

Columbia University
Graduate School of Arts & Sciences
Human Rights Studies Master of Arts Program

Ending Child Marriage in Malawi: A Gatekeepers Approach to Changing Norms

Caitlin Richardson

Thesis Advisor: Sheila Dauer

Submitted in partial fulfillment of the
requirements for the degree of
Master of Arts

February 2018

Acknowledgements

I would like to especially thank my thesis advisor, Sheila Dauer, whose insights and support were essential to my research. Thank you for your guidance throughout this process, for helping me develop a stronger and more nuanced research question, and for always encouraging me to push my research findings further. I would also like to thank Inga Winkler for serving as Principal Investigator on my International Review Board application and for providing feedback on my original research proposal. I owe additional thanks to all of the professors I had the privilege of studying under while at Columbia University, in particular Rainer Braun and Felisa Tibbitts, whose classes played a fundamental role in helping me develop my initial thesis proposal. And, I'd be remiss not to thank the staff of the Human Rights Studies Masters of Arts program. Your guidance throughout my time at Columbia University enabled me to define my thesis topic and choose classes that would help shape and further develop my research question. Finally, I would like to thank my family (in particular my mother, father, and Jeff) for all of their support and encouragement throughout this process, and for spending the better part of the past year allowing me to talk their ears off about the issue of child marriage. You guys are the best!

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Abstract

It is estimated that globally each year over 15 million girls are married before the age of 18. The practice has numerous detrimental consequences on a girl's health and well-being that stand in clear violation of her human rights. While there has been a plethora of literature dedicated to the topic of child marriage in recent years, little attention or outcome analysis has been directed towards the gatekeepers approach in changing norms around this practice. This thesis will seek to fill this void by focusing specifically on the strategies that civil society organizations have implemented within Malawi, a county with one of the highest rates of child marriage in the world, to target the gatekeepers in a community and, in the process, change attitudes and beliefs around child marriage at a grassroots level. In doing so, this thesis concludes that the gatekeepers approach has been shown to be a successful and essential strategy when working to change norms, as long as it is implemented in a holistic and context-specific manner and is implemented along with the girl-centric approach.

Chapter 1: Introduction

1.1 Background

The international community defines child marriage as any formal marriage or informal union that takes place where one or both individuals are under the age of 18. While boys are affected by child marriage, this is an issue that disproportionately impacts girls who will therefore be the focus of my research. Recent estimates have found that globally over 15 million girls are married each year before their 18th birthdays (UNICEF, 2014, p. 4). The problem is particularly acute across Sub-Saharan Africa and South Asia (UNICEF, 2014, p. 2). Additionally, there is extensive research detailing the detrimental effects child marriage has on girls' development and well-being. As such, child marriage is addressed in numerous human rights treaties including the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW).¹

This thesis specifically examines the tension that exists between international human rights laws, which have mandated 18 as the minimum age of marriage, and customary laws, which in many instances, continue to endorse the practice of child marriage. To examine this issue in detail, I will use Malawi as a case study. Malawi serves as a relevant case study for numerous reasons, most notably because it has one of the highest rates of child marriage in the world (UNICEF, 2016, p. 151). The country is also fairly unique in that it has an active civil society community as well as a pluralistic legal system that allows customary laws to run parallel to national legislation.

Malawi has taken numerous steps to end child marriage, including ratifying CEDAW in 1987. More recently, in 2015, the Malawi Parliament passed the Marriage, Divorce and Family Relations Act (Parliament of Malawi, 2015, p. 4), which set 18 as the

¹It is also important to note that the Convention on the Rights of the Child defines a child as

minimum age of marriage, and in February 2017, Parliament amended the Constitution, raising the minimum age of marriage from 15 to 18 (Parliament of Malawi, 2017, p. 17). Despite this legislative progress, recent research on Malawi has found that traditional leaders are continuing to allow the practice of child marriage to take place in the local tribal areas that they oversee. Consequently, Malawi continues to have one of the highest rates of child marriage in the world with recent estimates from UNICEF (2016) finding that 46% of girls in Malawi are married before their 18th birthdays (p. 151).

Scholars and policy practitioners in recent years have begun to acknowledge the limitations of reforming national legislation as the sole means of ending child marriage. Instead, they have begun to advocate for simultaneously reframing national legislation while also working to change norms around child marriage. While it is argued that there are numerous approaches one can take to change practices and beliefs, I will focus on, and examine specifically how civil society groups have implemented a gatekeepers approach at a grassroots level in Malawi, by working with the individuals within a community who uphold and enforce norms.

1.2 Research Question

The research question that I seek to answer throughout this thesis is as follows: Is the gatekeepers approach an effective strategy to utilize when working to change norms around child marriage at a grassroots level? If so, how can civil society organizations operating in Malawi at a grassroots level in communities adhering to customary law work most effectively to change norms around child marriage through a gatekeepers approach?

1.3 Hypothesis

Prior to beginning my research, my hypothesis was that the gatekeepers approach would prove to be not only an effective strategy for changing norms around child marriage at a grassroots level but also an essential one. I believed that it would only be possible to change attitudes around child marriage if strategies developed by civil society organizations (CSOs) were specifically tailored to working with and fully engaging the gatekeepers of a community. Furthermore, I thought the gatekeepers approach would be most successful in Malawi when CSOs implemented programs in a manner that incorporates the unique needs of a community and grounds solutions within the culture of the community itself.

1.4 Findings

Through my research, it became apparent that CSOs believe that the gatekeepers approach is not only an effective strategy for changing norms around child marriage but that it is also *the most* effective strategy for ending child marriage. With that being said, findings showed that CSOs believed that the gatekeepers approach on its own is not sufficient for changing norms around child marriage at a grassroots level. Rather, it can and should, go hand in hand with a girl-centric approach, as it is only when these two tactics are implemented together that CSOs are able to develop a comprehensive strategy for changing norms around child marriage. Additionally, in line with my original hypothesis, I found that the gatekeepers approach is only successful if CSOs are able to develop a context specific strategy that acknowledges the range of cultural, social, economic, and political factors that have shaped and informed an individual gatekeeper's mindset around the issue of child marriage.

Chapter 2: Literature Review

2.1 Introduction

This section will first provide definitions of terms that are essential for my research. From there, it will move into a summary of feminist theory that I will be utilizing to conduct my research. Building on these insights, the paper will turn to a review of the literature on the gatekeepers approach and how this approach can be best utilized to help transform norms at a grassroots level.

2.2 Key Terminology

- **Legal pluralism:** Getachew (2012) defines “legal pluralism” as the “existence of two or more laws under the recognition of the state” (p. 14).
- **Norm:** Finnemore and Sikkink (1998) define a norm as a “standard of appropriate behavior for actors with a given identity” (p. 891).
- **Social-Norm Theory:** When being applied to health and social justice issues, this theory predicts that negative/unhealthy norms can be corrected through interventions that “reveal” healthier norms, which in turn will cause individuals to “reduce...potentially problematic behavior or [encourage them] to engage in protective, healthy behaviors” (Berkowitz, 2002, p. 1).
- **Norms Cascade:** A term borrowed from the field of psychology, this refers to the phenomenon where “[a gatekeeper’s] unilateral defections from the local norm may in turn be sufficient to set off a bandwagon effect in the larger group by activating a set of norm followers” (Cloward, 2016, p. 24).
- **Girl-Centric Approach:** This approach argues that reform begins first and foremost with challenging at-risk girls’ opinions on the issue of child marriage

- and providing these girls with alternatives. Klugman et.al., (2014) proposes that the ultimate aim of this approach is to “enhance women’s and girl’s own sense of capacity and their aspirations to depart from existing limiting gender norms and their associated behaviors” (p. 38).
- ***Gatekeepers:*** Greene (2013) defines gatekeepers as those “individuals whose opinions of girls’ schooling, domestic roles, safety, religious practice, sexual relationships and place in society determine the timing and nature of those girls’ marriages” (p. 13).
 - ***Entertainment Education:*** This is the use of “radio, television, soap operas, theatre and comic books to affect positive social change” (Bouman et. al., 2017, p.4).

2.1 Feminist Theories on Women’s Rights As Human Rights

One of the most heated divisions in human rights scholarship today is between universalists and cultural relativists. In this debate, the human rights of women often prove to be one of the most contentious issues as this is where international human rights discourse “collides” with local norms (Cloward, 2016, para. 5). A central question that has plagued feminist scholars is “how can universal human rights be legitimized in radically different societies without succumbing to either homogenizing universalism or the paralysis of cultural relativism?” (Cook, 2010, p. 7). In the past, scholars, and anthropologists in particular, have taken a hardline cultural relativist stance concluding that human rights activists and the international community as a whole have no right to

criticize the practices of other cultures.² Coomaraswamy (2002) summarizes the cultural relativist position:

“The personality of a human being can only develop in terms of culture and the understanding that there are no values or standards by which we can judge or evaluate culture underpins the cultural relativist position which in recent years has strongly challenged the framework of rights that governs much of our thinking about women’s emancipation.” (p. 2)

Universalist scholars (Perry, 2007), on the other hand, have put forth and embraced a hardline understanding of the necessity and applicability of universal human rights in any and all cultural environments. Perry (2007) summarizes the universalist perspective as:

“...the premise or claim that every human being is sacred (inviolable, etc.), and the further claim because every human being is sacred (and given all other relevant information), certain choices should be made and certain other choices rejected; in particular, certain things ought not to be done to any human being and certain other things ought to be done for every human being.” (p. 462)

This debate between universalists and cultural relativists has created what Rao (1995) states is an “...overly simple notion of the relationship between culture and human rights in our world of differences [which] has emerged in dichotomous form, with the universalist falling on one side and the relativist on the other” (p. 168). To move away from this oversimplified “dichotomous” stance between these two supposedly opposing philosophies, feminist scholars (Cook, 2010; Coomaraswamy, 2002; Imam, 2005; Rao,

² The American Anthropological Association approved a 1999 Declaration on Anthropology and Human Rights to integrate human rights concepts with anthropological thinking.

1995) have sought to challenge and highlight the flaws within both the universalist and cultural relativist camps; they approach the issue of women's rights in a manner that both respects culture while also recognizing the universality of human rights.

Importantly, Imam (2005) argues that this feminist perspective provides one with the ability, "...of claiming ownership of both local cultures and international human rights discourses (including the right to participate in defining the content of each), while privileging neither local nor international as automatically superior, and thus being able to critique both" (p. 66).

Focusing first on the feminist critique of cultural relativism, scholars (Coomarswamy, 2002; Imam, 2005; Rao, 1995) emphasize the importance of acknowledging that culture, as a phenomenon, is constantly evolving, and therefore, is not unvarying. Rao (1995) elegantly summarizes this feminist view, stating:

"...culture is not a static, unchanging, identifiable body of information against which human rights may be measured for compatibility and applicability. Rather, culture is a series of constantly contested and negotiated social practices whose meanings are influenced by the power and status of their interpreters." (p. 172-173)

This is an idea that Imam (2005) builds on. In doing so, she argues that, "local cultures are complicated mixtures of many ideologies and social practices" (p. 66). Thus the typical depiction of "culture" as homogeneous by cultural relativists can often fail to acknowledge the opposing and contrasting ideologies and opinions that individuals of a community can have.

The other major criticism that feminist scholars (Coomarswamy, 2002; Rao, 1995) have directed towards cultural relativism is the problematic tendency throughout history for women to be “regarded as the repositories, guardians, and transmitters of culture” (Rao, 1994, p. 169). Rao (1994) goes on to explain then that, “The resort to culture explanations of women’s status is usually defensive, combative, and specifically designed to placate an international audience consisting primarily of national political leaders and statist diplomats” (p. 169). Rao (1994) argues that when evaluating certain practices that are harmful to women, but done in the name of culture, one must ask certain critical questions, including: “what is the status of the speaker...in whose name is the argument from culture advanced...” and perhaps most importantly, “what is the degree of participation in culture formation of the social groups primarily affected by cultural practices in culture anyway” (p. 168). Continuing, Rao (1994) highlight the benefits of analyzing the outcomes of the above:

“...[the framework of these questions] enables us to locate and condemn the particular historical formulations of culture that oppress women (such as the emphasis placed by male religious leaders on certain passages in a religious text that permit wife beating) as well as to understand and support women’s ability to wrest freedom from amidst these oppressive conditions (such as women’s emphasis on other passages that advocate nonviolent and respectful treatment of wives).” (p. 173)

This critique has led feminists to conclude that they can in fact work “with” certain aspects of a culture that help to advance women’s human rights, rather than having to work against a society’s culture as a whole.

Coomarswamy (2002) highlights that the western biases held by many in the universalist camp have led to a tendency to evaluate culture from an elitist perspective, which ultimately limits universalists' ability to fully understand the nuances of certain "cultural" practices. She concludes that, "if cultures' are to be evaluated and judged, it must not be from the vantage point of an arrogant outsider" (Coomarswamy, 2002, p. 4).

Another common critique that has been directed towards universalism and human rights law is that it has been informed and enforced almost exclusively by men. Rao (1994) argues that international human rights law is "in concept and practice, a gendered system that privileges men and marginalizes women" (p. 170). She goes on to note the emphasis other feminist scholars have placed on "the shameful underrepresentation of women in the United Nations, the overwhelming male distribution of judges on international courts, and widespread obstacles to expanding women's involvement in international human rights bodies" (p. 170).

As a consequence of this gender imbalance in the human rights law arena, feminists have argued that as they stand today human rights treaties fail to properly address and protect women's human rights. Charlesworth (1994) provides a close textual analysis on human rights treaties from a feminist perspective. She posits that, "the language of 'equal rights' and 'equal opportunities' tacitly reinforces the basic organization of society. The promise of equality as 'sameness' as men only gives women access to a world already constituted" (p. 64). She recommends that "rights that focus on harms sustained by women in particular need to be identified and developed, challenging the public/private distinction by bringing rights discourse into the private sphere" (p. 76).

Universalists have also failed to address or acknowledge the ways that family law (or customary law) in particular has contributed to the oppression of women. They instead focus exclusively on countries' national legislation. For instance, Coomarswamy (1993) notes that while national legislation, on the surface, may appear to protect women's rights:

“...it is in family law, however, that completely different and plural standards and constructions exist of how we [women] must conduct our personal life and social life. It is, in fact, the litmus test in any society with regard to legal norms and the statutes of women. It is also the area where the law, ethnicity, and ideology with regard to the rights of women merge to become a powerful ideological force.” (p. 48)

Rao takes a similar stance, arguing that the international community is relentlessly focused “on the public sphere as the primary site of violations (without adequately addressing private social institutions, such as the family)” (p. 169). Feminists have therefore challenged universalists to address the current gap that exists in international human rights law with regard to protecting women's rights and the particular need to focus on family law and human rights violations that occur within the private realm.

The critique of universalism and cultural relativism that informs the feminist understanding of women's rights has pushed these scholars away from an exclusive reliance on a top down “legal centric” approach for the implementation of human rights to an approach that is more focused on reform at the grassroots level (Cloward, 2016, para. 34). Yet, before turning our attention to this grassroots approach, it is beneficial to

briefly review the feminist critique of a “legal-centric” approach, as it will help inform our understanding of the importance, and benefits, of a grassroots approach.

