

**The Experiences of Cultural Marriage Practice (“Ukuthwala”) amongst
Young African Women: A case study of Libode, Eastern Cape.**

By

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ABSTRACT

The study set out to investigate the experiences of young African women in Libode village in Eastern Cape regarding Ukuthwala cultural marriage practice. The objectives of the study included; to find out the experiences of the young African women who have been forced to go through *Ukuthwala*; to examine the kind of support these young African women receive from their social networks; to examine the kind of assistance that the social service professionals could provide to these young African women and lastly to find out from them the kind of empowerment services they require. Qualitative method was used whereby in-depth interviews were conducted with fifteen participants and five service providers and data was analyzed through thematic analysis. The findings revealed that *Ukuthwala* is an immense challenge and has affected many of the women in Libode, educationally, health wise, emotionally, physically and psychologically. The study recommends that the parents, community and government should be the major stakeholders in the fight against *Ukuthwala* practice. Parenting and awareness programmes should be held as to educate parents about the rights of their children and counselling should be offered to those who would have been the victims of this practice.

DECLARATION

I *Ndindwa T*, student number 9019767, declare that this is my original work and has not been published at any other university prior to this

Signature:

Date:

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CHAPTER ONE

INTRODUCTION TO THE STUDY

1.1 Introduction

This chapter presents the general orientation of the study. It provides the background to the study and highlights the initial motivation for conducting the study. The research problem, main questions and objectives of the study are also introduced. This chapter further defines the primary terms employed in the study.

1.2 Background of the Study

Many women face the violation of their dignity as they find themselves in the face of marriages they never dreamt of. These marriages exist in various facets; this includes arranged marriages that are popular in the Indian culture wherever they are in the world (Hasan, 2000). Women in South Africa have been victims to a system similar to the Indian practice, but the arranged marriages take a different form as they are better described as “forced marriages”. These forced marriages are far worse than Indian arranged marriages as they involve the abduction of young ladies. The South African version of arranged marriage within the Xhosa culture is popularly known as “*Ukuthwala*.” *Ukuthwala* has been viewed as meaning that when a man wants to marry a woman that he never proposed love to, he will inform the girl’s family about his intention and a plan would be devised to abduct the little girl. Apparently, these abductions happen when the girls are on their way to fetch water or wood (Mwambene and Sloth-Nielson, 2011).

The practice of *Ukuthwala* in South Africa has recently received negative publicity,

with numerous complaints being recorded. In the first and second quarter of 2009, the media reported that more than 20 Eastern Cape girls were forced to drop out of school every month to follow the traditional custom of *Ukuthwala*. Girls as young as twelve years are forced to marry older men, in some cases with the consent of their parents or guardians. The congress of traditional leaders of South Africa chairman arguably stated that *Ukuthwala* is an old custom that is now wrongly practiced in several parts of the Eastern Transkei. However, Mndende (2006) of the Camagwini Institute mentioned that abducting a girl of twelve or thirteen is not the cultural practice that Xhosa people are well vest with.

In the interest of this study, "*Ukuthwala*" is operationalized as a form of abduction that involves kidnapping of a girl or a young woman by a man and his friends or peers with the intention of compelling the girl or a young woman's family to endorse marriage negotiations. Curran and Bonthuys (2005) define *Ukuthwala* traditionally, as an act of intention by the help of one or two friends, to will waylay the intended bride in the neighbourhood of her own home. The young girl will then be forcibly taken to the young man's home. Sometimes the girl is caught unaware, but in many instances she is caught according to prior plan and agreement and in either case, the girl will put up a show of resistance to suggest to onlookers that it is against her will, when in fact at times it is seldom so.

However, it has evolved along the way picking some very bad practices. In some recent incidences the act of *Ukuthwala* included violence and rape of the young women. In ancient Africa, particularly among the Nguni, *Ukuthwala* was condoned, although there was an abnormal path to marriage targeted at certain girls or women

of marriageable age. But it did not involve raping or having consensual sex with the girl until marriage requirements had been concluded (Koyana and Bekker, 2007:139-144).

In South Africa the custom originated from the Xhosa tribe, however, the practice has expanded into different ethnic groups; for example, the Mpondo clan adopted *Ukuthwala* from Xhosa clans such as the Mfengus. Young Sotho men, through contact with other tribes, have also adopted the practice which was otherwise foreign amongst them. *Ukuthwala* in South Africa enjoys popular support in the areas where it is still practiced, for instance in Libode area. Hence the focus of this study is on the Libode area. Furthermore, some opinion and cultural leaders in Libode endorse this practice as is evidenced by the comment of one female Chief from that region. She states that the young girls who escape from the houses where they have been abducted to and detained in whilst awaiting marriage are viewed as an embarrassment to the villagers. With opinion leaders, in Libode, some still hold such strong but negative attitudes towards young girls who try to free themselves from a practice that degrades their dignity. As the support of some of these leaders could easily spread like wild fire, being adopted by other community leaders with whom they are in cohorts or agreement thereby crippling the fight for the rights of women and children, especially girl- children in respect of the Millennium Development Goals (Koyana and Bekker, 2007).

In view of the fact that recently the practice has seen girls as young as twelve years being forced to marry older men, this practice is now in direct contrast to the ideals of United Nations. The UN Convention on the Rights of the Child (1989) defines a

child as every human being below the age of thirteen years unless, under the law applicable to the child, maturity is attained earlier. According to the Convention, marriage before the age of 18 years should not be permitted since children do not have the full maturity and capacity to act. Girls are frequently taken out of school and they are at a higher risk of HIV infections, early pregnancy and health conditions which affect their reproductive organs.

