



ISEJ EXPLAINER SERIES

Eighteen Means Eighteen

Child marriage and the law in Zimbabwe

Mudzuru: the case that changed everything

In *Mudzuru & Another v Minister of Justice* (CCZ 12/2015), two young women who had themselves been married as children challenged the old marriage laws. The Constitutional Court held that section 78(1) of the Constitution sets eighteen as the minimum age of marriage, struck down the provision allowing girls to marry at sixteen, and declared that no person girl or boy may enter any marriage, including an unregistered customary law union, before eighteen. The Court drew on Zimbabwe's international commitments, including the African children's rights framework, to interpret the Constitution.

The Marriages Act: the judgment made statute

- **One law for all marriages.** The Marriages Act [Chapter 5:15] (2022) consolidated civil and customary marriage law. Eighteen is the minimum age for every form of marriage or union with no exceptions and no parental or ministerial consent routes around it.
- **Child marriage is a crime.** Marrying a child, pledging a child in marriage, and assisting or facilitating a child marriage are criminal offences. Liability reaches the adults who arrange, officiate or benefit not the child.
- **Free and full consent.** The Act echoes what the Maputo Protocol (Article 6) requires: marriage only with the free and full consent of both parties, and registration of marriages.

The law is won. The practice is not. Most child marriages happen as unregistered customary or religious unions, away from any registry driven by poverty, pregnancy stigma and religious practice. A law that is not known, invoked and enforced at community level protects no one.

Closing the gap between judgment and village

- Awareness that reaches the custodians of practice chiefs, headmen, religious leaders not only girls themselves.
- Working with the drivers: school retention, poverty, and the pregnancy stigma that converts a crisis into a wedding.
- Reporting pathways: child marriage can be reported to the police or the Department of Social Development; schools and clinics are critical eyes.
- Accountability for the national response: Zimbabwe has a National Action Plan to end child marriage its implementation deserves independent, evidence-based review.

Where ISEJ stands

ISEJ approaches child marriage as both a legal enforcement question and a narrative question: the story that a married girl is 'settled' rather than harmed is exactly the kind of master narrative that keeps an outlawed practice alive. ISEJ's work combines rights-based analysis of the national response with legal demystification, so that communities know Mudzuru and the Marriages Act belong to them.

About ISEJ

The Institute for Sustainable Empowerment and Justice (ISEJ) is a Zimbabwe-registered Private Voluntary Organisation working at the intersection of law, public policy, gender equality, climate justice, public health and narrative change. ISEJ translates complex legal and policy frameworks into knowledge communities can use because access to the law should not depend on access to a lawyer.

Dignity · Rights · Transformation

Sources: Mudzuru & Another v Minister of Justice CCZ 12/2015; Marriages Act [Chapter 5:15]; Constitution of Zimbabwe (2013), s 78; Maputo Protocol, Art 6; African Charter on the Rights and Welfare of the Child, Art 21. General information, not legal advice.