While feminist scholars do not believe that a “legal-centric” approach alone is enough to protect women’s human rights, this is not to say that they do not acknowledge how critical it is for countries to have national legislation in place that reflects human rights standards and upholds women’s rights. Coomarswamy (1993) argues that legislative reform is an essential first step in ensuring that women’s human rights are upheld, as an absence of legislation represents a “lack of proper implementation machinery to make rights real in the lives of women” (p. 40). Coomarswamy (1993) goes on to argue that human rights principles “have to go beyond the normative, textual essence and become a part of the legal culture of a given society” (p. 39). Charlesworth (1994) further supports this argument against a “legal-centric” approach by noting that, “the best intentioned laws can be thwarted in practice if their interpreters do not appreciate why and how the prohibited behavior contributes to the subordination of women” (p. 68). Charlesworth (1994) elaborates on this point saying that it is of the utmost importance to focus “on the realities of women’s lives” so that “the law does not operate in a monolithic way to oppress women and advantage men” (p. 68).

Feminist scholars believe then that a grassroots approach to women’s rights helps to compensate for many of the limitations of a “legal-centric” approach. Before discussing feminist theories on how to implement this grassroots approach, it is important to note that feminist scholars (Adeola, 2016; Coomaraswamy, 1993; Imam, 2005) argued that civil society organizations are in a unique position to inform the

community of human rights in a manner that is both respectful and applicable to the community. For instance, Coomarswamy (1993) has argued:

“Unless these human rights values take root in civil society and unless civil institutions and non-governmental organizations (NGOs) take up the cause, then women’s rights as human rights will have no resonance in the social institutions concerned.” (p. 44)

She goes on to argue that it is in fact the combination of legislation and civil society activism that can allow for the full protection of women’s human rights: “It is only a combination of the two [civil society activism and legislation] coming together at a particular historical moment that results in change, creativity, and social action” (p. 45).

This is an idea that other scholars have endorsed as well. For instance, Adeola (2016) puts forth the argument that civil society, as opposed to legislators, are in the best position to understand, and therefore, create policies that address the root causes of women’s human rights violations:

“...civil society organizations actively engage in proffering solution to address the root causes of the problem [of women’s human rights violations]. Policy interventions must not solely reflect the decisions of states but must be done with the meaningful engagement of relevant actors. The emphasis on a bottom-up as opposed to a top-down approach is a way of ensuring that policy interventions adequately respond to the root causes of the problem.” (p. 52)

Let us now turn our attention to the strategies that feminist scholars have argued CSOs should implement. It has been suggested that one of the most effective methods for

ensuring communities understand and respect human rights is to adapt human rights standards that meet the current needs and demands of a specific society. Feminist scholars (Cook, 2010; Imam, 2005; Merry, 2006; Shawki, N., 2015) have been arguing that in order to do this, human rights standards must be presented in a way that they can be “claimed and respected by local cultures of understanding and ways of living and not be merely written texts” (Imam, 2005, p. 66). Such an approach will help to ensure that universal human rights norms “speak” to people who operate in “different cultural, historical, gender, and class backgrounds” (Imam, 2005, p. 67). This is an idea that particularly interests Cook (2010) as she notes that, “for human rights to be effective, they must become a respected part of the culture and traditions of a society” (p. 235).

In order to ensure that communities can “claim” human rights norms, one strategy that has been put forth, that will be of particular importance to my paper, concerns the idea of “reframing a norm” (Finnemore & Sikkink, 1998; Merry, 2006; Shawki, N., 2015), a strategy that has been increasingly utilized by local activists. In her pivotal study on transnational activism, Merry (2006) defines norm reframing as the process of transforming “global human rights ideas into familiar symbolic terms and movements” in order to allow them to “resonate with cultural traditions and narratives” (p. 41).

Merry’s (2006) approach lends itself well to Cloward’s (2016) argument that programs must implement a context specific approach. From her research, Cloward (2016) has concluded that civil society organizations often fail to do just that, limiting their ability to change norms at a grassroots level. She states, “...international norm promoters could often be doing a better job of providing a high-quality normative message [by] thinking more critically about the local context.” She argues that too often

NGOs develop “generic, cookie-cutter” programs that fail to acknowledge and embrace the complexities of the “specific local contexts” that they are operating in. Merry (2006) and Cloward’s (2016) approaches will be a major focus of my paper since they lend themselves well to social norms theories. This context specific approach is one that feminist scholars have been increasingly embracing due to the emphasis it places on the need for adapting human rights standards to meet the demands of individual communities and incorporate elements of different cultures.

2.3 Literature Review

Narrowing in on the topic of this thesis, it is important to understand how the literature has approached the idea of social norms theory, and in particular, the idea of normative reframing in relation to child marriage. In recent years, a small subset of the current literature on child marriage has noted the correlation between high rates of child marriage and pluralistic legal systems³ where tribal and customary law continue to be embraced by a country’s citizens (Getachew, 2012, p. 22). In places where tribal and customary laws are embraced, there is a tendency for these laws to not only allow but also encourage child marriage. While sufficient research on this subtopic is lacking, it is beginning to be acknowledged that in order to end child marriage, initiatives working to reform customary and traditional laws need to be undertaken rather than focusing solely on instituting formal national laws banning child marriage (Sarich et al., 2016). In line with the feminist theory discussed above, the pertinent literature emphasizes that work at the grassroots level, as opposed to the broader national stage, is key to enacting true

³ Getachew (2012) defines “legal pluralism” as the “existence of two or more laws under the recognition of the state” (p. 14). This definition is used throughout this paper.

reform and transforming current norms⁴ and behaviors concerning the issue of child marriage (Shawki, 2015, p. 57).

A schism has emerged in the literature on this topic concerning the most strategic approach to take when working to change attitudes and behaviors around child marriage. To date, most of the literature has advocated for an approach that I have classified as “girl-centric” (Greene, 2014; Klugman et.al., 2014; Perova & Valkis, 2013; Save the Children, 2014; Shawki, 2015; UNICEF, 2013; Young, 2012).⁵ As will be discussed below in greater detail, there has been a recent shift with the literature increasingly highlighting the limitations of the girl-centric approach.⁶ The literature has instead begun to address the need for developing strategies that target more widely the “gatekeepers” of a community. It is important, therefore, to understand how these scholars and practitioners have critiqued the girl-centric approach, as well as to understand the literature they have produced concerning the application of the gatekeepers approach in reframing human rights norms and thus changing norms at a grassroots level.

2.3 a) A “Girl-Centric” Approach to Reforming Norms on Child Marriage

Those who espouse a “girl-centric” approach have argued that reform begins first and foremost with changing at-risk girls’ opinions on the issue of child marriage and providing these girls with alternatives. Therefore, some of the literature has called for empowering adolescent girls and helping them develop the leadership skills they need to advocate on their own behalf (Shawki, 2015, p. 57). To do this, grassroots organizations

⁴ A norm, as defined by Finnemore and Sikkink (1998) is a “standard of appropriate behavior for actors with a given identity” (p. 891). This paper will be working off of the same definition.

⁵ These writers argue that reform begins first and foremost with changing at-risk girls’ opinions on the issue of child marriage through empowerment programs.

⁶ For a critique of a “girl-centric” approach see Greene, 2013.

are encouraged to develop programs that inform girls of the hazardous consequences of child marriage and provide them with human rights education so that girls can better understand their own rights. This girl-centric approach also places a heavy emphasis on ensuring that girls not only remain in school but also understand the importance of education in providing them with alternative economic opportunities outside of marriage (Save the Children, 2014; UNICEF, 2013; Young, 2012). As Klugman et.al. (2014) summarizes, the ultimate aim of a girl-centric approach is to “enhance women’s and girls’ own sense of capacity and their aspirations to depart from existing limiting gender norms and their associated behaviors” (p. 38).

Almost universally, the literature agrees that a girl-centric approach is an important step in changing the norms around child marriage (Klugman et.al., 2014, p. 38). Yet the literature, as my own research will do, is increasingly highlighting the limitations of such an approach. First, as noted by one report, “it may not be viable or ethical to work with girls without engaging gatekeepers [leaders of the community],” (Greene, 2014, p. 14). This quote highlights how girls can potentially be placed in harm’s way if activists and development practitioners begin working with them before gaining the approval of community leadership and girls’ own families. Second, the literature has begun to note that, “women’s agency cannot increase in isolation from the wider community. Men, boys, community leaders and family elders who support gender equality are key allies and stakeholders in changing gender norms” (Klugman et.al., 2014, p. 38). Thus, importantly, the literature has begun to address the need for developing strategies that target more widely the gatekeepers of a community.

2.3 b) Gatekeepers Approach

While still under-researched, the role gatekeepers of a community play in relation to child-marriage has begun to receive some attention from scholars who are looking at the reform of norms and behaviors concerning child marriage (Cloward, 2016; Greene, 2013; Klugman et.al., 2014).⁷ The literature generally defines the following groups as gatekeepers: the family unit, men and boys (within the community as a whole), teachers, traditional leaders, and religious leaders.

Scholars have argued that the “gatekeepers” approach is a strategy that has been under-utilized by civil society organizations (in particular NGOs), in part because it requires greater knowledge of the local community and significant long-term, strategic planning. Cloward (2016) has summarized this point nicely, saying:

“More generally, issues arise when NGOs fail to target the appropriate audiences. Many NGOs focus their efforts on raising the awareness of school-age girls since they are an easy-to-reach, captive audience as well as the group that is directly at risk, but neglect to engage in similar activities with parents and local traditional elites who are more geographically dispersed and whose views are likely to be more entrenched. Yet parents and traditional elites are the main decision-makers.” (p. 13)

While it is perhaps more challenging to work with the gatekeepers of a community, scholars and policy practitioners (Cloward, 2016; Greene, 2013; Klugman

⁷ Concerning the issue of child marriage, the gatekeepers of the community are generally defined as, “The individuals whose opinions of girls’ schooling, domestic roles, safety, religious practice, sexual relationships and place in society determine the timing and nature of those girls’ marriages” (Greene, 2013, p. 13).

et.al., 2014) argue that there are numerous advantages to doing so. First, as alluded to above, gatekeepers have more influence in upholding and shaping norms than girls in the community do. Thus, when a gatekeeper deviates from a norm, it can create what Finnemore and Sikkink (1998) have called a “norm cascade.” This refers to the phenomenon where “[a gatekeeper’s] unilateral defections from the local norm may in turn be sufficient to set off a bandwagon effect in the larger group by activating a set of norm followers” (Cloward, 2016, p. 24). And secondly, as we will see, work with the gatekeepers of a community lends itself well to a “normative reframing” strategy.

The Family Unit

The literature, and programs currently being carried out on the ground, that advocate for the gatekeeper approach have placed an emphasis on the need to work with families, particularly the parents of girls who are at risk of early marriage. This school of thought emphasizes the importance of informing families about the health consequences of child marriage and the potential economic benefits that may arise from keeping daughters in school and delaying the age of marriage (Greene, 2013, p. 2). Additionally, the literature encourages grassroots organizations to conduct awareness raising programs within the family unit that reframe child marriage as a human rights issue.

One specific study warrants particular attention given the emphasis it places on working with an often under-utilized member of the family unit in Malawi: grandmothers. Limaye et al. (2015) conducted a study working with grandmothers, or “Agogos,” in which they provided them with the skill-sets needed to facilitate a productive conversation with their grand-daughters on “issues related to sex and sexuality” (p. 1). This strategy proved to be successful because not only did the program

help to better inform adolescent girls about their sexual and reproductive rights, but it also provided the same information to grandmothers who, given their elevated status in society, were able to implement norm reform more widely within the community. Importantly, the authors (Limaye et al., 2015) concluded that their initial study of working with Agogos ultimately proved successful because it tapped into “existing cultural norms and traditions,” thus making it more “likely to endure” (p. 15).

Working with Boys and Men

Given the important, and often pivotal, role that men and boys play in both a family and community at large, it is clearly crucial to engage them in projects focused on changing norms around child marriage. One report has summarized this phenomenon by stating that, “In many countries where child marriage remains the norm, men serve as the gatekeepers for the women in their families, with fathers, brothers, husbands, and other male figures making most household and communal decisions” (Lemmon & ElHarake, 2014, p. 16). Given this understanding, it is surprising to note that there is a very limited amount of research, or policy interventions, that put forth recommendations on how to successfully work with men and boys to reform norms on child marriage.⁸

However, within this limited literature, some strategies and best practices have emerged. The first approach is to ensure that boys and men understand “the dangers of child marriage” (Lemmon & ElHarake, 2014, p. 17). Second, it has been argued that men and boys must be aware of the “long-term benefits of economic opportunities” (Lemmon & ElHarake, 2014, p. 17) not only for girls within the community but *for themselves*

⁸ One notable exception to this rule is Tostan, a grassroots NGO, which has successfully changed norms around child marriage by working with men and boys (Gillespie & Melching, 2010).

(Greene, 2014; Lemmon & ElHarake, 2014; Young, 2012). While strategies on how best to build this awareness are limited, men advocating to other men on the need to end child marriage has been highlighted as a particularly effective approach (Klugman et.al., 2014, p. 112). Additionally, it has been emphasized that it is important to engage boys at as young an age as possible in order to “encourage equitable gender attitudes and norms so that they can be allies in preventing child marriage and change agents within their communities” (Lemmon & ElHarake, 2014, p. 17). It is interesting to note that a sizeable amount of literature has been dedicated to the topic of engaging men and boys in order to change norms and behavior concerning family planning and reproductive health and rights (Barker et al., 2007; Greene, 2014; Klugman et.al., 2014). Thus, the literature focused on child marriage has advocated that academics and practitioners draw on this research and use it to influence their own work (Barker et al., 2007; Greene, 2014; Klugman et.al., 2014).

Working with Teachers

The literature has emphasized the important role of teachers in shaping and helping inculcate human rights norms among the youngest generation of Malawians (Bouman, 2017; Thorton et al., 2012; Englund, 2000). For example, teachers across schools in Malawi are expected to conduct a “Life Skills” class where they focus on “human rights that are violated by ‘harmful cultural practices,’” including “widow inheritance, wife-swapping, and sexual cleansing” (Thorton et al., 2012, p. 3). Yet, surprisingly, given the critical role of teachers in shaping the behavior and beliefs of their students, very little attention has been paid to working with teachers to change norms

around child marriage in Malawi. This is one gap in the literature that my thesis will therefore be helping to fill.

One exception to this gap is a study that has been conducted by Bouman et al. (2017) on the role of entertainment education in changing norms around child marriage (with Malawi used as one of the country case studies). This study has discussed the trend among civil society organizations of working with teachers to develop and utilize entertainment education tools. In doing so, these civil society organizations have noted the ways that “mass media and storytelling can help [question and shape] the social norms that exist around harmful practices such as child marriage” (Bouman et al., 2017, p. 13). Civil society organizations are quick to add the caveat that in order for entertainment education to be successful it needs to “take into account different norms and values” (Bouman et al., 2017, p. 13).

Working with the Leaders of the Community

It is widely recognized in the literature that community leaders can play an essential role in transforming norms and behaviors around child marriage. As one report noted: “Particularly in communities where child marriage is deeply rooted in religious and cultural traditions, these groups [community leaders] should be included in efforts to prevent and eliminate child marriage if the practice is to be eradicated in regions and among populations where it has proved harder to stop” (Lemmon & ElHarake, 2014, p. 16). Additionally, this report acknowledges that community leaders are in fact the ones who have the ability to lobby for and enact legislative reforms within customary laws (Lemmon & ElHarake, 2014, p. 16).

