---|----------------|-------------------|-----------|
| | Strongly agree | Strongly disagree | Uncertain |
| 1. Kuzvarira aggravates abuse and violation of women's human rights | 27 | 10 | 3 |
| 2. Kuzvarira degrades women's dignity | 28 | 10 | 2 |
| 3. Kuzvarira is a psychological 'death sentence' meted on defenseless minors | 28 | 10 | 2 |
| 4. Kuzvarira shows men consider women as assets | 29 | 9 | 1 |
| 5. Kuzvarira increases divorce rates | 26 | 12 | 2 |
| 6. Kuzvarira strengthens bride and bridegroom family ties | 14 | 25 | 1 |
| 7. Kuzvarira is perpetuated by general poverty and women's poor socio-economic status | 30 | 9 | 1 |
| 8. Kuzvarira promotes gender inequality- a society where women are inferior to men | 11 | 27 | 2 |
| 9. Kuzvarira increases rate of unwanted pregnancies | 13 | 26 | 1 |
| 10. Kuzvarira is perpetuated by hunger and severe drought in areas inhabited by the Nda | 32 | 13 | 5 |
| 11. Kuzvarira promotes the spreading of HIV/AIDS | 28 | 10 | 2 |
| 12. Kuzvarira should be abolished | 29 | 11 | 0 |

POSSIBLE CAUSES FOR THE PERPETUATION OF *KUZVARIRA* CUSTOM: DISCUSSION

The Ndaou Women's Socio-economic Status and Related Cultural Practices of Kuzvarira

Mozambique is one of the poorest countries in the world with a per capita gross domestic product of \$800 (CIA, 2008). About 70% of Mozambicans live in absolute poverty, and the employment rate is 21%. Poverty is common throughout the country, but more so in rural areas (ibid). During the past five years (2006-to date), droughts and floods have worsened the situation. About 80% of the population lives in rural areas. Majority of the rural population are women and children (ibid). In view of this, many women remain disadvantaged in the Mozambican societies. This is supported by results of this study where an overwhelming majority (30 out of 40) affirmed that *kuzvarira* custom is perpetuated by general poverty and poor economic status of women. This denotes that despite legal prohibitions, women are still vulnerable to HIV/AIDS and the entrenched customary practices of *kuzvarira*, *kuripa ngozi* (the customary practice of offering a young girl as compensatory payment in inter-family disputes), *lobola* (the customary obligation of a groom to pay a bride price to the parents of a would-be wife) and *nhaka* (the custom of forcing, though not always, a widow to marry her late husband's brother) (Human Rights Practice Report, 1995). This is also confirmed by data gathered during the 2007 census which revealed that Mozambique though ethnically diverse with six major ethnic groups: the *Tsonga*, *Sena*, *Ndaou*, *Lomwe*, *Chuwabo* and Portuguese/foreigners, the illiteracy rate of the Ndaou women especially in the rural areas remains high, around more than 50%. Worse still, the level of illiteracy is not only high among women, but also among men in the Ndaou society (Census, 2007). This percentage is so high and justifies why in spite of the legal prohibitions of the practice and protection of women (enacted by the Mozambique judicial system) against discrimination and violence, the Ndaou women remain a prey to the traditional customary practice of *kuzvarira*. It is from this background that we argue *kuzvarira* is a psychological 'death

sentence' meted on defenseless minors and is a gross violation and abuse of women's human rights.

Hunger and Severe Droughts in Mozambique

The perpetuation of the *kuzvarira* custom in Mozambique can also be attributed to or exacerbated by hunger and poverty. Maplecroft, a British –based global risks intelligent company, produced a food security risk index, which places Mozambique as the world's third (after Angola and Haiti) most likely country to suffer from food insecurity (8 September, 2009). The study by Maplecroft relates well with results of the present study which revealed that though majority (29 out of 40) want *kuzvarira* to be abolished, the custom remains unabated owing to droughts and hunger among the Ndau people. The question of food insecurity was confirmed by an overwhelming majority (32 out of 40). The index draws on the UN food and Agriculture Organization (FAO)'s definition of food security-namely, a state in which "all people, at all times have physical, social and economic access to sufficient, safe and nutritious food to meet their dietary needs and food preferences for an active and healthy life" (Maplecroft, 8September 2009). Mozambique's food insecurity is mainly a consequence of its vulnerability to weather-related natural hazards. For example, it is well documented that Mozambique is exposed to incessant floods that destroy rice and maize which constitute the native's local diet. A case in point is the Cyclone Eline that struck its western coast in 2002 leaving millions homeless and other dead. Given that Mozambique is agro-based economy that thrives on the exportation of semi-processed goods to the developed world, natural disasters work to exacerbate the vulnerability of peasants who constitute the majority of the Mozambican population. In light of these misfortunes, traditional practices like *kuzvarira* come quite handy in terms of cushioning the needy from these mishaps. Africa Commission (2008) affirms that fighting and eradicating poverty and hunger are the only necessary measures to ensure and guarantee effective respect and observation of women's human rights in Africa. It is therefore well documented that there is a close nexus between the abuse of human rights and poverty- with the propensity to abuse women increasing with increase in poverty. This can be attributed to the limited alternatives women often have for self