With incidences of underage forced violent marriages, the cultural practice of *Ukuthwala* has digressed from a traditional practice to a mere act out of personal interests not in respect of community (Van der Watt, 2012). The writer draws a distinction between the pure customary practice of *Ukuthwala* and its current distorted form and further examines how the practice results in the sexual exploitation and abuse of children. Van der Watt's (2012) findings indicated that *Ukuthwala* contributes to children being equated to commodities who are bought by the perpetrator to serve an egocentric purpose. Victims are reminded that they are paid for and therefore "owned" by their new husbands. On the contrary, another study conducted by Maluleke (2009), pointed out that the customary practice of *Ukuthwala* will remain a contentious issue and will increasingly be weighed up against the provision of Section 39 (3) of the South African Constitution. The Bill of Rights does not deny the existence of any other rights or freedoms that are recognized or conferred by customary law, as long as they are consistent with the Constitution. Furthermore his findings suggest that the revival of tradition, culture and customs is part of the new national and international identity. However, this revival must be routed in a way of life based on human rights, democracy and equality for all and be understood from a point of view of *ubuntu*.

Thus culture, tradition and custom have to be balanced within the social and legal context of the constitution and provision of the Bill of Rights (Maluleke, 2009). Research conducted by Mwambene and Sloth-Nielsen (2011) evaluates the implications of the Children's Act 38 of 2005 for *Ukuthwala*. They found out that a forced marriage failed the constitutional compatibility test on a number of grounds, including freedom and security of the person, dignity rights and the best interest of the child.

In view of the above introduction and background, the researcher thus intended to investigate the experiences of "*Ukuthwala*" cultural marriage practice amongst South African women.

1.3 Research Problem

The sharp rise in violent crimes committed by men against women in South Africa seemingly is a depiction of male violence that has gone out of control. Fortune, (2004) states that, men's violence demand urgent action from a perspective of women and children. Studies conducted thus far have echoed women and children's perspectives, as they are the victims of male violence, as such; data on the epidemiology of *Ukuthwala* practice has been scanty, since minimal studies have been undertaken (Abrahams and Jewkes, 2010). This study intended to usher in a space for young women to unveil their experiences of the *Ukuthwala* practice, specifically on how they perceived the violence, and voice their empowerment needs.

1.4 Research Questions

The Research Questions that were pertinent to this study are as follows:

- What are the experiences faced by young women after they have gone through Ukuthwala?
- What are these women's perceptions of why men practice Ukuthwala in the form of abduction?
- How are these women supported by community?
- In which ways do these women need to be empowered?
- What kind of assistance do these young women receive from social service professionals?

1.5 Research Aim

The main aim of the study was to investigate the experiences of Ukuthwala cultural marriage practice amongst young African women and to come up with empowerment strategies for these young girls.

1.6 Research Objectives

To achieve the goal of the study, the following objectives were formulated:

- To find out experiences of the young African women who have been victims of Ukuthwala.
- To examine the kind of support these young African women received from their families, friends and the community.
- To examine the kind of assistance that the social service professionals could provide to these young African women.
- To find out from these young African women the kind of empowerment services that they require to curb Ukuthwala

1.7 Laws which inform the study

The following laws have been discussed, namely Children's Act 38 of 2005, Sexual Offences Act 2007 and the South African Constitution Act, 108 of 1998.

1.7.1 Children's Act 38 of 2005

Section 12 of the Children's Act provides that every child has a right not to be subjected to social, cultural and religious practices which are detrimental to his or her well-being. A child below the minimum age may not be given out in marriage or engagement. Furthermore, this Act points out that even though they are above that minimum age, they may not be given out in marriage or engagement without their consent. An understanding of the cultural practice of *Ukuthwala* clearly shows that the practice stands in contravention of this Act thus it is detrimental to the wellbeing of a child.

1.7.2 Sexual Offences and Related Amendment Act 32 of 2007

Having sex with a child without her consent, following her abduction (*Ukuthwala*), constitutes rape which is in violation of the Sexual Offences Act (section15). Regarding a child, the age of consent is 16; meaning that sex with a child under the age of 16 constitutes a sexual offence. The cultural practice of *Ukuthwala* imply men abducting young girls as young as 12 years, having sex with a child that is 12 or below is rape as a child below that age is legally incapable of consent (De Vos, Strydom, Fouche and Delpont, 2005: 132).

1.7.3 International Human Rights Instruments and Child Marriage

According to the International Human Rights Instruments, child marriage is a

violation of human rights and is prohibited by a number of international conventions and other instruments. The following are some of the human rights instrument that highlight the contradiction in terms on the practice of *Ukuthwala* as discussed in the study:

1.7.4 Universal Declaration of Human Rights, 1948

According to Article 16 (1) of the Universal Declaration of Human Rights, men and women of full age have a right to marry and found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution. Marriage shall be entered into only with the free and full consent of the intending parties which is contradictory to the practice of *Ukuthwala*.

1.7.5 Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages, 1964

Article 1 of the Convention on Consent to Marriage states that, no marriage shall be legally entered into without the full and free consent of both parties, such consent to be expressed by them in person as prescribed by law. State parties to the present convention shall specify a minimum age for marriage (not less than 15 years according to the nonbinding recommendation of this convention). No marriage shall be legally entered into by any person under this age.

1.7.6 African Charter on the Rights and Welfare of the Child, 1990

According to Article XXI, Child marriage and the betrothal of boys and girls shall be prohibited and effective action, including legislation shall be taken to specify the minimum age to be eighteen years.

1.8 Theoretical Framework

This study is based on the following theories namely: Radical feminism, Human Rights theory and Empowerment theory.

1.8.1 Radical Feminism

Radical feminism is a current perspective within feminism that opposes the patriarchal tendencies of society. Radical feminism views patriarchy as a system of power that organizes society into a complex of relationships based on the assertion that male supremacy oppresses women (Drislane and Parkinson, 2002). Radical feminism aims to challenge and overthrow patriarchy by opposing standard gender roles and oppression of women and calls for a radical reordering of society. It locates the root cause of women's oppression in patriarchal gender relations, as indicated in the practice of *Ukuthwala* as opposed to legal system in liberal feminism or class conflict as in socialist feminism and Marxist feminism (Drislane and Parkinson, 2002).