Despite an acknowledgement of the critical role community leaders play in shaping and upholding norms and behaviors within a community, a limited amount of research is focused on analyzing how engaging these leaders could change the narrative around child marriage. Policy recommendations remain vague. One suggestion that has been highlighted in the literature is the need to ensure that community leaders are aware of national legislation concerning the issue of child marriage (Sarich, 2016, p. 466). Within the context of a pluralistic legal system like Malawi, it would also be important then to highlight that upon ratifying a UN treaty, countries are expected to reform national and customary laws to ensure that they meet the standards laid out in the treaty. Moving away from this top-down approach, other methods have looked to change community leaders' opinions on child marriage but have grounded the need for reform within cultural practices and traditions. For instance, one report has argued for identifying "existing rituals" that can be turned into "opportunities" to promote anti-child marriage messages (Klugman et.al., 2014, p. 113). Finnemore and Sikkink (1998) further elaborate on this point saying, "norms gain prominence if they can be effectively linked to existing salient norms" (p. 3).

Whether or not community leaders should be held accountable for child marriage is the cause of a significant amount of debate within the literature. Cloward (2016), for instance, discusses the benefits of "naming and shaming" as an effective strategy for ending child marriage (para. 33). On the other hand, scholars such as Mackie (2012) have argued against such a strategy, stating that it is "morally" wrong and unfair to hold community leaders accountable for deeply entrenched cultural norms (p. 737). Mackie (2012) recommends instead that emphasis be placed on working to implement social

norm change theory to encourage community leaders to enforce national laws banning child marriage (p. 732).

Religious Leaders

The last category of gatekeepers that warrants attention is Islamic and Christian religious leaders. It has been noted within the literature that very little research has been conducted to understand the role of religious leaders in shaping and upholding norms, which is surprising given the significant role and impact they have in society (in particular concerning child marriage). One exception to this is a study that was conducted within Malawi by Yeatman and Trinitapoli (2008). While the study did not explicitly focus on child marriage, it did discuss a closely-related topic, the use of contraception and pre-marital sex. The study found that religious leaders who operated at a grassroots level were able to yield significant influence in shaping women's behaviors concerning contraception, even in cases where the stance of the religious leader differed from the stance of the institution he or she represented (Yeatman & Trinitapoli, 2008, p. 1863). Clearly more research is needed on this topic.

Chapter 3: Methodology

3.1 Introduction

To conduct my research, I utilized a mixed research methodology that relied on both qualitative and quantitative research. The information I have gathered while working on my thesis has provided me with the necessary background to frame child marriage as a human rights violation and understand the significance and impact of child marriage within Malawi. I have developed a deep understanding of Malawi's pluralistic legal system and the role of customary law. Furthermore, my research methodology has helped to inform my understanding of civil society organizations (CSOs) in Malawi and the work they are carrying out with regard to child marriage, in particular through a gatekeepers approach.

3.2 Qualitative Method

Focusing first on qualitative methods, my research employed interpretive and non-empirical methods. This included an extensive review of Malawi's pluralistic legal system comparing national legislation with customary and traditional laws that are enforced throughout the country. I also noted examples of when customary laws had been amended and were harmonized with international human rights laws and national laws. For this section of my paper, I utilized existing ethnographic comparative legal materials and secondary scholarly research.

Additionally, I analyzed organizations and programs that are currently working in Malawi and are focused on norm reform through a gatekeepers approach. While conducting this review, I identified gatekeepers who have created alternative norms around the issue of child marriage. I also examined cases where civil society

organizations in Malawi implemented programs to reform norms around child marriage, especially through the gatekeepers approach.

My research was also informed by written interviews⁹ that I conducted with representatives from local CSOs who are working on the issue of child marriage in Malawi and are utilizing what I have identified as a gatekeepers approach in at least one of their program platforms.¹⁰ In addition to conducting work around child marriage in Malawi, all of the CSOs that were selected are commitment makers to *Girls Not Brides*, a global partnership committed to ending child marriage. *Girls Not Brides* is a highly regarded organization that carefully reviews the work being conducted by CSOs before allowing them to become members. The *Girls Not Brides* screening process therefore helped to ensure that I interviewed reputable CSOs. It is important to acknowledge that the list of organizations that I researched and interviewed by no means represents a comprehensive overview of all CSOs operating in Malawi and is, rather, a very select group. For the full list of organizations that I interviewed, please see Annex 1. To see the full list of questions that CSOs were asked, please see Annex 2.

It is important to note that in addition to interviewing the CSOs included in Annex 1, I also reviewed their online platforms and any reports they had published to gain insight into the work they were conducting around child marriage via a gatekeepers approach.

⁹ I only conducted one written interview. The majority of CSOs' responses that I highlight throughout my thesis were compiled through the surveys I conducted, which will be discussed in greater detail below.

¹⁰ It is important to note that many of these organizations do not use the word "gatekeepers" specifically. Therefore, prior to conducting my interviews I provided them with my own definition of a gatekeepers approach.

Secondary scholarly research was also an essential part of my research. To further inform findings from my own research, I reviewed data from studies that academics and policy practitioners conducted in Malawi concerning child marriage and the related topics of HIV/AIDs and family planning. I also examined news articles to help inform my understanding of current events within Malawi that are shaping the discussion around women's rights, particularly around the issue of child marriage.

Within my qualitative research, the last method I implemented was applied research based on my findings on the effectiveness of the gatekeepers approach in changing norms around child marriage in Malawi. It is this research that informs the "Recommendations" included at the end of the thesis, which outline strategies that I argue are essential for successfully implementing the gatekeepers approach.

3.3 Quantitative Method

Focusing now on quantitative methods, I created a survey that was shared with different CSOs in Malawi (please see Annex 1).¹¹ Questions were tailored to gain local insight and identify best practices for implementing norm reform through the gatekeepers approach. The responses informed my research and allowed me to conclude whether CSOs believe that the gatekeepers approach is an effective method for ending child marriage at a grassroots level. Additionally, I reviewed the answers from the surveys to identify any commonalities and/or trends concerning the strategies within the gatekeepers approach that CSOs feel are the most effective and that they most frequently utilize. Once again, however, I need to acknowledge when discussing my findings that the groups of

¹¹ In total, six individuals from five organizations participated in my survey. To see the full list, please review Annex 1.

CSOs I sent surveys to represent a small percentage of CSOs currently active in Malawi. To see the full list of questions that I asked in my survey, please see Annex 4.

Finally, I conducted a review of human rights indicators and statistics on child marriage within Malawi as produced by UN agencies and the National Statistics Office of Malawi. Where available, I also reviewed data on child marriage that has been collected by CSOs working at the grassroots level focused on child marriage. During this process, I identified geographically where the majority of child marriages take place within Malawi. I also disaggregated the number of child marriages that take place before the age of 15 from that of the number of marriages that take place before the age of 18.

3.4 Limitations

There are several limitations to my research method. First, as has been mentioned above, I was only able to review, interview, and send surveys to a very small number of CSOs that are currently operational in Malawi. My findings can by no means claim to be a representation of the work being carried out by all CSOs in Malawi. Thus, I need to qualify any recommendations that I put forth in my thesis. Additionally, the majority of child marriages in Malawi take place in rural areas (UNICEF, 2016, p. 151) making it challenging to gather comprehensive data. As a result, the number of child marriages in Malawi tends to be underreported. Furthermore, it can be challenging to find disaggregated data that separates the number of child marriages that occur in Malawi before the age 18 from those that occurred before 15.

Chapter 4: Background

This chapter will provide background information pertinent to my research. In doing so, it will first offer a general overview of Malawi before moving into a more detailed analysis of the country's political and economic landscape. This chapter will also provide information on Malawi's population, specifically focusing on girls' access to education, health, and family planning resources. From there, it will move into a discussion of Malawi's pluralistic legal system and the prominence of customary law and its impact on child marriage. The chapter will conclude by framing child marriage as a human rights issue.

4.1 General Overview of Malawi



The Republic of Malawi is a landlocked country located in the eastern portion of Southern Africa and is divided into three regions: Northern, Central, and Southern. Malawi's national and administrative capital Lilongwe City is located in the Central Region. The official languages of the government are English and Chichewa, though dozens of other languages are spoken across the country.¹²

Malawi is home to nine major tribal groups with Chewa (32.6%), Lomwe (17.6%), and Yao (13.5%) being the largest (UN, 2012, para. 3). As the chart below indicates, Malawi is unique in that it has both tribal groups that are matrilineal societies (where kinship is determined on the maternal side), as well as tribal groups that are

¹² The map of the Malawi featured here was found on Google image: <https://www.mapsofworld.com/malawi/maps/malawi-political-map.jpg>.

patrilineal societies (where kinship is determined on the paternal side). As will be discussed in more detail later in this chapter, each of these tribal regions has its own tribal leaders and customary laws.

Tribes in Malawi	Persons	%	Classification by Ibik (1970) Classification ¹⁵ by Ibik (1970)
Chewa	4252204	32.6	Matrilineal
Lomwe	2288285	17.6	Matrilineal
Yao	1760843	13.5	Matrilineal
Ngoni	1492850	11.5	Matrilineal (not in Mzimba)
Tumbuka	1152017	8.8	Patrilineal
Nyanja	754410	5.8	Matrilineal ¹⁶
Sena	467958	3.6	Patrilineal
Tonga	270833	2.1	Patrilineal
Ngonde (Nkhonde)	129914	1.0	Patrilineal
Lambya	59452	0.5	Patrilineal
Senga	24366	0.2	
Nyakyusa	18751	0.1	Patrilineal ¹⁷
Other	357615	2.7	
Total	13029498	100.0	

Source: 2008 Population and Housing Census of Malawi, Table 14 in Population Characteristics, NSO, Zomba (NSO 2008)

Religion also plays a significant role in the country as new forms of Christianity and Islam have spread across Malawi over the past two decades (Thorton et al., 2014, p. 1852). The majority religion is Christianity, which is practiced by roughly 80% of the population, while it is estimated that 13% of the country practices Islam (UN, 2012, para. 3). Given how widespread Christianity is, it is unsurprising that it has played a significant role in shaping and informing numerous institutions within Malawi. This includes, as will be further discussed in later chapters, the work being conducted by CSOs around a variety of issues, notably including child marriage, family planning, and HIV/AIDS prevention.

4.2 Political Overview

In 1964, Malawi, a former British colony, gained independence and descended into “more than 30 years of subsequent autocratic rule” (UN, 2012, para. 2). After decades of turmoil and single-party rule, Malawi in recent years has enjoyed “a stable

and democratic government” (World Bank, 2017, para. 2). Since 1993, the government has been a multi-party system and has facilitated five “peaceful” presidential and parliamentary elections (World Bank, 2017, para. 2). President Arthur Peter Mutharika was elected to his first term as President in 2014 and is up for re-election in 2019 (World Bank, 2017, para. 2). Freedom House (2017) has concluded that “political rights and civil liberties are for the most part respected by the state” (para. 1). Another important development that has arisen since the end of single-party rule in 1993, and one that is particularly relevant for this paper, has been an influx of international non-governmental organizations in Malawi, as well as the creation of a robust civil society that enjoys relative freedom and autonomy (Thorton et al., 2014, p. 8).¹³ Notable challenges to the freedom and stability of Malawi, however, remain. As one report found, “corruption is endemic, policy brutality and arbitrary arrests are common, and discrimination and violence toward women, minority groups, and people with albinism remain problems” (Freedom House, 2017, para. 1).

4.3 Economic Overview

Despite recent economic growth, with a GDP annual growth rate of 4.27% from 1994 to 2016, Malawi continues to be one of the poorest countries in the world with income inequality persisting as a huge challenge (World Bank, 2017, para. 3). As such, it is estimated that over 75% of the population earns less than US \$1.25 per day (UN, 2017, para. 3). The country’s economy continues to be largely agrarian with agriculture accounting for approximately 28.7% of GDP, and the majority of Malawi’s population

¹³ Prior to 1993, very few development projects or NGOs were allowed to be present in Malawi as they were regarded as “corrupting influences of the modern world” (Thorton et al, 2014, p. 8).

continues to reside in rural areas (World Bank, 2017, para. 3). Income inequality remains a significant problem in Malawi with findings showing a disturbing trend of poverty increasing in rural areas as “the majority of the poor remain locked in low productivity subsistence farming” (World Bank, 2017, para. 3). Further fueling economic hardship for the majority of citizens has been two consecutive years of drought since 2015, which has resulted in a decline in agricultural production (World Bank, 2017, para. 3). The government has taken numerous steps to try to combat poverty, including the launch of the Economic Recovery Plan in 2013 (Government of Malawi, 2013), which outlines short, medium, and long-term goals for promoting inclusive economic growth. The next few years will be critical for determining the success of the Economic Recovery Plan (Government of Malawi, 2013) in fostering development and, most importantly, inclusive economic growth.

4.4 Key Demographics: Population & Family Planning

In 2015 Malawi had an estimated population of 17.2 million people (World Bank, 2017, para. 1). The population is expected to “exceed 29 million by 2020 and reach 45 million by 2050 at the present growth rate of 2.75 percent” (UN, 2012, para. 4). The UN has attributed this rapid population growth to the continued low prevalence of family planning resources across the country. Currently only 28% of married women between the ages of 15 to 49 use a modern method of family planning, and only 43% of sexually active, unmarried women between the ages of 15 to 49 use a method of modern family planning (National Statistics Office, 2016, p. 5).

As a result of the lack of family planning resources within Malawi, the country continues to have one of the highest birthrates in the world; in 2016 the median was 4.4

children per household (National Statistics Office, 2016, p. 3).¹⁴ Contributing to this problem, it has been found that location, economics, and education play a significant role in determining women's access to family planning and, therefore, the number of children she will have. Women in rural areas have 4.7 children compared with women in urban areas who have 3.0 children (National Statistics Office, 2016, p. 3). Additionally, women with no education have 3.2 more children than women with a post-secondary education. And finally, women living in the poorest households have 5.7 children while women in the wealthiest households have only 2.9 children (National Statistics Office, 2016, p. 3).

4.5 Health

One of the biggest success stories to emerge from Malawi has been the nation's progress in reducing HIV/AIDS. In recent years, the government has made a concerted effort to stop the spread of HIV/AIDS, which has included launching the Option B campaign in 2011 (UNDP, 2016, p. 124). This campaign seeks to provide antiretroviral therapy to all pregnant women with HIV (UNDP, 2016, p. 124). The results from this program have been impressive. The program was able to increase the number of HIV positive breastfeeding women on antiretroviral therapy from 1,257 to 10,663 in the course of one year. Building on this momentum, Malawi recently launched the 2015-2020 National HIV and AIDS Strategic Plan to "reach populations missed by previous initiatives" (UNDP, 2016, p. 124).

Despite this progress, Malawi continues to struggle in other areas, especially concerning the health of children. For instance, stunting continues to be a serious concern

¹⁴ It is important to note that this is down significantly from 6.7 children per woman in 1992 (National Statistics Office, 2016, p. 3).

and is something from which 43% of children in rural areas suffer from (UNICEF, 2016), and it has been found that 17% of children are underweight (UNICEF, 2016). Related to this, Malawi has continued to struggle to reduce its under-5 mortality rates and currently has the 33rd highest rate of under-5 mortality in the world with an estimated 64 deaths per every 1,000 births (UNICEF, 2016).

4.6 Education

According to findings from UNICEF (2016), between the years of 2009 and 2014, the country had a primary school net attendance ratio of 93% for males and 94% for females (p. 135). This rate of attendance drops dramatically at the secondary school level where rates are at 32% for males and 34% for females (UNICEF, 2016, p. 135). As will be discussed in greater detail below, there appears to be a strong correlation in Malawi between out-of-school girls and high rates of child marriage. USAID (2017) has also found that adolescent girls face many barriers that prevent them from completing their secondary education, including negative gender stereotypes and parental fear of girls participating in risky behavior that may increase their chances of getting pregnant or contracting HIV/AIDS (para. 5). Economics clearly play a significant role in children's educational attainment. For instance, UNICEF (2016) reported that the net attendance ratio in primary schools for the poorest 20% is at 88% while for the wealthiest 20%, it is at 98% (p. 135).¹⁵

¹⁵ At this time, UNICEF does not collect data on rates of secondary education based on economic income.