emancipation where the main sources of livelihood (agriculture) is eroded and in a patriarchal society where personal choices by women are limited. This is seconded by Mary Mugenyi (2010) who denounced the violation of human rights in Africa in the name of culture and tradition. This denotes, women in Mozambique are still vulnerable to the entrenched customary practice of *kuzvarira* despite the institution of legislation in Mozambique. Women's human rights thus are made possible by the maintenance of detrimental and discriminatory customary law of *kuzvarira*, among others which allow for the continuation of practices that negatively affect women. Polygamy is one among the practices.

Customary marriage is potentially polygamous and permits some negative practices that have the effect of discriminating against women (Sardc, 2008). Even today the custom is still practiced in other African countries besides Mozambique. A case in point is Zimbabwe. Zim Online (16/05/2006), documents a case involving a 14 year old Mutare (a city near Mozambican boarder) girl, who claimed to have been 'sold' by her father into an arranged marriage with a 65 year business man in a small-scale farming district of Nyamazura. The girl dropped out of School to marry this man as her father insisted that was the last resort to salvage the situation-free her younger brothers and sisters from hunger. The prevalence of *kuzvarira* has been exacerbated by unemployment and acute poverty that is brought about by frequenting droughts and floods that have rendered more than half of the population poor and haunted by starvation. In some regions, particularly the Northern provinces, women have limited access to formal judicial system for enforcement of rights provided under the civil code and instead rely on customary law that favors the custom of *kuzvarira* (Human rights report, 2009). The strong presence of the judiciary system in the urban areas implies that many of the rural areas where this practice is more prevalent remain underserved and corrective measures continue to be inaccessible. Even for the educated rural women with some good grasp of their constitutionally enshrined rights continue to be deprived of their freedom of choice (of whom to marry) because of the high transport costs to access judicial remedies when their tries are deferred or judgments are reserved. That said, for many uneducated women,

incidences of *Kuzvarira* continue to be perpetrated by their poor fathers with the co-operation of their rich counterparts. Lack of equal access to education between men and women in the *Ndau* and other Mozambican societies also explains why the custom continues to recur besides criticism from academics, moralists and human rights organizations.

Misconception and Abuse of Women's Human Rights among the Ndau

On December 10, 1948, the General Assembly of the United Nations adopted and proclaimed the vital need to institute a set of values that individuals and societies around the world should esteem and circulated them under the label, the Unilateral Declaration of Human Rights (UDHR) (UDHR Summit, 2009). Although the UDHR is not a legally binding document, it has inspired more than sixty human rights instruments. These instruments include the International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights, both of which are binding treaties. Together with the UDHR, they constitute the International Bill of Rights (ibid). In this Bill are all rights entitled to any person by virtue of him being a human being. Rights can be further grouped into Civil rights and Natural rights. However, it is easier to give examples of civil rights than natural rights because in practice, the rights have varied from culture to culture (Maritain, 1971). These variations across cultures are further compounded by complexities in terms of local constitutions-the tussles between domestic law and international law –where international law despite it being the supra law owes its legitimacy from the way it is incorporated and made consistent with municipal ;law (domestic law) ie the local constitution hence the former submits to the later. The challenge is that domestic law is always defined by cultural norms that may be at tangent with international principles. According to the UDHR, human rights are violated when, a certain race, creed or group is denied recognition as a legal person; life liberty or security of person are threatened; a person is sold as or used as a slave; cruel, inhuman or degrading punishment is used on a person; arbitrary interference into personal, or private lives by the agents of the state, among others (ibid). In view of this, denying the right to choose is an example of violation of one's human right to freedom and arbitrary

interfering into personal or private lives by another person. By default, the failure of the state to provide appropriate legislative interventions to prevent these violations of human rights makes the state an ‘accomplice’ in this arrangement. Given the sovereignty of individual states, it goes without saying that when the state fails, no one is normally held directly accountable. Not even the UN Security Council can directly intervene to resolve issues of cultural nature except in extreme cases like genocide. In the face of the custom of *kuzvarira*, the women are therefore deprived of the right to freedom of choice. Yet the article 2 of the UDHR declares that “everyone is entitled to all the rights and freedoms set forth in UDHR, without distinction of any kind such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status” (UDHR, 1948). While this is a universal right principle, it’s an open secret that in Africa, women lag behind in terms of access to legal restitution in cases where their rights are trodden upon. Though there has been a significant improvement in the numbers of Africa girl children accessing higher education, there is no evidence suggesting that we are gravitating towards a balance between African boys and girls vis-à-vis access to higher education. Cultural norms dictate that educating the girl child is vicariously supporting other families- that is the girl child’s education will profit the family of the man whom she will eventually marry.