1.8.2 Systems Theory

Systems theory recognizes the family as a natural fundamental group unity of society and this constitutes a meeting point for joint deliberation, reflection and action. Therefore, if *Ukuthwala* is rewarded by the system through feedback mechanisms from the society that regulate and stabilize the system, *Ukuthwala* is rewarded by the system and is likely to recur (Ambrossino, Shuttle worth, Heffernan, 2005). Thus, *Ukuthwala* may be condoned by the responses and feedback of other family members. Bowen in Nichols (2010) attests that human relations are based on two counterbalancing life forces of individuality and togetherness. Families

can create excess of emotional reactivity by being part of the *Ukuthwala* process due to poverty, greed and lucrative payment of *ilobola*. This in turn may compromise the lives of young girls who still need to navigate into adulthood. Hence the study will embrace the influence of the family and the community at large in condoning *Ukuthwala* traditional forced marriages of young girls.

1.8.3 Empowerment Theory

An empowerment perspective is enlisted to understand the position of African women on *Ukuthwala* marriage and their need of empowerment. Empowerment counters feelings of hopelessness and powerlessness, and emphasises personal ability to make and implement basic life decisions (Clarke, 2000; O'Sullivan, 1999; Parenzee and Smythe, 2003; Stevenson and Parsloe, 1993).

1.9 Rationale of the Study

Forced traditional marriage is an emerging area of research that still needs further exploration. The new information generated from the research will help improve appropriate interventions and empower these young women within the African context. Most studies examining the issue of forced marriage have been conducted in developed countries (Chambers, 2005). These studies cannot be generalised to the African setting due to differences in the socio-cultural context. The exploratory study based on African women has been an opportunity to compare findings with previous researches that were done in developed countries so as to come up with appropriate ways of dealing with forced traditional marriages.

The impact of culture on forced marriages amongst young women has not been fully addressed by past researchers (CEDAW, 2004) consequently; the researcher is of the opinion that in order to effectively address the problem of forced marriages amongst young African women there is a need for solutions that suits the socio-cultural milieu. The study will fill the gaps by focusing in Libode, Mpondo clan, a rural area where cultural traditions are still intact. This study seeks to improve and compliment research by narrowing the focus to young women only and by using smaller sample size which is suitable for an in-depth qualitative study. Gender inequity and inequality may be identified as the most critical factors that lead to forced marriages in Africa and other parts of the world. These two variables are most visible in the rural areas where cultural attitudes still prevail and where most rural women are dependent on their parents for upkeep due to low literacy levels that are characteristic of rural areas (Human Rights Watch, 2001).The issue of culture hinders these young women to protest since the African culture is patriarchal and women are treated as minor subjects

1.10 The Significance of the Study

According to De Vos et al, (2005: 346) the significant value of the study seeks to show, among other elements how the research will contribute to knowledge and impact people in their settings. The study has the following significance:

- The study will contribute to a body of knowledge on the phenomena of *Ukuthwala*.
- Information generated from the study may empower young African women on issues of Human Rights.

- Information will also help Social workers and Social development workers to develop ethnic sensitive skills to assist young African girls who have experienced *Ukuthwala*.
- Information may also be used by Traditional leaders and also Department of Justice to gain better understanding and develop policies to curb *Ukuthwala* of young school going girls.
- The information may also be used as publication to reputable journals.

1.11 Delimitation and Limitation of the Study

The research has been conducted in the Eastern Cape region of Libode. The limitation of the study provides shortfalls or weaknesses of the study, meaning the difficulties or challenges experienced by the researcher while conducting the research study:

- The researcher had to travel to Libode in Transkei for data collection, at times it was difficult to meet the cost of travelling to the homes of the participants.
- The Xhosa culture that socializes one into shyness made it difficult for the researcher to probe deeper into the experiences of *Ukuthwala*.
- Some of the participants were unwilling to divulge confidential information.
- Some of the target service providers were reluctant to leave their duties or were hard to find due to their busy schedule.
- The age gap between the researcher and participants may have hindered free communication

1.12 Ethical Considerations of the Study

When undertaking research that involves participants, a researcher must ensure that

the research falls within the ethical requirements that govern such research. According to Babbie (2004:143) any researcher needs to be aware of the general agreement about what is proper and improper in scientific research. This research dealt with human beings and their experiences, thus the following ethical considerations were made:

1.12.1 Informed Consent

Informed consent as a procedure for ensuring that research participant's understand what is done to them, to their participation and awareness of any risks they can incur (Hardwick and Worseley, 2011). Ethical considerations serve as standards and as such, a basis on which each researcher ought to evaluate hi/her own conduct (De Vos, Strydom Fouche, Delpont, 2011). The researcher ensured that participants did not engage in interviews without their informed consent.

Obtaining the consent of participants is one of the fundamental practices that the researcher had to adhere to. The participants in this study were informed about what the study entailed and permission was sought for their participation prior the commencing of their study. This allowed them to participate in the research voluntarily.

1.12.2 Avoidance of Harm

De Vos et al (2005:324) states that the subjects can be harmed in a physical or emotional manner. It is therefore the researcher who has to guard against such harm to his participants. In this study embarrassing information will not be revealed, it is the responsibility of the researcher to protect them from any harm. Some of the

information revealed could lead to emotional distress. The researcher was always available to provide emotional support and counselling to participants.

1.12.3 Anonymity

British Educational Research Association suggest that participant's identity should not be revealed, unless individual choose to be identified; that is names should be changed and precise detail that could make a setting or participant identifiable should not be given. In this study the researcher tried to find solutions to these contradictory interests by withholding the actual names of participants and thus made use of pseudo names (Strydom, 2002:67).

1.12.4 Confidentiality

Confidentiality was exercised in the handling of information provided by the participant's. Babbie(2009) states that, confidentiality implies that only the researcher and possibly a few members of his staff should be aware of the identity of the participants

Ethically based research design will ensure that the dignity, welfare and privacy of individual research subjects are protected and that information about the individual remains confidential. In this case of the study the information obtained was with held with utmost confidentiality thus the researcher would not share the data provided by participants with any parties without the participants consent. The researcher also has to abide by the ethics as prescribed by South African Council for Social Service Professions (SACSSP).