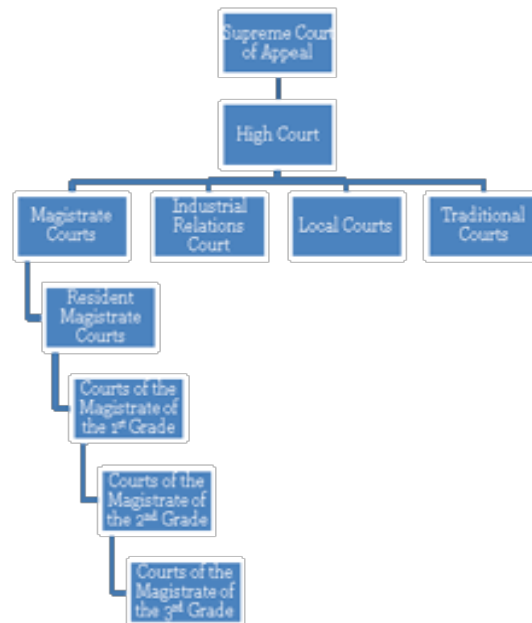
4.7 Malawi's Pluralistic Legal System - A Balancing Act Between Women's Rights and Cultural Rights

Malawi has a pluralistic legal system, meaning that it allows customary laws and courts to run alongside national legislation (Wanda, 1988, p. 117). Customary laws first became codified during British colonial rule as they were “administered side by side with the statutory laws and the received English common laws” (Wanda, 1988, p. 117). They were further developed in 1933 when “Native Courts” (now known as Traditional Courts) were developed as a platform to provide “customary law a separate forum in which it could be expounded, applied, and developed as an independent system of law” (Wanda, 1998, p. 117). Simultaneously, the High Court and its subordinates were installed with the ability to apply customary laws “tangentially,” and were not to interfere in decisions made in “Native Courts” unless they were proven to be “repugnant to justice and morality or contrary to written law” (Wanda, 1998, p. 117). The independence of customary laws in Malawi was further solidified in 1970 when the High Court and the Traditional Courts system became entirely separate entities that “operated on parallel lines, each with its own structure of appeals running from the lowest to highest of the two systems” (Wanda, 1998, p. 118).

The 1994 Constitution, which moved Malawi from “presidential supremacy to constitutional supremacy” also resulted in a reform in customary law (Kapindu, 2009, para. 1). While the two-court system remains, Traditional Courts are supposed to be “subordinate to the Supreme Court and the High Court” (Kapindu, 2009, para. 70).¹⁶

¹⁶ The chart below depicts the current court hierarchy, which as we can see, places Traditional Courts below the High Court and Supreme Court of Appeal (source: Kapindu, 2009).

Thus, while Traditional Courts are able to preside over decisions that pertain to their jurisdiction, cases can now be appealed to a higher authority: the High Court and the Supreme Court of Appeal.¹⁷



Furthermore, the 1994 Constitution, while reaffirming support of customary laws and practices, stipulates that such laws and practices cannot violate or run counter to any other rights and laws that are afforded to all citizens. In doing so, the Constitution “recognizes the right to culture without expressly subordinating it to any other rights” (Mwambene, 2007, p. 113). All courts, including Traditional Courts, are to bear this stipulation in mind when hearing cases.

With that being said, the Constitution continues to grant a significant amount of freedom to, and support of, customary laws. Article 26 of the Constitution is frequently cited by proponents of customary law. This article states that the country, “provides that

¹⁷ The chart below depicts the current court hierarchy, which as we can see, places Traditional Courts below the High Court and Supreme Court of Appeal (source: Kapindu, 2009).

[e]very person shall have the right to use the language and to participate in the cultural life of his or her choice” (Mwambene, 2007, p. 114). It has been argued that this provision:

“...expressly recognizes the significance of customary or cultural values to human development, well-being and identity. In essence, it guarantees the right of everyone to live according to the legal system applicable to the particular grouping to which they (choose to) belong.” (Mwambene, 2007, p. 114)

As we will see, this provision is often used as a way of justifying customary laws that infringe upon the rights of individuals, notably women and children.

Thus, the 1994 Constitution has resulted in a significant amount of ambiguity and confusion surrounding the role and legality of customary law. The current legal system is structured in a manner implying that customary law should be “interpreted, expounded, and administered in the Traditional Courts of Malawi (Wanda, 1988, p. 133). But as Kapindu (2009) has noted, this is ideologically confusing:

“...the idea of courts developing customary law lends itself to some conceptual problems. Ideally, customary law is the traditional law applied by traditional leaders in the determination of essentially traditional matters in their areas of traditional territorial jurisdiction. Traditionally, customary law has always evolved as societies transform. It is unclear whether formal courts should be responsible for developing customary law.” (para. 83)

Thus, as it stands now, very few cases concerning customary laws make their way to the Traditional Courts, and even less to the High Court or the Supreme Court of

Appeal, with traditional leaders granted relative autonomy in crafting and adapting customary laws. Furthermore, it has also been noted that when cases concerning customary law make their way to courts, especially the Traditional Courts, there is considerable discrepancy in the outcome of cases based on the “liberal or conservative attitudes of the judges” (Wanda, 1988, p. 118). For those critical of the role of customary law in Malawi, they note that:

“...although customary law is a living and dynamic system of law which is capable of adapting itself to the changing conditions of its environment, it can often be used, and indeed often is used, not to promote such adaptation to change but to retard it.” (Wanda, 1988, p. 134)

Those less critical of customary law, though, have made the important, and especially relevant point for this paper, that the adaptability of customary laws and the flexibility afforded to courts when deliberating on customary issues, can allow for “the potential of growth” and development of laws that are more inclusive and that help to promote the rights of all, especially women and children (Wanda, 1988, p. 134).

Turning our attention now to the issue of marriage in Malawi, it will be important to recognize that family matters are often where “the rules of customary law are more commonly applied” (Wanda, 1988, p. 118). As Wanda (1988) has noted, this is “due to the fact that the majority of people in Malawi, especially in rural areas, conduct their family affairs in accordance with the customary laws of their particular localities” (p. 118).

4.8 Marriage in Malawi - Customary Practices and National Legislation

The government in recent years has taken numerous steps to further centralize and codify legislation pertaining to marriage. Most notably, in 2015 the Government passed

the Marriage, Divorce and Family Relations Act (Parliament of Malawi, 2015).¹⁸ This Act addressed the four types of marriages that are currently recognized and had been previously addressed in separate legislation (Marriage Act, Customary Law Marriages, Christian Marriages, Asiatic Marriages). Customary Law Marriages, which are those that have been “contracted according to the applicable customary laws,” are of particular importance for this thesis (Mwambene, 2007, p. 116). The majority of people in Malawi have Customary Law Marriages. Prior to the passage of the Marriage, Divorce, and Family Relations Act (Parliament of Malawi, 2015), women would be afforded different rights when entering into a marriage, and upon its dissolving, depending upon what “type” of marriage they had entered into. By addressing all marriages within one Act, the government hoped to ensure that women were afforded the same rights regardless of which “type” of marriage they had entered into. Thus, under the Marriage Act (Parliament of Malawi, 2015), while many of the customs associated with each type of marriage have stayed intact, the legal standards to which they are held to are, in theory, uniform.

It is essential to briefly summarize the key traditions and rituals associated with customary marriages and the legal efforts that have been made to curb these practices. As has been noted, there are both patrilineal and matrilineal communities in Malawi and, therefore, customary marriages are generally “contracted according to the customary laws of both parties [patrilineal and matrilineal]” (Mwambene, 2010, p. 88). Focusing first on matrilineal customary marriages, these types of marriages in Malawi fall into two categories: *chikamwini* and *chitengwa*. Under *chikamwini*, tradition calls for the man to move to the wife’s village, and he is afforded limited rights while residing in his wife’s

¹⁸ Throughout this paper, this will be referred to as the Marriage Act.

community. For instance, “lineage is traced through the women, inheritance of property passes through the female line,” and women have “custodial ownership” of the land (Mwambene, 2010, p. 90). In chitengwa marriages, tradition calls for the woman to reside in the man’s village, but the “children belong to the women’s lineage. Upon the death of the husband, the widow and children return to the widow’s village of origin” (Mwambene, 2010, p. 90). These types of matrilineal marriages are most common in the Central Region and most of the Southern Region of Malawi where the majority of communities are matrilineal (Wanda, 1988, p. 119).

Turning now to customary marriages in patrilineal societies in Malawi, these types of marriages are most common in “the Northern Region and in two southernmost districts of Chikwawa and Nsanje, where the people are largely patrilineal” (Wanda, 1988, p. 119). Patrilineal traditions in these communities call for the wife to reside in her husband's village. Furthermore, the man is expected to pay “lobola” or a bride payment to his wife’s parents or guardians. Doing so “signifies that the man owns all the property, and makes the children of the marriage legitimate” (Mwambene, 2010, p. 90). Lobola has become one of the most contentious traditions in Malawi, and one that the government has found particularly challenging to address. In large part, this is because it is such a deeply-entrenched cultural practice and is regarded as “a prerequisite for a valid marriage” (Mwambene, 2007, p. 117). Furthermore, as Mwambene (2007) has summarized, lobola “underscores the fact that a customary marriage creates an alliance not only between the husband and his wife but also between their respective families and kinship. It is a bedrock on which the African family in patrilineal societies is based” (p. 118). Thus, rather than try to outlaw lobola outright, the government has rather attempted

to reform it through the Marriage Act (Parliament of Malawi, 2015) so that the practice better protects women. For example, one reform was to provide the wife with custody over her children.

It is important to note that in all types of customary marriages consent is given “by the man concerned or such a man in consultation with his kin” (Mwambene, 2010, p. 90). Thus, it is the husband and the bride's father who in both matrilineal and patrilineal societies provide consent to a marriage. It has been argued therefore that customary marriages in Malawi violate the rights and freedoms guaranteed to women by the Constitution (Mwambene, 2010, p. 93). It is also important to recognize that customary law regards a woman as ready for marriage as soon as she enters puberty (Mwambene, 2010, p. 88). Regarding the issue of child marriage, one can see how this in turn has made it challenging for the central government to implement and enforce national legislation that sets 18 as the minimum age of marriage.

4.9 Child Marriage in Malawi

In recent years, Malawi has taken numerous steps to end child marriage. As has been discussed, the Marriage Act (Parliament of Malawi, 2015) is the most comprehensive Act to address the rights of women in a marriage. In addition to codifying women's rights within marriage, it also stipulates that 18 is the minimum age for marriage. In doing so, the Marriage Act (Parliament of Malawi, 2015) stated:

“The Commission considered the lack of consistency as to the age of marriage within the various regimes of marriage unsatisfactory; only statutory marriages set the age of 18 years as the minimum age for marriage. Both customary marriages and religious marriages have no fixed

aged requirement and the attainment of puberty tends to be a critical determinant of capacity to marry.” (p. 4)

It goes on to reaffirm that a “child” is anyone “who is below the age of eighteen years” (Parliament of Malawi, 2015, p. 4).

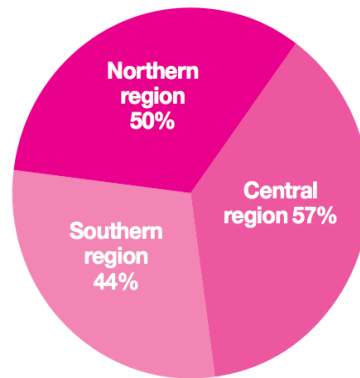
Importantly, the Marriage Act (Parliament of Malawi, 2015), in an attempt to monitor and prevent child marriage, also stipulated that all marriages must be registered with the state. It has been argued that such a requirement “is opportune because, for the first time, the law has introduced a compulsory arrangement for the registration of civil, religious and customary marriages” (Plan, 2016, p. 38). The Marriage Act (Parliament of Malawi, 2015) also resulted in the creation of the public office of Registrar Marriages. In doing so, it “designated specific offices as ‘registrars’ with authority to perform functions of the Registrar of Marriages. These are: (a) district commissioners; (b) traditional authorities who have been given the power to register a marriage; and (c) clerics” (Plan, 2016, p. 38). Such a policy, it had been hoped, would help to enforce legislation around child marriage. This has not proven to be the case for numerous reasons. First, the “[Marriage Act] does not include any provision that guarantees the training of all designated registrars” to ensure they are fully competent in their role (Plan, 2016 p. 38). Second, the “[Marriage Act] does not direct the registrar to have/demand proof of age during the time that a party is giving a marriage notice; during the celebration of a marriage; or during the recording/registration of a marriage in a register” (Plan, 2016, p. 40). Enforcement of marriage registration is made further complicated by the low rates of birth registration in Malawi. Birth registration only became mandatory in 2009 with the passing of the National Registration Act (Parliament of Malawi, 2009). Furthermore,

adherence to and awareness of the Marriage Act (Parliament of Malawi, 2015) remains low across Malawi. Consequently, UNICEF (2016) found that between the years of 2010 and 2015, birth registration in Malawi was as low as 6% (p. 151).

More recently, in February of 2017, Malawi's Parliament amended the "[Constitution] and raised the age of marriage from 15 (with parental consent) to 18 years" (Girls Not Brides, n.d, para. 2). In April 2017, the President went on to sign the constitutional amendment into law. This was a critically important step as it aligned the Constitution (Parliament of Malawi, 2017) with the Marriage Act (Parliament of Malawi, 2015) and "resolved" any legal inconsistency concerning the age of marriage in Malawi. Prior to this amendment, the Constitution provided a "loophole" that allowed relevant community leaders to carry out child marriages according to customary law within the areas that they oversaw (Girls Not Brides, n.d, para. 2). As Plan (2016) has noted, it placed CSOs in a challenging position to oppose and criticize "child marriage with parental consent" as doing so was considered "contrary to provisions of the Constitution" (p. 35). While this marks an important step, it is less clear if this law will be implemented and enforced effectively across Malawi.

Despite these recent efforts, child marriage remains a rampant problem across Malawi. According to UNICEF (2016), from 2009 to 2014, 9% of girls were married before the age of 15 and 48% of girls were married by the age of 18 (p. 151). A report from Human Rights Watch found girls as "young as 9 or 10" had been married within Malawi (Human Rights Watch, 2014, p. 1). The same report was also able to determine that "child marriage is common across all three regions of Malawi, and in both rural and

urban areas” (Human Rights Watch, 2014, p. 15). The graph below shows the percentage of girls who are under the age of 18 who are married in each region.¹⁹



Source: UNFPA (undated)¹⁸/MHRC, 2006

Three of the most common traditions associated with child marriage (within customary marriages) are Chimeta Masisi, Mbirigha, and Kupawila. Chimeta Masisi is the “replacement of a deceased wife. It is a practice by which a bereaved husband marries a younger sister or niece of his deceased wife” (Mwambene, 2010, p. 100). This practice is particularly common in patrilineal societies as parents wish to provide a “replacement” wife rather than return the lobola (bride payment). Mbirigha is a term used to refer to a “bonus wife.” In this practice, the husband is given a younger sister or niece of his wife to take as his second wife” (Mwambene, 2010, p. 101). This is especially common if the first wife is unable to have children. Kupawila refers to “paying off a debt by marrying a daughter” and is practiced throughout northern Malawi (Mwambene, 2010, p. 101). This practice is most common in the northern parts of the Chitipa district (Mwambene, 2010, p. 101).