The debate on universal human rights is incomplete without reference to the concept of autonomy. Stenn (1984) Beauchamp (1984) confirms the UDHR’s position by employing what he calls the principle of autonomy. The word ‘autonomy’ is a legacy from ancient Greece. It is derived from the Greek compound “*autos*’ (self) and ‘*nomos*’ (rule or law)” (Beauchamp, 1984:44). We infer that autonomy oscillates around free choices of individuals/selves [/the self] and the test and desirability of this free choice/ discretion is a function of the legitimacy of that choice against [the law]. For example, autonomy that infringes the rights of others is not true autonomy. Autonomy thus should be practiced responsibly with others in mind and in conformity with the set of laws and rules of that locality. The most general idea of personal autonomy in moral philosophy is self – governance; “ the ability to think for oneself and to decide what to do by standards of

one's own knowledge and understanding free from controlling interference by others, government or personal limitations" (Liszka,1999:100). This definition however is inadequate to the extent that it fails to take 'stock' of the other. *Kuzvarira* thus constitute self governance by the perpetrator(s) that works in complete disregard of the victim whose opinion is often downplayed. *Kuzvarira* thus takes a minimalist version of the principle of autonomy. The general idea of autonomy is linked in philosophical literature to several allied concepts such as the freedom to choose, the creation of a personal moral position and accepting responsibility for one's actions. The principle of autonomy thus contends that values and beliefs of the person in question should be the primary moral consideration in determining what is to be done to him/her or in deciding the fate of one's life. The villains [the father who brings the girl child into marriage and the rich man] should therefore be brought to account. For Stenn every person should choose how to live and *kuzvarira* thus is a cruel, inhuman treatment that violates the right to freedom and equal treatment with dignity and right. Concurring with Stenn, this study reveals that majority (27 out of 40) among the Ndaou (where *kuzvarira* is practiced) believe *kuzvarira* violates and abuse women's human rights particularly their right to autonomy. And in many parts of Mozambique especially the remote areas only lip service is being paid to the UDHR despite the country's willing commitment to abide by the Bill of human rights.

CHALLENGING THE CUSTOM OF *KUZVARIRA*

In Mozambican culture and by extension Africa's, it is a truism that the *lobola* (bride wealth) constitutes a hailed practice when it is applied correctly. Conversely, the same concept of *lobola* payment is abominable when it is driven by the greed of the bride's family, that is when the acquisition of assets is the overriding factor than their daughter's future and welfare. Due to the misuse and misinterpretation of the custom nowadays in Mozambique, many people now believe that these exchanges contribute to violence against women and other inequalities due to the perception that the women are subsequently 'owned' by their husbands under the *lobola* payment. Nevertheless, this is only due to the abuse of the practice due to greed by some people in contemporary

Mozambique. Actually, *lobola* in the African culture is understood as a token paid by the bridegroom as a form of informing the bride's family that we are now relatives from now onwards. The problem with this custom comes in when the bride's family understand *lobola* as a vehicle to affluent life as in the case of *kuzvarira*. This abuses the bride's right to choose who she wants to marry since it involves marrying off without her consent. If slavery was abolished world-wide because of its denigrating and negative effects on dignity of the human race, why not the 'old custom of *kuzvarira*?' Lamenting the oppressive nature of the African extended/communal family, Rosa of Manica Province (an interviewee) remarks that:

Eu era muito inteligente na escola e queria ser medico, mas o meu sonho não se realizou por causa desta tradição. De facto hoje eu seria outra pessoa. Esta tradição abusa os direitos das mulheres e é opresiva (I was very good at School and my dream were to become a medical doctor. However, it was shattered as a result of this customary practice. Today I could have been a different person altogether. This tradition is oppressive of and violates women's human rights).

In another interview, one of the interviewees, Isabela (29) of Sofala Province remarked:

A nossa cultura precisa de ser renovado. A tradição kuzvarira não deve continuar a ser usado. Foi costume nos tempos dos nossos bizavos porque eles não viam as desvantagens que essa cultura tem, por falta de conhecimentos sobre os direitos humanos. Esta é outra forma de continuar com a escravatura da mulher. Estou contra esta tradição e tenho a certeza que outras as mulheres têm o mesmo sentimento (Our culture needs reviving. This tradition of kuzvarira should be stopped. It is a thing of the past practiced by our forefathers who by then had no conception of women's human rights. It is indeed another form of slavery, but now enslavement of the women. I am therefore strongly against the tradition and I am sure other women out there have the same feeling).