1.12.5 Respect

Nicholas (2010) states that the participants are to be treated with respect and information obtained remains confidential. The researcher will avoid the misuse and linking of information that will be provided. There should be moral responsibility maintained towards the participants (Nicholas, 2010).

The researcher has to maintain a level of respect for the participant. The interviewer had to ensure that the participants were not degraded in anyway. Only questions relevant to the research in question were asked. The ethic of respect was observed by making sure that non-personal information was not pried on unless it was relevant for the research. The participants were told from the onset that whatever they felt uncomfortable with they were not oblige to answer.

1.12.6 Acceptance

This is one of the ethical issues that the researcher used as one has to accept any given information by the population that is being studied. The information was not weighed and each and everything stated that was of significance and relevance to the study was accepted (Nicholas, 2010). The researcher also was wary of the participant's race, gender, culture, and age. No discriminatory practices were conducted on any basis whatsoever. Thus in this study, the researcher had to make a decision to accept the participants as they are, their settings, race and all.

1.13 Chapter Summary

It is in the context of the above developments that the cultural practice of *Ukuthwala* has come under scrutiny. In respect of international documents that guide the

treatment of children and regulation of marriage, this research plays a key role in teasing out the experiences of the young girls who are victim to *Ukuthwala*, thus this study seeks to protect their right to human dignity as specified in the Universal Declaration of Human Rights 1948. This chapter has introduced the study; the subsequent chapter covers literature review on various perspectives to *Ukuthwala*.

CHAPTER TWO

VARIOUS PERSPECTIVES ON UKUTHWALA AFRICAN TRADITIONAL MARRIAGE

2.1 Introduction

The purpose of this chapter is to examine the existing discourse concerning the various theoretical perspectives on the experience of *Ukuthwala*, and the kind of support that the social service professionals could provide to these young women. This chapter is part of a strategically split literature review. Literature review is a way of building on the research of others. The literature helps to identify and strengthen the hypothesis or research questions. It taps into the opinions and insights of those familiar with the area that one intends to study and is a basis for comparing results of the study (Creswell, 2008). If conducted carefully and well presented, it adds much to an understanding of problem selection and helps place the results of a study into a theoretical perspective. Further it builds a body of informational knowledge on any phenomena under study. In summary; literature review in a research study accomplishes several purposes including these below:

- It shares with the readers the results of other studies that are closely related to the study being reported (Fraenkel and Wallen, 1990).
- It relates a study to the larger, ongoing dialogue in the literature about a topic, filling in gaps and extending prior studies.
- It provides a framework for establishing the importance of the study, as well as a benchmark for comparing the results of a study with other findings (Creswell, 2008).

Therefore, the study focuses on literature from various sources of information, all pointing to exploring the experiences of Ukuthwala cultural marriage on young African women.

2.2 History of Ukuthwala

In South Africa the custom originated from the Xhosas (Wadesango, Rembe and Chabaya, 2011: 121). The word *Ukuthwala* means 'to carry'. It is a culturally legitimated abduction of a woman preliminary to a custom marriage. A customary marriage is a relationship which concerns not only the husband and wife, but also the family groups to which they belong before the marriage. It is also defined as a marriage which is validly concluded by a *ilobolo* agreement (Koyana, 2008).

Some authors have described *Ukuthwala* as the act of stealing the bride. *Ukuthwala* has also been described as a mock abduction or irregular proposal aimed at achieving a customary marriage (Bennett, 2004). From these definitions, one can see that *Ukuthwala* is in itself not a customary marriage or an engagement. The main aim of *Ukuthwala* is to force the girl's family to enter into negotiations for the conclusion of a customary marriage (Bekker, 2008).

The procedure for *Ukuthwala* as Bekker and Koyana (2007) explains is that the girl, who may appear unwilling in order to preserve her maidenly dignity, will usually put up strenuous but pretended resistance, however, for more often than not, she is a willing party. Once the girl has been taken to the man's village, her guardian or his messenger will then follow up on the same day and possibly take her back if one or

more cattle are not handed to him as an earnest promise for a future marriage (Bekker et al, 2006). Consequently, if the guardian does not follow her up to take her back, tacit consent to the marriage at customary law can be assumed.

Curran and Bonthuys (2005) argue that by custom, the suitor, after forcibly taking the girl to his home village, is required to report the matter to his family head. The family head thereupon gives the girl into the care of the woman of his family home, and sends a report to the girl's guardian. A man who seduces this girl is required to pay a seduction beast in addition to the number of *ilobolo* cattle agreed upon and in addition to the '*thwala*' beast where no marriage has been proposed (Koyana and Bekker, 2007).

Koyana and Bekker (2007) also attest that other safeguards were put in place for the protection of the girl involved and the parents of the girl were immediately notified after *ukuthwala* had occurred. In the case where *ukuthwala* had not worked out, cattle was supposed to be paid. Finally, if a girl fell pregnant during this process then the consequences imply a further additional penalty has to be paid by the perpetrator (Wadesango, Rembe and Chabaya, 2011).

Numerous reasons exist for the practice of *Ukuthwala*, some of which are arguably cogent and weighty. They include:

- To force the father of the girl to give consent.
- To avoid the expense of the wedding.
- To hasten the matters if the woman is pregnant.
- To persuade the woman of the seriousness of the suitor's intent.

- To avoid the need to pay an immediate *ilobolo* where the suitor and his family were unable to afford the bride wealth.

From these reasons, it is apparent that *Ukuthwala* can serve an important cultural purpose in South African communities which live their lives according to cultural norms. However these reasons are also suggestive of the fact that the girl or the unmarried woman involved is, in some cases, taken without her consent. This provides the link to forced marriage, which then calls into play constitutional and human rights standards. In addition, insofar as the girl who is involved may be aged below 18 then issues related to child marriage and early marriage may arise which in turn calls for a consideration of some provisions of the Children's Act 38 of 2005.