Additionally, it has been found that sex at an early age and risk of pregnancy continue to be a major driver of child marriage. According to a recent study from the

¹⁹ I copied and pasted the pie chart highlighted above from a report by Plan International (2016).

National Statistics Office (2017), women end up being sexually active 1.7 years before men do, with the median age for women being 16.8, versus 18.5 for men (p. 4). It has also been found that women are married approximately one year after sexual initiation, often a result of parental fear that their daughters will have a child out of wedlock (National Statistics Office, 2017, p. 4).

4.10 Framing Child Marriage as a Human Rights Violation

Before turning our attention to the response from civil society organizations in Malawi to the issue of child marriage, it is beneficial to briefly discuss the harmful consequences of child marriage as well as the response to the issue from the human rights community. There is a significant volume of research confirming numerous health consequences associated with child marriage. First, it has been found that “married girls are more likely than unmarried girls to become infected with STDs, in particular HIV and human papilloma virus (HPV)” (Nour, 2006, para. 11). Focusing specifically on sub-Saharan Africa, girls between the ages of 15 and 19 are approximately “2-8 times more likely than boys of the same age to become infected with HIV” (Nour, 2006, para. 11). This is especially alarming given the high rates of HIV in Malawi, particularly among women. Nour (2006) summarizes the high risk of HIV among child brides noting:

“One fundamental difficulty with child marriage is that girls are financially dependent on their husbands and therefore lack the power to make demands upon them. They cannot ask their husbands to get an HIV test; they cannot abstain from intercourse or demand condom use; they cannot insist that their husbands be monogamous; and ultimately, they cannot leave because they cannot repay their high dowry.” (para. 12)

This last point may be particularly relevant in patrilineal societies across Malawi where lobola is an essential part of customary marriages.

Another major concern regarding child brides is the issue of pregnancy. As one study concluded, “the problem with children delivering children is that the young mothers are at a significantly higher risk than older women for debilitating illness and even death” (Nour, 2016, para. 16). Recent data has found that girls between the ages of 10 to 14 were 5 to 7 times more likely to die from childbirth, and girls between the ages of 15 to 19 were twice as likely to die from childbirth as compared with women above the age of 20 (Nour, 2016, para. 16). As a result, complications arising from pregnancy and childbirth are now the leading cause of death for girls in developing countries (Loaiza & Wong, 2012, p. 6). Research has noted that the “reasons for these high death rates include eclampsia, postpartum hemorrhage, HIV infection, malaria, and obstructed labor” (Nour, 2016, para. 16). Obstructed labor, which is the result of a girl's pelvis being too small to deliver a fetus, has numerous detrimental consequences, including a significant increase in the likelihood of death for both mother and child and an increased potential of the delivery leading to fistulas. Unless corrected by surgery, fistulas prevent a women from living a normal life and being able to bear additional children. This data is particularly alarming given the fact that women in Malawi are likely to become pregnant within the first year of being married (National Statistics Office, 2017, p. 4).

Limiting a girl's educational and economic opportunities is another one of the numerous negative outcomes of child marriage²⁰ While more research is needed on this

²⁰ The right to an education is enshrined in Article 10 of CEDAW, which stipulates that states must take “all appropriate measures to eliminate discrimination against women in order to ensure them equal rights with men in the field of education.” Additionally, the right to economic

topic, it has been found that girls are frequently forced to drop out of school in advance of, or shortly after, becoming married (Brown, 2012, p. 4). Related to this, it has also been found that girls often face many barriers in returning to school after having been married and/or having their first child. This is true in Malawi. While there are currently no laws against child brides returning to school, doing so is stigmatized. Dropping out of school means that these girls fail to develop the skill sets they need to enter the workforce. As Brown (2012) has noted, “[child marriage] is an act of economic folly because it is destroying the skills base needed to drive economic growth, job creation and shared prosperity” (p. 6).

Additionally, it has been found that child marriage has numerous detrimental consequences on a girl’s mental health. For example, child brides are at a greater risk of being subjected to domestic abuse and violence as compared with girls who are married after the age of 18. Furthermore, it has been found that due to their young age, child brides are significantly more likely to believe that the abuse they experience is justified when compared with women over the age of 18 (Brown, 2012, p. 16). Child brides, in particular in patrilineal societies, are also at risk of experiencing extreme isolation, as they are removed from their family and friends. This is made worse by the fact that, in many instances, schools and parents are apprehensive about having married girls mix with unmarried ones, which in turn prevents married girls from re-enrolling in schools. Thus, child brides often feel that they have lost their support systems and, in turn, are left feeling powerless (Save the Children, 2014, p. 2).

opportunities is enshrined in Article 11 of CEDAW, which stipulates that states must take “all appropriate measures to eliminate discrimination against women in the field of employment.”

It is important to be aware of the long-term consequences of child marriage, including the impact it has on the health of children born to child brides and the ways that it contributes to a continued cycle of poverty. Children born to an adolescent mother are anywhere from 35% to 55% more likely to be born preterm and of low birth weight (Nour, 2016, para. 18). Additionally, the rate of newborn mortality is 73% higher for girls below the age of 20 as compared with women above the age of 20 (Nour, 2016, para. 18). And it has been found that children born to child brides are at an increased risk of living in poverty themselves. Loaiza & Wong (2012) write, “the impact on a young mother is often passed down to her child, who starts life at a disadvantage, perpetuating an intergenerational cycle of marginalization, exclusion and poverty” (p. 32).

Given the malignant effects of child marriage on a girl’s health, education, and economic standing, it is of no surprise that the international human rights community regards child marriage as a violation of a girl’s rights. The most comprehensive treaty on women’s rights is the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). Article 16.2 of CEDAW states,

“The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.”

The Convention on the Rights of the Child, while not addressing the issue of child marriage explicitly, is another critically important human rights treaty that helps to frame child marriage as a human rights violation. Article 24(1) & (3) stipulate:

“States parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States parties shall strive to ensure that no child is deprived of his or her right of access to such health care services. States parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children.”

As we can see, Article 24 addresses many of the health consequences of child marriage discussed above, and also clarifies that “traditional practices,” a term often used to defend child marriage especially in Malawi, cannot be used as justification for a human rights violation. The International Covenant on Civil and Political Rights (1966) Article 23 has determined that, “No marriage shall be entered into without the free and full consent of the intending Spouses.”

International human rights treaties also address the issue of violence and abuse, which as noted, have been found to have a correlation to child marriage. Article 7 of the International Covenant on Civil and Political Rights states that, “no one shall be subjected to torture or cruel, inhuman or degrading treatment or punishment.” This violence and abuse is addressed in CEDAW General Recommendation 19 which states that gender-based violence is a form of discrimination that seriously inhibits women’s ability to enjoy rights and freedoms on a basis of equality with men.” It is addressed even more directly in Article 2 of the Declaration on the Elimination of Violence Against Women (DEVAW) which spells out forms of violence against women and girls in the family

The issue of child marriage has been addressed in the regional African human rights system as well. For instance, the African Charter on Human and People's Rights, in addition to outlawing child marriage, addresses the rights that must be afforded to a woman in a marriage. Article 6 of this document reads:

“States parties shall ensure that women and men enjoy equal rights and are regarded as equal partners in marriage. They shall enact appropriate national legislative measures to guarantee that

- No marriage shall take place without the free and full consent of both parties;
- The minimum age of marriage for women shall be 18 years.”

Another important document, the African Charter on the Rights and Welfare of the Child calls attention to harmful cultural and social practices. Article 21 stipulates:

“1. States parties to the present Charter shall take all appropriate measures to eliminate harmful social and cultural practices affecting the welfare, dignity, normal growth and development of the child and in particular:

- Those customs and practices prejudicial to the health or life of the child;
- and
- Those customs and practices discriminatory to the child on the grounds of sex or other status.

2. Child marriage and the betrothal of girls and boys shall be prohibited and effective action, including legislation, shall be taken to specify the minimum age of marriage to be 18 years and make registration of all marriages in an official registry compulsory.”

And finally, the Protocol on the Rights of Women in Africa (Maputo Protocol) places emphasis on the issue of child marriage. This includes statements in Article 6 that “no marriage shall take place without the free and full consent of both parties” and that “the minimum age for women shall be 18 years.”

It is important to note that the government of Malawi has ratified the treaties cited above. Information on when Malawi ratified these treaties can be found in the chart below.

Convention on the Elimination of All Forms of Discrimination Against Women (1979)	This was ratified by the government of Malawi on 12 March 1987, initially with reservations on Article 5. The reservation were withdrawn on 24 October 1991.
Convention on the Rights of the Child (1989)	Ratified by the government of the Malawi on 2 January 1991.
International Covenant on Civil and Political Rights (1966)	The Convention was ratified by the government of Malawi on 2 December 1993.
Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa (2003)	This was ratified by the government of Malawi on 20 May 2005.
African Charter on the Rights and Welfare of the Child (1990)	This Charter was ratified by the government of Malawi on 16 September 1999.
Source: Plan, 2016	

Chapter 5: Civil Society Organizations and the Gatekeepers Approach

5.1 Introduction

This chapter will explain the important role that civil society organizations (CSOs) in Malawi play in shaping and carrying out the government's development and human rights agenda. From there, it will delve into a discussion of my findings from the interviews and surveys I conducted with CSOs. These interviews and surveys focused on whether or not actors at CSOs believe that the gatekeepers approach is an effective strategy for ending child marriage, and secondly, if so, how CSOs can best utilize the gatekeepers approach when working to transform norms around child marriage. The chapter concludes with a broader analysis of my findings and ties in relevant research that supports these findings. I also identify current gaps and areas for further research concerning the gatekeepers approach as a means for ending child marriage.

5.2 The Role of CSOs in Malawi

It is beneficial to briefly review the important role of CSOs in Malawi. As noted in the previous chapter, President Hastings Banda closely monitored and severely limited, the role of CSOs in Malawi prior to 1993. Thus, the relationship between the government and CSOs during this time has been described as one of “tension and suspicion” where CSOs were forced to “endur[e] a period of restrictions from associational life” (Makuwira, 2011, p. 617). Consequently, this lack of a robust civil society resulted in a scarcity of organizations working to champion development and promote human rights. As a result, the government received international criticism for its failure to create an open society that upheld individual’s economic, social, and cultural rights.

The end of Banda’s regime and the creation of the 1994 Constitution marked a turning point. Makuwira (2011) argues that, “the intense scrutiny of Dr. Banda’s human

rights abuses opened the way to a rigorous analysis of Malawi's Constitution" (p. 619). Consequently, the 1994 Constitution took notable steps to correct these wrongs and allowed for greater emphasis on development and human rights, in addition to allowing CSOs to play a more active role in society. For instance, Section 30(1) of the Constitution states:

"All persons and peoples have a right to development and therefore to the enjoyment of economic, social, cultural and political development and women, children and the disabled in particular, shall be given special consideration in the application of this right."

International organizations, like the World Bank and IMF, applauded these steps but further pushed Malawi to implement its human rights and development agenda through CSOs (Makuwira, 2011, p. 621). In response to this pressure, the government developed numerous policy frameworks that sought to facilitate a collaborative partnership with "the whole of civil society" (Makuwira, 2011, p. 618). One example of such a document is the Policy Framework for Poverty Alleviation in Malawi (Government of Malawi, 1995). Regarding the role of CSOs (and specifically NGOs) it states:

"Non-Governmental Organisations will participate in the [development] programme at all levels from the VDCs [Village Development Committees] to the Presidential Council. They will facilitate development activities at the community level. The Council for NGOs in Malawi (CONGOMA) will nominate its representatives to the National Steering Committee, and to the Presidential Council. The capacities of NGOs to

integrate poverty alleviation concerns in their development activities will be strengthened through training activities.” (Makuwira, 2011, p. 618)

Another example is the Poverty Reduction Strategy Papers (2002), written in conjunction with the World Bank and IMF, which further noted the important role of CSOs in both implementing the government’s development agenda and as “watchdogs” responsible for holding the government accountable.

While the relationship between CSOs and the government has certainly improved since 1994, it is important to note that there are still significant tensions between the two, due in part to the role CSOs play as “watchdogs” over the government. Furthermore, it has also been noted that there is still confusion regarding the role of CSOs in society. For example, it is unclear what type of support the government should provide CSOs to carry out their development and human rights agenda. Makuwira (2011) summarizes this ambiguity by noting:

“While CSOs/NGOs have a significant role to play in social, political and economic issues in Malawi, it is often unclear which constituency they represent: themselves; the rural/urban middle class; the poor; or foreign interests...The glaring contradiction between policy rhetoric and practice highlights the nascent democratic transition not only in Malawi but also in many African countries where promises are not kept.” (p. 622)

This is made more complicated by the fact that CSOs in Malawi are often criticized for failing to be fully transparent, particularly regarding their funding sources. Thus it has been noted that:

“While, CSOs in Malawi operate under the guise of upholding transparency and accountability, the lack of available data on the level of funding channeled through CSOs, as well as lacking impact evaluation reports, have been the center of discord in the relationship between the CSO sector and the government.” (Makuwira, 2011, p. 623)

Despite these challenges, the relationship between the government and CSOs has improved drastically since 1994. Malawi has become an increasingly open and democratic nation resulting in a tremendous expansion in the number of CSOs, particularly non-governmental development organizations both international and national. Generally speaking, these organizations tackle a variety of issues including the following categories:

“Human rights, women’s organizations, agriculture and food security, education and training, health (including work with the disabled), youth (orphans and street children), relief management, enterprise development and credit management, family planning and environmental management.” (Tiessen, 2004, p. 692)

Furthermore, it is important to note that many of these CSOs have close working relationships with or are associated with religious institutions (in particular churches) and schools. As previously discussed, the significant role of religious institutions in shaping and upholding a human rights agenda harkens back to the days of colonialism, and perhaps even more so to the time period right after independence when churches were one of the few institutions that were allowed to play a prominent role in society

(Thornton et al., 2014, p. 20). Thus, unsurprisingly given this historical influence, religious organizations are still working hand in hand with CSOs.

Additionally, as alluded to above, CSOs continue to have a close working relationship with schools. CSOs partner with schools to ensure that students are taught “life skills courses” which focus on an array of human rights issues including “promoting family planning and discouraging ‘harmful cultural practices’” (Thornton et al., 2014, p. 3).²¹ CSOs have understood the value of working with schools and help to support and develop these life skills courses, particularly when they are trying to prevent students from being subjected to potential human rights abuses.

Before moving into a discussion of key findings, it is important to note that a fundamental challenge CSOs face in Malawi, especially those that work in the space of development and human rights, is the role they must play in translating an international human rights agenda “into policies and disseminating them to the general population” in a manner that can be understood, appreciated, and respected (Thornton et al., 2014, p. 5). In no space is this responsibility more challenging than when focusing on harmful practices in which women and children are expected to participate in. CSOs have the daunting task of trying to change attitudes around deeply ingrained belief systems. As we will see, findings indicate that the gatekeepers approach is an effective strategy for mitigating these challenges and successfully changing norms, and in the process, preventing child marriage.

²¹ The specific examples that Thornton et al., (2014) lists are widow inheritance, wife swapping, and sexual cleansing (p. 5).

5.3 Findings from Surveys and Interviews²²

All of the organizations that participated in my study believed that the gatekeepers approach was an effective strategy to utilize when working to end child marriage at a grassroots level. Furthermore, these organizations provided additional insight into the benefits of the gatekeepers approach, potential challenges to utilizing such an approach, and strategies for how best to implement the gatekeepers approach. Many of these organizations also provided specific data on the number of child marriages that they have been able to prevent since they began implementing a gatekeepers approach. Findings from the surveys and interviews are further discussed and analyzed below.