In the light of the comments by some interviewees involved in the custom of *kuzvarira* in one way or another, we contend that *kuzvarira* is another subtle version of slavery of the girl child by her own parents/guardians.

The custom of *kuzvarira* in this era of the HIV/Aids pandemic exposes young girls to the deadly disease. Since the man to whom a young girl is forced to marry is normally a rich man who already have another wife or wives, the man has many sexual partners, and so exposes the girl to getting infected with HIV/Aids. A polygamous man is at risk of contracting HIV/Aids just like a man who sleeps around with prostitutes because the many wives can never be trusted to be faithful as they may not all feel sufficiently sexually satisfied. The young girl's life thus is put to risk by the *kuzvarira* custom. One of the Manica young woman Ana (24) of Mashiri village who was forced into marrying an old man who already had four wives had shed her tears before narrating her story. It was a sad one. She said she have since left her husband's family two years ago after her old husband (who was a polygamy) died from what is believed to be HIV/AIDS. She reported they said she did not contribute anything towards the late's wealth as she arrived when they already had everything. In her words:

Eu não sei se ja contrai o virus do SIDA ou não, mas não estou bem de saude. O meu marido era poligamo faleceu dois anos atraz e os meus dois filhos tambem. Dos bens herditarios nada consigii. Assim, ja não tenho esperanca de nada naminha vida. A minha vida esta ficando cada vez mais complicada. Foi estragada pela esta tradição que faz a mulher ser vulneravel as doencas sexuais. Essa tradição não deve continuar a ser usada neste pais. (I am not sure if I am now HIV positive or not, but I am not feeling well. My husband who was a polygamy passed away 2 years ago, my two children as well. Of my husband's wealth, I inherited nothing. My life is just difficult as I don't have a steady job and I no longer have hope in life. This tradition badly affected my life. It makes women more vulnerable to sexually transmitted diseases. This custom should be stopped in this country).

The Human Rights Watch (2003) notes that violence and discrimination against women and girls is fueling Africa's AIDS crisis. African governments must make gender equality in marriages a key priority of their national AIDS programmes if they are to succeed in fighting the epidemic. In view of this, it is imperative that the government of Mozambique and independent organizations make it an obligation that measures are put in place to abolish the traditional customary practice of *kuzvarira*.

CONCLUSION

In this study we have examined the traditional customary practice of *kuzvarira* practiced by the *Ndau* people of Mozambique. We argued that the custom of *kuzvarira* has great visibility among the disadvantaged Mozambican women live below the poverty datum line. Other compounding factors of this practice include economic dependency of women and law literacy rates among the societies of Mozambique. It is apparent that the Mozambican government and independent organizations in the country have an uphill task to fight the crime against humanity committed in the name of cultural preservation. While it is logical to condemn *kuzvarira* from human rights and philosophical perspectives to work towards a more just and equitable society, it is the eradication of the driving forces of *kuzvarira* like greed and compounding factors such as economic squalors the country is experiencing that can guarantee the abolition of the practice. After all, it is financial gain and material treasures that are at the centre of the perpetuation of this practice. The eradication of greed- the root cause of this practice necessitates moral rehabilitation of the poor families and moving beyond government social safety nets to self-empowerment projects be they agricultural or indigenous technology based. It is the contention of this paper that there is urgent need for the government and human rights organizations to get the message to the girl children that *kuzvarira* is an abuse and violation of their rights and they can report it. In this light, we conclude that a Third Force is necessary-community based cultural structures may need to be instituted. These need not to be headed by chiefs who are accomplices in *kuzvarira* or councilors who are

local agents of municipal/government structures. These could be driven by cultural activists with interests of the girl child at heart.

More importantly, we argued that the customary practice exposes the girl child to the deadly disease, HIV/Aids. Men in Mozambique sometimes tend to resist the changes being introduced on human right matters especially that have to do with breaking away from the traditional customary practice of *kuzvarira*. Moral rectitude is key to cultural transformation. The Third Force could collaborate with traditional structures (chiefs) and councilors and lobby for the abolition of this practice. Public sensitization through more balanced media could be another leeway. This wave can work hand in glove with the abused and document their experiences to get the practice condemned and the abusers shamed, arrested or jailed. The wake wave can also educate the girl child on her rights as a human being. Otherwise, abuse and violation of human rights will continue to take its toll in the name of traditional customs like *kuzvarira*.

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