2.3 Forms of Ukuthwala

It is generally accepted that the traditional custom of *Ukuthwala* is often carried out with the knowledge and consent of the girl or her guardian. This obviously suggests that *Ukuthwala* is not necessarily done against her will, or that of her guardian (Curran and Bonthuys, 2005). In the past, courts have held that *Ukuthwala* should not be used as a cloak for forcing unwelcome attentions on a patently unwilling girl. On the other hand, courts have suggested that if there is a belief by the abductor that the custom is lawful and that the parents or guardians consented to the taking, it would not be abduction because abduction is a crime against parental authority (Maluleke, 2009: 16).

According to Mwambene and Sloth-Nielson (2011: 6-7), there are three forms of *Ukuthwala*. Firstly, the practice that occurs when a girl is aware of the intended

abduction (*ukungcumgca*) and there is collusion between the parties, that is when the girl conspires with her suitor. The force used in the act of abduction is therefore for the sake of performance only. For that reason, *Ukuthwala* in this model could be suggested to be equivalent to elopement. In this type of *Ukuthwala* the girl gives her consent, the issue of consent is additionally important because, *Ukuthwala* is a preliminary procedure to a customary marriage and not marriage in itself. The consent to *Ukuthwala* carries through the negotiations, to provide the basis for the validity of the customary marriage which is concluded. If, after the *Ukuthwala* has taken place, the girl's parents refuse to give their consent, there cannot be a valid ensuing customary marriage.

Secondly, *Ukuthwala* occurs when families would have agreed on the union, (*thwalakobulawu*) but the girl is unaware of such an agreement (Mwabene and Sloth-Nielson, 2011). Maluleke (2009) argues that this type of *Ukuthwala* often occurs in cases where the girl might not otherwise agree to her parent's choice. It may also happen in situations where a girl is a professional, but for various reasons, attracts no suitors. After the girl has been involved in *Ukuthwala* and both families' desire and consent to the union is established, the girl is watched until she gets used to the idea of the marriage. With regards to this form of *Ukuthwala*, Mwambene and Sloth-Nielson (2011: 7) emphasise that consent as understood in Western terms (that is, the consent of the bride and bridegroom only) might be more difficult to argue here.

The third form as proposed by Mwambene and Sloth-Nielson (2011:7) occurs against the will of the girl and there is no initial consent from either the girl or her parents or guardian. She is taken by force to the young man's family after

representatives are sent to the girl's family to open marriage negotiations. The family of the girl may refuse negotiations in which a cattle is payable and the girl is taken back to her family. This form of *Ukuthwala* can give way to crimes such as rape and intimidation as well as various human rights violations such as the infringement of the girl's freedom and her security, and a violation of her dignity and bodily integrity.

The first two forms of *Ukuthwala* as proposed by Mwambene and Sloth-Nielson (2011: 6-7) and the ancient African practice of *Ukuthwala* as described by Koyana and Bekker et al (2006: 139-144) and Maluleke (2009:16) adhere to strong traditional themes where the involvement of the family and community ensure the monitoring of the well being of the women to a certain extent. However, both the present day practice of *Ukuthwala* described by Maluleke (2009: 16) and the third form of *Ukuthwala* as proposed by Mwambene and Sloth-Nielson (2011: 7) shift from a traditional to a form of abuse and violation of human rights and this is the area of interest to the study.

It can be concluded that some forms of *Ukuthwala* do violate women and children's rights. Simultaneously, there are also some legitimate cultural goals which come with the practice and which arguably do not overstep the mark. How to address the objectionable forms of the practice, therefore provides a suitable vehicle for pursuing the debate on whether criminalization, or enacting an absolute prohibition of discretionary laws, is the path to follow. On the other hand there is the abiding interest in improving the position of women and children affected by traditional customary practices which can be harmful or detrimental. For many supporters of *Ukuthwala*, the practice serves to promote legitimate cultural goals, at least one of

which is to force the father of the girl to start marriage negotiations. For this group, criminalization or prohibition would abrogate a cultural practice with considerable legitimacy, and impair the right to culture.

2.4 The South African Perspective

Bekker et al (2006) observes *Ukuthwala* as something resorted to when there is an obstacle to a marriage. Although the *Ukuthwala* custom is assumed to have disappeared in the face of change, it is still practiced among some rural Xhosa communities in the Transkei, which is located in the Eastern Cape Province of South Africa, and possibly in other areas as well (Mfono, 2000). This was also confirmed in the Daily Dispatch of 3 August 2009; where the Human Rights Commission had to conduct investigation following petitions by 10 girls who were abducted for marriage in Lusikisiki Village in Transkei. Statistics show that rather than decreasing, the *Ukuthwala* custom is gaining popularity from decade to decade among adherents of customary law among some Nguni tribes in South Africa (Koyana and Bekker, 2007).

Women in South Africa have been victims to a system similar to the Indian practice, but the arranged marriages take a different form as they are better described as “forced marriages” which is far worse than arranged marriages as the South African arranged marriages involve the abduction of young ladies. The South African version of arranged marriage popularly known as “*Ukuthwala*” has been viewed as meaning that, when a man wants to marry a woman that he never proposed love to, he will inform the girls’ family about his intention and a plan would be devised to abduct the little girl.

The practice of *Ukuthwala* in South Africa has recently received negative publicity, with numerous complaints being recorded. In the first and second quarter of 2009, the media reported that more than 20 Eastern Cape girls were forced to drop out of school every month to follow the traditional custom of *Ukuthwala* (forced marriage). Girls as young as twelve years are forced to marry older men, in some cases with the consent of their parents or guardians. Mfono (2000) attests that discovery have been made that the practice of *Ukuthwala* is still happening in the areas of Pondoland which covers Libode, Ntabankulu and Lusikisiki and others. It has been reported that girls between the ages of 12 and 15 years are targeted for this practice, whereas in KwaZulu Natal, in one of the rural schools, girls have been abducted for *Ukuthwala* and turned into sex slaves.