5.3. a) Is the Gatekeepers Approach a Useful Strategy for Changing Norms Around Child Marriage?

First, it is important to note that all organizations either “strongly agreed” or “agreed” with the definition of a “gatekeepers approach”²³ that I was working from.²⁴ Furthermore, all organizations noted that they either “strongly agreed” or “agreed” with the statement that the gatekeepers approach was the best strategy to utilize when working to change norms around child marriage.²⁵ This is further supported by the fact that all organizations either “strongly agreed” or “agreed” that their organizations have had

²² Six participants from five CSOs participated in the study. To see the full list, please review Annex 1. The list of questions asked in the interviews can be found in Annex 2, and the questions asked in the surveys can be found in Annex 3. Survey questions were optional, so not every organization answered every question.

²³ I am working with the following definition of gatekeepers: “individuals whose opinions of girls’ schooling, domestic roles, safety, religious practice, sexual relationships and place in society determine the timing and nature of those girls’ marriages” (Greene, 2013).

²⁴ Of the six responses I received, 50% of participants “strongly agreed” with my definition of a gatekeepers approach while the other 50% “agreed.”

²⁵ Of the five responses I received, 40% of participants “strongly agreed” with this statement while the other 60% “agreed.”

success changing norms around child marriage via the gatekeepers approach.²⁶ Thus, unsurprisingly, all CSOs surveyed and interviewed either “strongly agreed” or “agreed” with the statement that moving forward they would continue to utilize the gatekeepers approach to change norms around child marriage.²⁷

5.3 b) Why Has the Gatekeepers Approach Been So Successful?

When asked to discuss the strategic advantages of the gatekeepers approach, CSOs agreed that it allowed them to acknowledge and address the important fact that child marriage is a deeply entrenched cultural and social practice. As one participant responded, “...child marriage is deeply promoted by family members such as father, uncle, aunt and tribal leaders, because of cultural norms.” Thus, the respondents generally believed that the gatekeepers approach was successful because it allowed CSOs to work with those individuals who inform these cultural and social values.

It was noted that working with the gatekeepers, especially religious and traditional leaders, and gaining their support makes it much easier for the rest of the community to follow. As one respondent noted:

“...the gatekeepers approach has numerous advantages in the sense that it targets custodians of norms, tradition, social values and culture thereby making behavior change regarding child marriage easier. The gatekeepers approach makes community embrace change easily.”

This idea of norms change having a ripple effect that comes from working with gatekeepers was an idea that was alluded to by other CSOs as well. For example, another

²⁶ Of the six responses I received, 66.7% “strongly agreed” with this statement while 33.3% “agreed.”

²⁷ Of the six responses I received, 83.3% of participants “strongly agreed” with this statement while 16.7% of participants “agreed.”

participant remarked in their interview that: “If the gatekeepers get the message right, they can easily influence [the] entire community to change as regards [to] social norms.” Another responded: “The gatekeepers approach is helping change the mindsets of the community [as a whole] towards child marriage and a girl child.”

Importantly, this same participant went on to note that, “[the] exclusion of the gatekeepers can also create [its] own challenges to the very efforts and objectives being advanced.” When gatekeepers are not involved, they are more likely to stigmatize and ostracize the girls and families that CSOs are working with to prevent child marriage. Given this finding, it is also interesting to note that all CSOs either “strongly agreed” or “agreed” that the communities they had worked in via the gatekeepers approach had been open to their presence there.²⁸ Together, these two findings suggest that while gatekeepers may be hostile to human rights programs working to end child marriage when they feel excluded, they are likely to be responsive and susceptible to change if, on the other hand, they are included and specifically targeted by CSOs.

5.3 c) What are the Disadvantages of the Gatekeepers Approach?

When asked to discuss the disadvantages of the gatekeepers approach, CSOs agreed that problems arose when CSOs failed to fully understand how best to utilize the strategy, implemented it in a manner that left gatekeepers feeling threatened and/or isolated, or attempted to use this approach as a vehicle for promoting “bad behavior.”²⁹ Focusing first on CSOs failure to grasp the gatekeepers approach, one respondent noted

²⁸ Of the six responses I received, 83.3% of participants “strongly agreed” with this statement while 16.7% of participants “agreed” with this statement.

²⁹ This participant did not elaborate on what specifically is meant by “bad behavior.” Therefore throughout this section I will not comment on what behavior specifically this CSO regards as “bad.” I will include quotes from other scholars though who have also focused on this idea of CSOs implementing a gatekeepers approach as a means for promoting “bad behavior.”

that while “using the gatekeepers approach is very good,” that “not many people/NGOs understand it.” Another noted that as a consequence of failing to fully understand how to best implement the gatekeepers method, CSOs can fail to adapt their approach in a manner that is most effective in the community where they are working and try to utilize the same gatekeepers approach in every community across Malawi where they are operating. This is particularly problematic as, “every community in Malawi [has] its own traditional cultural norms.”

Additionally, one respondent from a CSO, despite answering that gatekeepers generally have been open to their presence, did mention that they have faced resistance when they are implementing a gatekeepers approach if their CSO appeared critical of the role that gatekeepers, particularly traditional leaders, played in informing and upholding the culture of a community. The CSO stated that they have had “problems with traditional chiefs who think that through our gatekeepers approach they may likely lose authority over their subjects. As they think [that the] gatekeepers approach will destroy traditional norms that give them power.”³⁰ This, as we will see, is a critical point for CSOs to keep in mind as they work to structure their programs via the gatekeepers approach.

And lastly, one participant noted that, “the only disadvantage is that the gatekeepers approach may be misused by some quarters who might wish to initiate bad behavior through influencing gatekeepers.”³¹ Another participant echoed this sentiment

³⁰ To overcome this challenge, as will be discussed in more detail below, the CSO “conducted meetings with the gatekeepers, involve the gatekeepers in planning, designing and implementing of our projects around child marriage.” This helped to ensure gatekeepers felt included rather than threatened.

³¹ While this participant did not disclose more information in their survey felt regarding what behavior specifically can be included as “bad behavior,” this is a topic that has interested other

by stating that, “if gatekeepers misunderstand the message, they will mislead an entire community or family because of the influence that they have.” Thus, as will be discussed in greater detail, this poses an interesting question regarding who is allowed to translate international norms at a grassroots level, and, crucially, which organizations should be permitted to implement a gatekeepers approach.

5.3 d) How can CSOs most effectively use the Gatekeepers Approach?

To most effectively utilize the gatekeepers approach, CSOs agreed that organizations need to ensure that gatekeepers feel ownership of the process being developed. It is important to create messaging that highlights the harmful consequences of child marriage, maintains a balance between the gatekeepers approach and the girl-centric approach, and uses media in an innovative manner that helps to further reach and target gatekeepers. Most importantly though, all CSOs in my study strongly emphasized the need to develop a “context specific approach” when working to change norms, mindsets, and beliefs around child marriage through the gatekeepers approach.³²

The need to include gatekeepers in the planning process when developing campaigns to end child marriage was an essential theme that emerged throughout my research. One participant mentioned, “We conduct meetings with the gatekeepers, involve the gatekeepers in planning, designing and implementing of our projects around child marriage.” This inclusion of the gatekeepers in program development is thought to help ensure that gatekeepers feel ownership of the programs being implemented within their communities. Additionally, such an approach allows gatekeepers to provide insights

scholars in the past. For instance, Merry (2006) has noted that, “They [CSOs] work in a field of conflict and contradiction, able to manipulate others who have less knowledge than they do” (p. 40).

³² As discussed in the literature review, a “context specific approach” is one that embraces the complexities of the “specific local contexts” in which a CSO is operating in (Merry, 2006, p. 39).

that help CSOs further understand the root causes of child marriage in certain communities and develop specific programs that better address these causes.³³

The participating CSOs agreed that another important first step to take when working via a gatekeepers approach is to develop messaging that clearly explains the harmful consequences of child marriage. For example, one CSO noted:

“We told the gatekeepers how child marriage destroys not only the individual children’s future and development, but community’s and nation’s future and development as well. We exposed the traumatic psychological experiences children go through when they are in child marriages. We exposed the issues of maternal deaths and morbidity among the children’s mothers.”

This idea was supported by other CSOs who argued that while implementing a gatekeepers approach, it is important to maintain awareness of the girls themselves and the array of causes and consequences of child marriage. One participant in their interview concluded:

“Most of the girls are getting married below the age of 18 because of high levels of illiteracy, pervasive cultural and traditional norms, HIV/AIDS epidemic and poverty. The high levels of HIV/AIDS have resulted in many orphans, street and homeless children as well as high school dropout

³³ For example, as discussed in the Chapter 4, Malawi has both matrilineal and patrilineal societies. Including gatekeepers in program development help CSOs understand the nuances and differences between matrilineal and patrilineal societies and the traditional practices that underpin child marriages within specific communities.

rate of orphaned children. Usually, these children lack a lot of life amenities and as such child marriage becomes the order of the day.”³⁴

All CSOs in my study either “strongly agreed” or “agreed” with the statement that the gatekeepers approach works better if it is combined with the girl-centric approach.³⁵ This suggests that the two approaches must go hand in hand, as opposed to being mutually exclusive.

Furthermore, all participants also “strongly agreed” or “agreed” that mass media was an essential component for favorably implementing the gatekeepers approach.³⁶ One organization explained the specific campaigns they have developed centered on the gatekeepers approach through the use of mass media:

“So far we have two radio programs now: ‘The Unheard Voices’ radio program and ‘Choosing Our Future radio program.’ ‘Unheard Voices’ Radio program and ‘Choosing Our Future’ radio program are series of 9 radio programs articulating a perspective on what violence against children is, how often it happens, where it happens, who commits it, who experiences it and what should be done about it. During both programs, different targets of gatekeepers, e.g. traditional leaders, religious leaders, are allowed to make calls to express their views as one way of directly engaging them.”

³⁴ Research conducted by Plan International (2016) further supports this finding. They noted, “guardians [of orphans] have been known to marry off girl orphans in order to relieve themselves of the burden of care, and benefit from lobola in the process” (p. 33).

³⁵ Of the five responses I received, 60% of participants “strongly agreed” while 40% of participants “agreed.”

³⁶ Of the six responses I received, 83.3% of participants “strongly agreed” with this statement while 16.7% of participants “agreed” with this statement.

This in turn provides gatekeepers with the opportunity to voice their support of a certain strategy concerning child marriage or their concern. The CSO then builds off of this feedback and uses the opportunity to facilitate a conversation with gatekeepers and learn how to best address whatever concerns gatekeepers may have or to better understand how to build on and utilize their support.

Finally, it is critical to note that all who participated in my research study either “strongly agreed” or “agreed” that organizations must change their arguments depending upon the specific gatekeepers with whom one is working.³⁷ Elaborating on this answer, one participant noted that their “approach changes because these gatekeepers have different levels of knowledge, different positions and different ages, traditions and languages.” One example that they provided was as follows: “When we are meeting traditional leaders the approach differs if we are meeting with religious leaders. With the religious leaders we involve theological approaches unlike with the traditional leaders.” Thus, not only must one develop programs around the gatekeepers approach that acknowledge the diverse social and cultural factors across Malawi that have led to child marriage, but one must also develop programs that have been tailored to address the concerns of the specific gatekeepers with whom one is working.

5.3 e) Data:

Most of the CSOs, who participated in my study collected data on the number of child marriages that they had been able to “call off” since they began implementing a gatekeepers approach to ending child marriage. One respondent provided the following figures:

³⁷ Of the six responses I received, 83.3% “strongly agreed” with this statement, while 16.7% “agreed.”

“Since we started using [the] gatekeepers approach to end child marriage in 2015, there is a tremendous progress in our work to end child marriage, and we began keeping the data for all child marriages that have been called off. In 2015, we managed to call off 12 child marriages. In 2016 we managed to called off 21 child marriages and from January to September 2017, we have managed to called off 33 child marriages.”³⁸

A second respondent added:

“So far we have called off 119 child marriages. We managed to send 50 girls we removed from child marriages back to school this year. The other 69 girls are still home because we do not have finances to send them to school.”

Another CSO noted that their organization not only collects data on the success they have had in ending child marriage through the gatekeepers approach but also on school enrollment rates for girls since they began to implement a gatekeepers approach.

Their results were as follows:

“Previously, the school enrollment rate for girls in the community we are working with was 55%, now it is at 75%. 7 out of 10 girls were getting married below 18 years. Now it's 5 out of 10 girls getting married below 18 years. This shows we are making progress through the gatekeepers approach.”

³⁸ There is currently no data available to compare these findings with the rates of child marriage within this region during the same years. As a result it is not possible to isolate the effects of the gatekeepers approach in this instance; however, it is promising to see that this individual CSO is having growing success with the gatekeepers approach.

Only one other of the CSOs that participated in my study collected comparative data analyzing the effectiveness of the gatekeepers approach versus an alternative strategy for stopping child marriage.³⁹ They noted:

“We have comparative data on using the gatekeepers approach version versus when not using it. From 2012 to 2014, the following is the data how the work to end child marriage progressed. In 2012, we called off 4 child marriages, in 2013 we called off 7 child marriages and in 2014, we managed to called off 9 child marriages. The indicator shows that before using the gatekeepers approach, the work to end child marriages had low progress to compare with the period when we started using gatekeepers approach. The gatekeepers approach [is a] strong mechanism to end child marriages.”

This is in comparison to preventing 12 child marriages in 2015, 21 child marriages in 2016, and 33 child marriages in 2017 via the gatekeepers approach, which they officially adopted in the start of 2015.

Additionally, while one participant did not share data with me, they did summarize their method for collecting and maintaining data regarding child marriage. They noted that, “each school [that they work with] is given a register form, showing girl’s enrollments, and dropouts because of early marriages.” Thus, not only are they collecting data on child marriages but also on school dropout rates.

³⁹ The main example of an alternative strategy would be the girl-centric approach. Other popular examples include the use of cash-transfers and strategically targeting policy makers and government officials.

5.4 Discussion:

This section will further discuss the central findings that emerged from my research. In doing so it will pay particular attention to the following ideas:

- a) the role of gatekeepers in creating a “norms cascade” that allows for widespread change in a community;
- b) the need for maintaining the right balance between the gatekeepers approach and the girl-centric approach;
- c) innovative ways to use multimedia to change norms around child marriage;
- d) further strategies for creating a context-specific approach to ending child marriage.

To do so, it will also pull in secondary research on the gatekeepers approach as a means to ending child marriage that supports and further strengthens the findings presented above. This section will also address areas for future research in order to continue to push and develop our understanding of the role of the gatekeepers approach in ending child marriage.

5.4 a) Gatekeepers Approach and Norms Cascade:⁴⁰

As noted in my research findings, CSOs agree that strategically targeting gatekeepers of a community helps to promote widespread norms change at the grassroots level. Seeing a gatekeeper in a community, especially a traditional or religious leader, embrace change made it easier for the rest of the community to follow suit. This finding from my interviews and surveys is very much in line with academic research that has been conducted more broadly on norm change.

⁴⁰ A norm cascade is defined as when a gatekeeper’s “unilateral defections from the local norm may in turn be sufficient to set off a bandwagon effect in the larger group by activating a set of norm followers” (Cloward, 2016, p. 24).