According to Wadesango, Rembe and Chabaya (2011) marriage by abduction is a practice found in South African Development Community (SADC) countries such as Zimbabwe and South Africa. It violates the rights of the young women in the sense that in most cases the young girl is forced into marriage without her consent. Griffith, Myers and Harvey (2006) alluded that in most societies of the world, the male ideology, of men always having the upper hand, persists. In such a world it is the male power that dictates how power is to be shared between men, women and children; the treatment and value of boys relative to the girls, with the same kind of thinking of supremacy of men over women continuing in life. Apparently the values emanating from patriarchy and masculinity have been borrowed and deeply ingrained in cultural customs and traditions dictating the borders of particular gender role and differentiation. Usually related chores, issues of house hospitality and taking

care of the sick have been culturally and socially assigned to the female gender, hence these young girls at times are targets to fulfil those roles through forced traditional marriages (Alston and Bowles, 2003).

Kamwangamalu (2012) argues that *ukuthwala* negates the African philosophy of life that embrace *ubuntu* which means humanness. *Ubuntu* is a process that reflects the African heritage, traditions, culture, beliefs, value systems and the family structures. *Ubuntu* therefore, is key to all African values and involves a good disposition towards others and is moral in nature. It describes the humanistic experience of treating all people with respect, granting them their human dignity. Being human encompasses values like brotherhood for Africans, sharing, treating and respecting other people as human beings. It also signifies group solidarity and interdependence in African culture (Kamwangamalu, 2012). Through the practice of *ukuthwala* seemingly these young girls' lives are compromised and the perpetrators seem to contradict the values as prescribed by the *ubuntu* philosophy.

2.5 The Sub-Saharan Perspectives on Ukuthwala

Africa is divided into a great number of ethnic cultures. The continent's cultural regeneration also has an integral aspect of post-independence nation building on the continent, with recognition of the need to harness the cultural resources of Africa to enrich the process of education. In addition there has been a move towards a creation of an enabling environment in a number of ways (Van der Watt and Owens, 2012). The following discourse highlights some of the countries that practice forced traditional marriages.

2.5.1 Malawi

Culture represents societal values, norms and practices that are passed down the generations. Culture has always been the mirror of the society, representing the society thinking, cherished values, dos and don'ts and sets the pace for change in any society. In Malawi the process of forced marriage is performed by the families who cannot attract the wives and daughter in laws, either because they lack sufficient social standing or are unable to afford the bride price, they then resort to abducting young girls. Once a girl is kidnapped, even if returned to her family she will be less desirable to other potential husbands and will have no choice but to marry the man who kidnapped her (Mwambene and Sloth-Nielson, 2011).

According to Koyana (2000) early marriages on the basis of either religious or economic grounds place young women in a vulnerable position. In Malawi for instance, some religions encourage early marriages whereby they marry off adolescent girls to elderly members of the church who in most cases will be having other wives. Due to the fact that biologically they would not have matured, early sexually activity increases the risk of HIV infection on the part of the adolescent girls. Campbell (2003) attests that cultural factors contribute to women's vulnerability to HIV infection through traditional forced marriages whereby women are coerced to sex and expected to be sexually innocent whilst men are expected to be sexually experienced. In addition, it is accepted in Malawi to men to have more than one wife to an extent that if a man engages in extramarital relations the community blames the wife for failing her husband (Cayemittes and Gringle, 2006).

2.5.2 Zimbabwe

In Zimbabwe the practice of marrying young girls to elderly men is organized through

the conservative spiritual and apostolic churches, after a man had a vision about whom he would like to marry. This process is known as a spiritual calling where a man has a premonition about a girl which is then interpreted by the church council and the elders of the church would endorse and encourage the marriage (Wadesango, Chabaya and Rembe, 2011).

Koyana and Bekker (2007) mention that girls as young as 12 to 15 years of age are sometimes targeted, and forced to marry older man through this practice with the consent of their parents. Mesatywa (2012) also argue that poverty and inequality places women at risk of this practice. In some rural areas, poor women resort to sell their young children for food and maintenance for themselves and their families.

Campbell (2003) cites that many young women are involved with older men offering sex in exchange for gifts. This may confirm that there is a lack of serious attempts by government to condemn and intervene in halting this violation of human rights, the voices had been muted. Some well-known people in the public domain, including legal academics may have spoken and written in support of the custom (Koyana and Bekker, 2007).

2.5.3 Egypt

In Egypt girls between the ages of 13 and 15 years of age are removed from school in preparation for marriages to men who travel to Egypt from the Gulf States in search for young wives, the transactions are facilitated by Brokers and once money had exchanged hands, the girls are taken out of Egypt. In some cases young women are returned a few months later, often pregnant. When their husbands are tired of

them, other young women are kept in their new homes as slave labour, working on the orders of their husbands (Wadesango, Chabaya and Rembe, 2011).

Soucie (2011) agrees that these young girls are sometimes beaten and used as object to sex and other wifely duties. They are often raped to prevent parents from initiating efforts to have the girl returned or to report the matter. Besides the fact that they may end up pregnant and have to drop out of school, they are also faced with lack of social and economic opportunities. The domestic demands placed on them often result in unsatisfactory school experiences and poor academic performance (Soucie, 2011).

2.6 International Perspective on Ukuthwala

The following discourse highlights some cultural and traditional practice globally that are similar to the practice of *ukuthwala*.

2.6.1 Bangladesh

Bangladesh is often associated with flooding, cyclones, and famine. However this densely populated nation on the Ganges is an innovator in development and is quickly pulling its people up out of poverty (Maqbul, 2009). Two thirds of young girls in Bangladesh are married before the legal age of 18. In other countries, it has been found that girls can be powerful advocates for their own rights, and has created spaces for boys and girls to come together and discuss issues that concern them. The plan is to ensure that these children have an opportunity to share their views with adults so that their voices affect decision-making.