Examples within Malawi further support this idea. For instance, a chief named Theresa Kachindamoto has been making strides in changing norms around child marriage within the community of Dedza District, which is located in the central region of Malawi. As chief, one of her first actions was to attempt to put an end to child marriage. While others within this region had previously tried to reform norms around child marriage, they had met with minimal success. For example, a mother's group had formed in the community and was attempting to warn parents about the detrimental consequences of child marriage but claimed that these efforts "[fell] on deaf ears" (McNeish, 2016, para. 11). Furthermore, it was noted that police had been fearful of enforcing legislation associated with prohibiting child marriage as, "the community backlash [was] too strong" (McNeish, 2016, para. 12).

Given her elite status, Kachindamoto was able to overcome these obstacles and worked with her 50 sub-chiefs to develop and sign "an agreement to abolish early child marriage under customary law, and annul any existing unions in her area of authority" (McNeish, 2016, para. 35). Going further, she fired any of her sub-chiefs if they were found to be continuing to allow child marriage to take place under their jurisdictions. Through these efforts, she has been able to break up more than 850 child marriages in three years and ensure that all of these children were sent back to school.⁴¹ Importantly, however, it has been found that in addition to lowering the rates of child marriage, there is also broader support among her community members to participate and respond

⁴¹ Within my own research, I was unable to find additional details on how Kachindamoto ensured that these 850 girls were able to remain in school. For instance, there are school fees, uniforms, textbooks, and additional cost that parents must pay. Did Kachindamoto subsidize these costs? Or did she present an argument that compelled parents to invest in their daughter's education? Such information is important for understanding the depths of Kachindamoto's influence and is an issue that researchers should work to better understand.

positively to campaigns working to end child marriage within her community. This signals that Kachindamoto, beyond just using her authority and power to enforce legislation that outlawed child marriage, has actually been a catalyst for a larger norms cascade within her community. One way in which she has been able to do this is by speaking personally with parents and helping them understand why she, *and they*, should be against child marriage. In the future, it will be telling if these new beliefs and mindsets around child marriage translate into long-term change.

Additionally, a study was recently conducted in Malawi that focused on the closely related topic of family planning and HIV/AIDs. It looked at the role that religious leaders can play in shaping norms around these issue areas. The study hypothesized that, “what a religious leader believes and communicates will be associated with the fertility behaviors of women in his congregation” (Yeatman & Trinitapoli, 2008, p. 1856). The findings that emerged from this study are significant for my own research. It was found that there was “a strong positive association between religious leader’s approval of modern family planning and a woman in his congregation having used contraception” (Yeatman & Trinitapoli, 2008, p. 1870). Interestingly, it was discovered that the individual opinion on family planning of the local religious leader had greater sway on a woman's decision to use a form of contraception than the official stance of the religious institution itself on the issue. For instance, if a church was against modern contraception, but an individual religious leader who had day-to-day contact with citizens promoted contraceptives in private, women were more likely to go against the church and listen to the religious leader. This finding helps to demonstrate that “religion does not influence contraceptive patterns through top-down denominational edicts” (Yeatman & Trinitapoli,

2008, p. 1873). Rather the gatekeepers themselves (i.e. religious leaders) who are able to deviate from the standard norm on an issue like contraceptive use (or an end to child marriage) have the influence to set off a norm cascade across a community.

Moving forward, additional research should be conducted that seeks to measure and quantify potential “norms cascades” that can emerge around child marriage as a result of working with gatekeepers, especially traditional and religious leaders.

5.4 b) Finding the Right Balance Between a Gatekeepers Approach and a Girl-Centric Approach

Based on my survey findings, it became apparent that CSOs believe that the gatekeepers approach must go hand in hand with the girl-centric approach. It is important to understand why this is and how the two approaches can complement one another. First, as acknowledged in my own research findings, there are numerous potential risks that can emerge if gatekeepers feel excluded from a CSO’s human rights agenda. Secondary research supports this, especially the claim that it can be “unethical to work with girls without engaging gatekeepers” (Greene, 2014, p. 14). Connected to this idea, one CSO that participated in my study noted that, “Girls do not live or operate in a vacuum. Recognizing leaders or those with influence in the girls' lives as far as marriage decisions are concerned is very key and helpful to ensure that we realize our goals.” It also emerged throughout my research that, unsurprisingly, norms change is a sensitive process that can lead gatekeepers to feel as though they are losing control of the authority that they hold within a community. Thus, it is essential to work with the gatekeepers of a community and ensure that they feel ownership of the process.

Yet, it is still essential to implement a girl-centric approach.⁴² It is important that at-risk girls understand the harmful consequences of child marriage and use this information to inform their own decisions. As one report noted, “girls themselves have opinions on when and to whom they marry and what they hope for from those relationships” (Greene, 2014, p. 13). CSOs must be cognizant of this. Moreover, as noted in previous chapters, a girl-centric approach places emphasis on the need to ensure that girls remain in school and that upon graduating there are economic opportunities available to them. Given the high dropout rates for girls at the secondary education level, it is critical to ensure that keeping girls in school is a priority for CSOs focused on ending child marriage. Additionally, research has found that providing girls with an education and giving them the skills they need to enter the workforce can be another effective means for changing norms at a grassroots level. This change is two-fold. First, education provides girls with the skills needed to advocate on their own behalf and to champion their own human rights. Second, girls’ standing within society increases when they are able to contribute financially. In order to do this, they need an education and economic opportunity. Therefore, as one report summarized, “it [education] can also help to shift gender norms that restrict women’s voice and choice” (Klugman et al., 2014, p. 43).

It is clear that a balance needs to be struck between the two approaches and that they must be conducted in a compatible manner. One report concluded that, “people working to end child marriage must be conscious of the inherent trade-offs between

⁴² As discussed in the literature review, a “girl-centric” approach argues that reform begins first and foremost with changing at-risk girls’ opinions on the issue of child marriage and providing these girls with alternatives. Focus is therefore placed on ensuring that girls receive an education and have economic opportunities available to them upon graduating (Greene, 2013).

taking a girl-focused approach and working with gatekeepers. Both lines of work are important, preferably in tandem” (Greene, 2014, p. 14). When properly combining these approaches, CSOs are able to mitigate these “inherent trade-offs” and develop a comprehensive strategy for ending child marriage.

5.4 c) The Role of Multimedia for Norms Change

While almost all of the CSOs within my own research study “strongly agreed” with the statement that media plays a critical role in norms reform, with one exception, none of them provided additional information on how best to go about doing so. Therefore, I relied on secondary research to further deepen my understanding of media as a method for targeting gatekeepers and changing norms around child marriage, utilizing in particular the research that has been conducted around entertainment education.⁴³

Recent academic research has been increasingly focused on the impact that media, and specifically entertainment education, can have on changing norms around a range of deeply ingrained traditional practices, including child marriage. For instance, one report concluded,

“Knowing that tackling child marriage requires transforming the attitudes and behaviors that perpetuate the practice among families and communities, Entertainment-Educational strategies can be a powerful way to engage individuals and communities to create new norms, values and behaviors.” (Bouman, 2017, p. 4)

⁴³ Entertainment education is defined as the use of “radio, television, soap operas, theatre and comic books to affect positive social change” (Bouman et. al, 2017, p.4).

It is also important to note that the ability to scale-up⁴⁴ quickly is a unique feature of entertainment education, as, “entertainment-education initiatives on child marriage and other adolescent girl related issues have the potential to be scaled up and reach large audiences through a range of media which can reinforce positive messaging on the value and role of girls in society” (Bouman, 2017, p. 34). As this quote suggests, entertainment education may have the potential to be further utilized to reach a greater range of gatekeepers than other strategies normally utilized by CSOs. With that in mind, the report goes on to note that strategies must strike the right “balance” in terms of ensuring that even when such programs scale up, they still use context specific messaging that has been adapted to meet the needs of a community.

Radio is a particularly important platform since “in rural regions, the use of radio continues to be predominant” (Bouman, 2017, p. 13). Within my own research, the one example of media usage that was cited was radio. The participant noted that they had designed a radio program to allow gatekeepers to participate and share their thoughts and concerns on an array of issues, including child marriage, that impact adolescent girls. Thus, the radio program managed to work with gatekeepers by specifically targeting their participation while also serving as a platform by which to inform a broader set of gatekeepers of the harmful consequences of practices like child marriage. Another notable example of a radio program in Malawi focused on changing norms around women and girls is “Tisinthe”, which is organized by the CSO Theatre For A Change. The radio program covers the themes described in the quote below:

⁴⁴ WHO (2010) defines “scaling up” as a “deliberate efforts to increase the impact of successfully tested health innovations so as to benefit more people and to foster policy and program development on a lasting basis” (p. 2).

“[This] popular show focuses on increasing awareness of sexual and reproductive health and rights to listeners, and includes a radio drama, created by a group of teachers and based on the challenges faced by children in Malawi.” (“Radio Project”)

After students in Primary Schools listen to the radio show, they are encouraged to:

“Take over the role of the character in the drama who needs most help, and improvise live on radio, with the other performances, to try and change their situation for the better. This unique approach gives listeners the chance to practice the skills needed to change their own behavior and the behavior of others.” (“Radio Project ”)

As we can see in this example, Theatre For A Change has been able to successfully engage teachers and help them understand the consequences of child marriage, which in turn has allowed teachers to develop programs that best target and speak to students.

Another form of entertainment education that CSOs within Malawi have been implementing is “in-person performance” theater.⁴⁵ Understanding how theater can be used to work with gatekeepers can be especially important given that this is an incredibly cost efficient mechanism for CSOs to implement (as compared with a radio or TV program). One notable example of a CSO doing just that is YouthNet And Counselling (YONECO), where theater plays a vital role in the awareness campaigns they conduct across Malawi. Through the use of theater, they are able to create interactive dramas “to ensure that people [in particular gatekeepers] are also participating and contributing on

⁴⁵ I am using the term “in-person performance” theater here to help differentiate between this example, and the one cited above, in which CSOs used the radio as a means of facilitating and encouraging students to perform in class skits to help children develop the skill set needed to challenge harmful practices.

how they can address the issue of child marriage in their community” (Bouman, 2017, p. 46). It is important to note that prior to launching an awareness campaign through theater, YONECO visits “the particular community and explore[s] the issues that are promoting child marriages and some examples of cases of the child marriages that have already taken place in that particular community” (Bouman, 2017, p. 46). Doing so helps to ensure that they develop theater programs that are addressing the specific needs of the community they are trying to serve.

One shortcoming of using media as a means for changing norms around child marriage via a gatekeepers approach is that it is hard to quantify and collect accurate data that showcases the impact of media in changing norms, especially in the long term. For instance, while YONECO and other CSOs collect data on the success they have in preventing child marriage, they do not currently publish data that helps to explain what role media in particular played in this decrease, as well as more specifically, the influence media has had in changing mindsets around child marriage. Measuring this impact is not straightforward, but CSOs who wish to use media as a part of the gatekeepers approach should think through this challenge and how best to address it.

5.4 e) Strategies For Creating a Context Specific Approach

Of the utmost importance, and a theme that we have seen throughout this chapter, is the need to develop a context specific strategy when implementing a gatekeepers approach. When doing so, as acknowledged previously, two factors must be kept in mind. First, there are always cultural, social, political, and economic factors that inform the gatekeepers’ values within a community. Second, it is also critical to develop an approach that acknowledges the specific gatekeeper you are working with and her or his

individual background. For instance, you would not want to use the same approach when working with a traditional leader as you may want when working with parents. Thus, it is critical that before CSOs launch a program that works with gatekeepers they dedicate time to researching and understanding the community in which they are working.

The non-governmental group Tostan, which operates in West Africa tackling the issue of female genital cutting, provides a critical example to follow. Tostan has been credited with having had remarkable success in ending child marriage and female genital mutilation in the communities in which they work (Gillespie & Melching, 2010, p. 477). Their work provides a helpful example for CSOs as they think through how to best research and develop a thorough understanding of a community prior to launching a program there. For instance, before Tostan begins working within a community, “trained facilitators live in the participating village for three years” (Gillespie & Melching, 2010, p. 480). Furthermore, facilitators are also fluent in the local language and are from the same ethnic group as the community in which they are working. So not only do facilitators arrive in a community with an understanding of their ethnic and cultural values, they also take the time to live in the community to further deepen this understanding of the community they seek to engage.

Once research has been gathered, it has been argued that one of the most effective ways to implement a context specific approach is through a normative reframing strategy, or the process of transforming “global human rights ideas into familiar symbolic terms and movements” in order to allow them to “resonate with cultural traditions and narratives” (Merry, 2006, p. 41). Within my own research, it was clear that CSOs in Malawi are already implementing methods in line with normative reframing techniques--

consider, for instance, the participant who mentioned utilizing religious texts when working with religious leaders as a means of explaining the harmful consequences of child marriage. This is a prime example of taking international human rights ideas and transforming them into messages that resonate with local traditions. Returning to the example of Tostan, it is intriguing to note that they implement their own programs by embedding them into customary African oral traditions indigenous to the region in which the program is being conducted. This has proven to be a particularly effective strategy for working with men and boys who, it was found, “needed a place to talk about their shifting roles” within society (Gillespie, 2010, p. 495).

In Malawi itself, a recent study was conducted that serves as a prime example of normative reframing. This study, previously cited in the literature review, conducted research on how “Agogos,” or grandmothers, in Malawi could help to lower rates of child marriage, HIV/AIDS, and adolescent pregnancy rates (Limaye, et al., 2015, p. 53). The idea for this program was conceived because Agogos in Malawi play an essential role in teaching and “preparing” adolescent girls for their first sexual encounter (Limaye, et al., 2015, p. 55). Thus, it was thought that teaching adolescent girls about their human and sexual rights could be imbedded and adopted into this specific traditional practice. To do so, grandmothers were provided with a deeper understanding of the consequences of unprotected sex on adolescent girls in regards to child marriage, pregnancy, and HIV/AIDs. Furthermore, they were also provided with support as they worked to develop their own talking points to inform their grand daughters about these consequences. Overall, the study was regarded as a success in large part because it worked *within* a specific cultural tradition, rather than *against it*.

5.5 Areas for Future Research

To conclude, I would like to offer a synopsis of current gaps in my own research, as well as potential topics for future research on the importance of the gatekeepers approach as a means of changing norms, especially around child marriage. Broadly speaking, this will include the following issue areas:

- how *should*, and *can*, CSOs hold gatekeepers accountable for their participation in child marriage; the role of teachers in shaping and upholding norms around child marriage;
- a deeper understanding of the nuanced differences between matrilineal and patrilineal societies and how they promote and shape child marriage;
- the need for facilitating a deeper conversation concerning *who* is entitled to implement a gatekeepers approach around child marriage;
- the need for a greater collection of data that is disaggregated.

While conducting secondary research, it became apparent that there is a significant amount of ambiguity regarding the role of CSOs in enforcing legislation around child marriage. One question that loomed within this debate was concerning whether or not it is ethical for CSOs to have a role in enforcing, and working with those who enforce, the law, such as the police. It is possible to argue that the role of CSOs should be limited to highlighting the harmful consequence of child marriage and not stray into the legal realm since the law often does little to protect child brides when norms have not yet caught up to legal standards. This can be supported by interviews with child brides in Malawi that were conducted by Human Rights Watch (2014). For instance, one girl explained:

“My husband beats me and quarrels all the time. He beat me when I was pregnant until I got a miscarriage. I went to the police to report him but the police didn’t do anything. They said they would discuss it with my husband and that I should go home. My husband then gave the police money and he wasn’t arrested.” (Human Rights Watch, 2014, p. 42)

Another girl responded that, she:

“...has not reported her husband to the police for the violence because, ‘I fear my husband will be arrested and I don’t want to go back to my parents. So I would rather live with him even if he beats me...I cannot manage on my own. Also, if I chase him away I will face stigma from the community.’” (Human Rights Watch, 2014, p. 1)

Interviews like these highlight that normative change is often a necessary precedent before the police and others can play a meaningful and impactful role in enforcing legislation around a deeply entrenched cultural practice, such as child marriage.