According to anthropologist Goody's (2007) a comparative study of dowry systems around the world utilized Ethnographic Atlas demonstrated that in Bangladesh dowry is a form of inheritance found in the broader swath of Eurasian societies from Japan to Ireland. This practice has a diverging devolution that allows property to be inherited by children of both sexes. This practice differs from the majority of Sub-Saharan African societies that practice "homogeneous inheritance" in which property is transmitted only to children of the same sex as the property holder (Goody, 2007). Goody (2007) has demonstrated a historical correlation between the practices of diverging devolution (dowry) and the development of intensive plough agriculture on the other hand and homogenous inheritance (bride price). This may also relate to the practice of ukuthwala whereby due to poverty some families may encourage it in order to secure *ilobola* payment (bride price).

Drawing on the work of Boserup, Goody (2007) notes that the sexual division of labour varies in intensive plough, most of the work is done by women hence young girls are sought and forced into marriage as they are still strong to endure forced and unpaid labour. There is a scholarly debate on Goody's argument. Yanagisko (2007) argues, for example, that there are a number of societies including Japan and China that do not support Goody's claim that dowry are a form of female inheritance of male property. She notes that Goody's claim is an evolutionary model in which these historical variables may not be the decisive factors today.

2.6.2 South Asia

Half of the world's child brides live in South Asia, accounting for more early marriages than in any other region. While early and forced marriage is significantly more likely to affect girls, in India and Nepal the rate for boys is 20 percent or

higher. In Bangladesh 32 percent of women aged between 20 and 24 were married by the age of 15, the rate is 18 percent in India and 12 percent in Nepal specifically they increase fivefold (Mwambene and Sloth-Nielson, 2011).

2.6.3 United Kingdom

The United Kingdom has ratified the Convention on Consent to Marriage. Marriage and Registration of Marriages has been proactive in addressing early and forced marriage through domestic legislation (Forced Marriage Act, 2007). The United Kingdom's forced Marriage Unit brings together the Foreign and Commonwealth Office and the Home Office to support British individuals who are being coerced into marriage in the United Kingdom and overseas. In 2010 the Forced Marriage Unit gave advice in 1,735 instances, of which 86 percent were female and 14 percent male. The motivations for early and forced marriage in the United Kingdom outlined by the Forced Marriage Unit include controlling sexual behaviour, perceived promiscuity or homosexuality. These may include substance abuse such as alcohol and drugs, protecting religious and cultural ideals. Mitigating relationships outside of the family's religion, ethnic group, or caste strengthening ties with other family members, financial gains, including keeping property and land within the family, strengthening claims to United Kingdom residence and citizenship may be some of the imperative issues that prevail (Griffith, Myers and Harvey, 2011).

In 2007, the forced Marriage (Civil Protection) Act was introduced. Under the Act, forcing someone to marry is a civil and not a criminal offence. Forced Married Protection Orders (FMPO's) can be used by individuals, friends or local authorities to stop a person being married against their will and taken abroad. The FMPO's also demand that perpetrators should stop intimidation, reveal the victim's location and

should hand over passports, or face imprisonment. While a person convicted of forcing someone to marry can be jailed for up to two years, many authors argue that the law does not go far enough and that forcing people to marry should be considered a criminal act (Myers and Harvey, 2011).

From the above discussion it is clear that the burdens suffered by young women as a result of cultural practice must always be juxtaposed against potential benefits of exercises of cultural rights, at the same time protection against clear violation and harm must be ensured (Mwambene and Sloth-Nielson, 2011).

2.7 The Impact of Ukuthwala on the Girl Child

Ukuthwala of girl children robs them of their childhoods. It causes an abrupt end to a girl's childhood and the care free existence that all children are entitled to. Suddenly the little girl is a wife with a husband and in most instances, children and in-laws to serve or look after.

2.7.1 Health

Research conducted with young girls that have been victims of *Ukuthwala* and attendant rape, forced marriage and teen pregnancy has revealed numerous health complications for the young girls. These range from depressions, HIV/ AIDS and other Sexually Transmitted Infections (STI's), to pregnancy related complications such as infant mortality and maternal mortality. These health complications are consistent with findings of United Nations (UN) Secretary General's Report on Violence Against Children (2006) and United agencies such as WHO, UNICEF ,and UNIFEM in countries that are bedevilled by forced and early marriages (Maluleke, 2009).

Child marriage reinforces the incidence of infectious diseases, malnutrition, high child mortality rates, low life expectancy for women and an inter-generational cycle of girl child abuse. Pregnancy-related death is a leading cause of death for girls between the ages of 15 and 19 years of age. The dangers of early marriage affect not only the girl child but the child born to her as well (Maluleke, 2009). Premature birth, low birth rate, and poor mental and physical growth are some characteristics of babies born to young mothers. The real costs associated with women's health and infant mortality are enormous. Child marriages can have devastating consequences on the sexual and reproductive health of girls increasing the risk of maternal mortality and morbidity and contracting sexually transmitted diseases, particularly HIV/AIDS (Maluleke, 2009).

Young girls, particularly those below 15 years of age, face serious reproductive health hazards, sometimes losing their lives, as a result of early pregnancies. Those girls under the age of 15 are five times as likely to die as women in their twenties. In addition to their lack of power in relation to their husbands and in-laws, girls are further exposed to sexual and reproductive health services, in particular, family planning ante-natal and post-natal care (Maluleke, 2009).

2.7.2 Social Development

In virtually all child marriage cases, the child is removed from school. Dropping out of school deprives the child education opportunities, including tertiary education and skills training. The social development of the child is also stunted as the early marriage and fast tracking into the adult world skips organic developmental phases.

This ultimately robs the child of their own personal development which in the long run impacts on societal development (Maluleke, 2009).

Hamman (2004) cite that a community's development depends on its people this may include the level of health, knowledge and education, skills and the resources controlled by those people. Since *Ukuthwala* undermines the girl child's access to these opportunities it may indirectly undermine community development. Moreover, girls and women who constitute more than 52% of the population are part of the critical human capital that families and communities rely on for their development. Furthermore, there is a proven link between the lacks of education, underdevelopment and poverty, *Ukuthwala* then may deprive girl-children opportunities to educate and develop. Additionally, research indicates that the majority of the girls and young women that are victims of *Ukuthwala* are from poor families. Their lack of education and underdevelopment due to *Ukuthwala* deepen and perpetuate the cycle of poverty. In many instances the children born into poverty tend to be poor also. This contributes to the cycle of poverty in the communities particularly rural communities where *Ukuthwala* is dominant (Maluleke, 2009).