Furthermore, these interviews also highlight the nuances and array of complications that can arise when police are brought in to address child marriage.

On the other side of this debate are those who have argued that more work needs to be done by CSOs to train police to ensure that they know how to enforce legislation around child marriage. Interestingly, the same Human Rights Watch (2014) report as highlighted above advocates for:

“...training for police and prosecutors on their legal responsibilities to investigate and prosecute violence against women, including child marriage, under the applicable law. Trainings should clarify that child

marriage can be prosecuted as a crime in addition to using the Penal Code provisions on defilement and abduction.” (Human Rights Watch, 2014, p. 5)

The role of CSOs in regards to holding gatekeepers accountable and punishing the perpetrators of a crime as deeply entrenched within society as child marriage is a challenging question to answer. It is therefore critical that researchers and NGOs/CSOs devote more time examining this topic to seek to develop a better understanding of the relationship between norm reform and the enforcement of legislation around child marriage.

Another gap in my study that emerged was that none of the CSOs who participated discussed work they might have done with teachers.⁴⁶ As mentioned in the background chapter, teachers are responsible for conducting life skill classes, which cover a range of human rights issues within schools.⁴⁷ Given the critical role that teachers play in this capacity, CSOs focused on child marriage should work to form close working relationships with teachers moving forward. Not only will this help CSOs ensure that *their* messaging around child marriage is being utilized by teachers, but it will also ensure that they in turn are able to deepen their understanding of the connection between school drop-out rates and child marriage.

Researchers must also work to develop a deeper understanding of the nuanced differences between matrilineal and patrilineal societies within Malawi and how these

⁴⁶ It is important to note that Theatre For Change, which I discussed previously, did work with teachers; however, this organization did not participate in the survey or interview portions of my study. Rather, I conducted secondary research on their work.

⁴⁷ It was also noted that CSOs within Malawi, generally speaking, have a close working relationship with teachers, as teachers serve as a valuable asset for ensuring the mass dissemination of information on human rights.

differences shape child marriage. For instance, it would be beneficial to understand if girls in matrilineal societies are afforded more freedom and choice with regards to marital age and marriage partner, as compared with girls in patrilineal societies. This information could help to inform the work conducted by CSOs via the gatekeepers approach in both types of societies. Additionally, a deeper understanding of how child brides are treated in unions within both of these contexts is a necessity: for example, does proximity to the nuclear family within matrilineal societies ensure that child brides are better treated than are child brides within patrilineal societies? Does proximity to family translate into child brides being more empowered? It is important that CSOs understand not only the causes of child marriage within both types of communities but also the manner in which girls may be disenfranchised or, perhaps, empowered, within these unions. This perspective should also be central in informing the work and programs CSOs are developing within Malawi around the issue of child marriage.

While only briefly mentioned by the CSOs who participated in my study, another essential question is who is entitled to implement a gatekeepers approach, when working to transform norms at a grassroots level. As discussed above, one CSO concluded that the only potential negative “is that the gatekeepers approach may be misused by some quarters who might wish to initiate bad behavior through influencing gatekeepers.”⁴⁸ This is a question that has also concerned academics. For instance, Merry (2006) focuses on the critical role that CSOs play as “middle men” who translate human rights agendas at a grassroots level. She notes that this act of “translation” is in itself an act of “power,”

⁴⁸ As has been previously noted this participant did not disclose more information in their survey regarding “bad behavior.” But this is a topic that has interested other scholars in the past including Merry (2006) who has noted that, “They [CSOs] work in a field of conflict and contradiction, able to manipulate others who have less knowledge than they do (p. 40).

which in turn, raises important questions regarding the biases and backgrounds of the practitioners themselves. How do CSOs acknowledge and address these biases? Any government monitoring would of course have to be mindful of the need to ensure an open and robust civil society. These are just some of the critical questions that arise from this observation, thus making it clear that additional research is needed on this topic of the gatekeepers approach being used with malicious intent.

And finally, it needs to be acknowledged that currently CSOs in Malawi are not collecting enough data around child marriage, nor are they publishing this data. This results in another significant gap in the research being conducted around child marriage. For instance, CSOs should begin to think of more nuanced ways of collecting and disaggregating data that focuses not only on the rates of child marriage, but also on the change in mindsets around child marriage, in both the short term and long term. Additionally, it is essential that CSOs start to collect data about families who have chosen to delay their daughter's marriage until she is at least 18. Questions that they should ask include: how old was their daughter when she was married (for instance did they wait just until she was 18 or further delay her marriage); what factors prove most convincing in this decision; and whether or not they took their daughter's opinions into consideration. Such data will prove essential in helping to deepen the research that is being carried out around child marriage and the effectiveness of the gatekeepers approach.⁴⁹

⁴⁹ While it is important that CSOs work to gather this data, it should be noted that it is ultimately the responsibility of the government to be collecting and monitoring data. This is part of Malawi's mandate as a UN member state working to achieve the Sustainable Development Goals (SDGs). For example, Goal 5 of the SDGs is Achieve Gender Equality and Empower all Women and Girls. Target 3 under this goal specially address child marriage as it calls for the elimination of "all harmful practices, such as child, early and forced marriage." The first indicator for this target (5.3.1) is "proportion of girls and women aged 20-24 years who were married or in a union before age 15 and before age 18." Importantly, these are the same indicators used in this paper.

Chapter 6: Conclusion

Over the course of this study, we have seen that the gatekeepers approach is an effective strategy for changing norms and ending child marriage, particularly in a country like Malawi where communities continue to adhere to customary law. One of the primary reasons for the success of the approach is that it allows CSOs to work with, rather than against, those in the community who play a role in informing and shaping norms around child marriage. Such an approach also allows CSOs to seek the guidance and insight of gatekeepers. This allows CSOs to develop a deeper and more analytical understanding of child marriage within the specific communities they are working within. The gatekeepers approach also has the potential to set off a norms cascade where one prominent gatekeeper has the potential to initiate widespread change within a community, and in the process, put an end to child marriage.

We have also been able to glean insight into the strengths and weaknesses of such an approach, as well as deepen our understanding of how best to implement such a strategy. For instance, we saw that the gatekeepers approach alone is not enough. Rather, it should be harmonized with a girl-centric approach, in order to ensure that CSOs are utilizing and implementing a holistic approach and keeping the needs of at-risk girls, front and center at all times. Additionally, we saw that there was a risk of CSOs implementing a “one-size fits all” strategy when utilizing the gatekeepers approach. It became apparent that even in a country as small as Malawi, this is not an effective strategy as each community has its own unique cultural practices that underpin traditions

Additionally, it should be noted that there are other SDGs focused on issues related to child marriage including Goal 3 (Ensure Health Lives and Promote Well-being for All at All Ages) and Goal 4 (Ensure Inclusive and Quality Education for All and Promote Lifelong Learning).

such as child marriage. Yet we also saw that, when implemented correctly, the gatekeepers approach has the potential to be transformative and play an essential role in combating child marriage. For instance, we saw CSOs develop successful interactive programs through theater and other media platforms that allowed them not only to *include* gatekeepers but to work *with* them.

Moving forward, CSOs within Malawi must increasingly work to deepen their understanding of the gatekeepers approach and seek to develop new and innovative ways of implementing such a strategy. Furthermore, CSOs should begin to collect more rigorous and disaggregated data that examines not only rates of child marriage within a community but also how mindsets around the practice have changed since CSOs became operational there. Doing so is essential to help CSOs better understand why certain strategies have been successful (or not) within a specific community, and in the process may help them to develop new strategies for ending child marriage via the gatekeepers approach.

The world is paying increased attention to the issue of child marriage, making it the opportune time to continue to push our research and deepen our understandings of the practice. We are gaining a greater appreciation of the role that norm change can play in putting an end to such a deeply ingrained traditional practice, especially in societies that adhere to customary laws. The research shows that the gatekeepers approach *can and must* play a central role in our work to change norms around child marriage.

Chapter 7: Recommendations

This final section will provide my top five policy recommendations for CSOs as they work to successfully implement the gatekeepers approach, and, in the process, to change norms around child marriage and put an end to this practice:

1. Make the Gatekeepers Approach as Context-Specific as Possible

For the gatekeepers approach to be successful, CSOs must ensure that they develop a context-specific approach. To do so, they must take the time to understand the complex and unique factors that shape norms around child marriage within individual communities across Malawi. CSOs must also consider the unique biases and perspectives that individual gatekeepers hold. For instance, it is possible that a religious leader and father from the same community may condone child marriage for different reasons. Additionally, CSOs must also ensure that they are working with gatekeepers in a meaningful way. Therefore, insight from gatekeepers themselves must be included in every step of the planning process as CSOs seek to develop programs to change mindsets and attitudes around child marriage.

2. Find the Right Balance: The Gatekeepers Approach vs. a Girl-Centric Approach

To truly combat child marriage and change norms at a grassroots level, CSOs must ensure that they are taking a holistic and comprehensive approach. Therefore, they should constantly seek to find the right balance to harmonize the use of a girl-centric approach with that of the gatekeepers approach. Doing so will help them to ensure that they are working with those in the community who inform and shape norms while never losing sight of the girls themselves whose rights they are working to uphold and protect.

3. Identify Gatekeepers Who Can Generate a Norms Cascade Around Child Marriage

CSOs should work to identify and develop strategies that target gatekeepers who can generate a widespread norms cascade within a community. Findings show that traditional and religious leaders, who hold an especially elevated status within society, are in a unique position to do just this. Therefore CSOs should work to identify who these individual gatekeepers may be within the communities in which they are operational and develop strategies specifically tailored to these gatekeepers. CSOs should also work to better understand how they can best inform a community that an essential gatekeeper has deviated from the standard norms around child marriage and no longer supports this practice.

4. Utilize media in new and innovative ways

Increasingly, the research is showing that media and entertainment education can be a strategic and cost effective tool for CSOs to utilize when working to change norms around child marriage through a gatekeepers approach. Radio and theater have proven to be particularly efficient and cost effective for CSOs working within Malawi. Moving forward CSOs should continue to develop programs that utilize media/entertainment education to target gatekeepers and help spread their messages about the harmful consequences of child marriage. Furthermore, they should continue to track and work to quantify the impact of media as a means for changing norms.

5. Collect More *and Better* Data

Data is essential for understanding the success that programs are having in changing norms and ending child marriage. Yet currently, CSOs in Malawi collect and publish little data. Moving forward, they must begin collecting data on attitudes and

beliefs, and tracking how these change over time. CSOs must also begin collecting data on families who did, in fact, choose to delay the age of marriage to 18, and seek to better understand why they decided to do so. Furthermore, CSOs need to ensure that they collect data on the numerous issues that we know are related to child marriage. For example, we saw that some of the CSOs who participated in my study had partnered with schools to collect data on girls who were dropping out of school due to marriage. Such data will provide a more holistic picture of child marriage and deepen our understanding of the gatekeepers approach. To help CSOs with their data collection, the government should also mandate that schools begin to collect and publish data on girls who drop out of school due to child marriage. This is valuable data to which CSOs might not otherwise have access that would benefit the work they are carrying out.

As part of this effort to collect more and better quality data, CSOs should also ensure that they collect and publish information on the outcomes of the girls that they have prevented from becoming child brides. This should include health indicators, school enrollment, and future economic earnings. Such data could help to further highlight the benefits of preventing child marriage, as well as the importance of taking a holistic approach that promotes the overall well-being of girls.

ANNEX 1:**CSOs**

African Network for Protection and Prevention of Child Abuse and Neglect (ANPPCAN) Malawi (surveyed)
Centre for Social Concern and Development (CESOCODE) (surveyed)
Regional Psychosocial Support Initiative (REPSSI) (surveyed)*
Teams Advancing Women in Agriculture (surveyed)
Theatre for Change (secondary research)
Youth Consolidation For the Consolidation of Democracy in Malawi (surveyed and interviewed)

***Two individual participants from this organization completed my survey.**

ANNEX 2:

Does your organization agree with the definition of a gatekeepers approach that I am working with?
If not, how does your organization define who a gatekeeper is?
Why did your organization decide to adopt a gatekeepers approach to address child marriage?
Does your NGO work in rural or urban areas?
How does this affect your use of the gatekeepers approach?
What are the strategic advantages that come from utilizing a gatekeepers approach?
Are there any disadvantages?
Does your organization keep data on the success they have had through the gatekeepers approach?
What strategies have you implemented within the gatekeepers approach to change norms around child marriage?
Does your approach change when working with different gatekeepers? If so, how?
Was your organization able to work with traditional leaders and religious leaders?

What arguments have you utilized that have been the most successful? Have you found that any of your arguments have not been successful in engaging gatekeepers? If so, why do you think they were not successful?
How effective has the gatekeepers approach been in changing norms around child marriage? Short-term? Long-term? Have you utilized other approaches that you believe are more effective?
Have you encountered any problems when utilizing the gatekeepers approach? If so, what? And how did you overcome them?
Have the communities that you have worked via the gatekeepers approach been open to your presence there?
Prior to implementing the gatekeepers approach, what strategies were your organization utilizing to change norms around child marriage?
Do you use mass media (including newspapers and radio) to target/reach out to gatekeepers on the issue of (or a similar issue to) child marriage? If so, how do you do this?
Why do you feel that girls below the age of 18 are getting married? What is the role of the high rates of HIV/AIDS in driving child marriage? Does Malawi's high rate of HIV/AIDS affect gatekeepers' viewpoints on the appropriate age for a girl's marriage? If so, how?
Is the gatekeepers approach a strategy your organization plans to continue to utilize?

ANNEX 3:

Does your organization agree with the definition of a gatekeepers approach that I am working with? If not, how does your organization define a "gatekeepers approach"	Strongly Agree	Agree	Disagree	Strongly Disagree
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(short answer)				
Does your organization believe that the gatekeepers approach is the best strategy to utilize when working to change norms around child marriage?	Strongly Agree	Agree	Disagree	Strongly Disagree
Has your organization had success changing norms around child marriage via the gatekeepers approach?	Strongly Agree	Agree	Disagree	Strongly Disagree
Do your arguments change when working with different "gatekeepers" ? (i.e. father, uncle, tribal leader)	Strongly Agree	Agree	Disagree	Strongly Disagree
Have the communities you have worked in via the gatekeepers approach been open to your presence there?	Strongly Agree	Agree	Disagree	Strongly Disagree
Is the use of mass media (including newspapers and	Strongly Agree	Agree	Disagree	Strongly Disagree

radio) effective to target/reach out to gatekeepers on the issue of (or a similar issue to) child marriage?				
Does your organization believe that the gatekeepers approach works better if it is combined with the girl-centric approach?	Strongly Agree	Agree	Disagree	Strongly Disagree
What are the strategic advantages of the gatekeepers approach? (short answer)				
Are there any disadvantages to utilizing the gatekeepers approach? (short answer)				
Do you keep data on the number of child marriages that have been called off since you started working via the gatekeepers approach? (short answer)				
Is there comparative				

data on using the gatekeepers approach versus not using it in your geographic operation? (short answer)				
Does your organization plan to continue to utilize the gatekeepers approach to change norms around child marriage?	Strongly Agree	Agree	Disagree	Strongly Disagree

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