Early marriage is a symptom of and exacerbates gender inequality. If it were not for gender inequality and child abuse, would have no place in our society. The subordinate position of the girl or young woman is reinforced by the fact that in most of the documented cases the girl-children have been forced to marry men old enough to be their fathers or grandfathers (Vander Watt and Owens, 2012). Women who marry young are likely to be beaten or threatened and to believe that a husband

might be justified in beating his wife, even where girls are not physically abused, and the psychological impact of early and forced marriage is hard to quantify. Young brides are often marginalised from society with few support systems. This contributes to a lack of confidence and low self esteem which in turn increases their powerlessness and vulnerability to poverty (Myers and Harvey, 2011).

The distorted practice of *Ukuthwala* contributes to children being equated to commodities who are bought by the perpetrator to serve an egocentric purpose. Victims are subsequently reminded that they are paid for and therefore ‘owned’ by their new ‘husband’. For the victim this results in a situation very similar to that of debt bondage. Debt bondage is a fundamental control mechanism used by traffickers to, amongst impose a state of submission onto their victims (Monyane, 2013).

Young girls tend to drop out of school during the preparatory period before marriage which affects their ability to access the benefits of education. Egypt carried out a baseline study in four rural communities and it has been reported that early marriage was considered the main barrier to achieving universal primary education (Maluleke, 2009).

2.8 Ukuthwala as a custom

Huisamen, Nosilela and Kuschula (2010:1) define *Ukuthwala* as an old age Xhosa marriage custom which involves the legal abduction of the bride-to-be. The custom entails the ‘abduction of the unsuspecting bride-to-be by the suitor’s friends once marriage has been negotiated between the two families. Of value to the understanding of the pure form of *Ukuthwala* is their description of *Ukuthwala* where

the family, and most probably the community, is involved in an organized attempt to bring together a man and woman. A measure of consent is thus implied. This is part of the shared life experience of the traditional African person where social cohesion and social solidarity are part of human psyche (Ovens, 2010). This represents the spirit of ubuntu and a sense of shared responsibility. Against this background it is doubtful whether the recent accounts of minor girls marrying older men and subsequent criminal charges being laid are truly forms of *Ukuthwala*.

According to Mwambene and Sloth-Nielson (2011: 1) these cases may be indicative of the changing dynamics of this practice. However, the authors strongly oppose this view and believe that these are merely the acts of individuals who are involved with the abuse and exploitation of children. In its true form *Ukuthwala* is an act, which is condoned by the parents and the parties themselves. With reference to the abduction and rape of women and girls, the Commission for Gender Equality labels *Ukuthwala* as an unlawful practice disguised as a custom” (Commission for Gender Equality, 2010: 42).

This view is strongly supported in this study as the present practice of *ukuthwala* involves victimization of young girls which is contradictory to the original norms and standard of practice as prescribed by the tradition.

These accounts contribute to the customary practice of *Ukuthwala* being weighed up against the provision of section 39 (3) of the Constitution (South Africa 1996) which states that the Bill of Rights do not deny the existence of any other rights or freedoms that are recognised or conferred by customary law, as long as they are consistent with the Bill of Rights. The traditional forms of *Ukuthwala* adhere to the Bill

of Rights where the act is consensual.

2.9 Ukuthwala as a form of Gender Based Violence

Child marriage is regarded as a form of gender-based violence whereby a girl-child is forced to marry and may be physically, emotionally and sexually abused. Wadesango, Rembe and Chabaya (2011) acknowledge that this practice may compromise the development of the girl child and may result in early pregnancies that may increase the chances of maternal mortality. The young girl may also suffer from social isolation, consequently, these girls may be battered and may suffer with conditions of having little or no education; poor vocational training, responsible for household chores and running families at young age and increase her vulnerability to domestic violence.

An additional predicament facing girls who are married young is the high risk of contracting HIV/AIDS due to coerced and forced sex without the use of condom. This is exacerbated by the fact that in most cases the young ladies who fall victim to *Ukuthwala*, are married off to older men who may have already been infected in previous sexual relationships. The parents may also not take it upon themselves to investigate the health side of things as they are blinded by the prospect of riches from the older man's family in exchange of the hand of their daughter in marriage and financial gain through *ilobola* payment (Mesatywa, 2011). Furthermore, the age difference between the girl and the husband and her low economic status affect their power relations, thereby making it impossible for the girl to negotiate safe sex, climb the ladder in society or demand fidelity. Her social mobility is stunted at her prime through the practice of *Ukuthwala*.

In addition, girls and women who are married younger are more likely to experience domestic violence and are at least likely to take action against this abuse. For example in 2008, Global Rights national survey in Afghanistan forced marriage was found to be strongly associated with other forms of violence, where 63% of women who were forced to marry reported physical violence compared to 36 %of women who were not in forced marriage. The effects of *Ukuthwala* on young girls may be devastating. These young girls are deprived of the opportunity to obtain education which would help them live an economically rewarding life in future; also they are deprived of the right to choose their own life partners (Wadesango et al, 2011).

Research conducted with young women that have been victims of *Ukuthwala*, forced marriage and rape revealed numerous health complications for the young women, these ranges for HIV/AIDS infection and other sexually transmitted diseases to pregnancy and related complications such as infant mortality. These health complications are consistent with findings of the UN Secretary General's report on Violence Against Children (2006) and UN agencies such as World Health Organisation, UNICEF and UNIFEM in countries that are be-devilled by forced and early marriage (Maluleke, 2009).

2.10The Role of Social Service Practitioners

Ukuthwala on young girls can be devastating and can also be perceived as a trauma that robs the victim a sense of power and control. The guiding principle of recovery can be to restore power and control to the survivor. Empowerment refers to the intent to hand over the power, interpret, analyze and come up with solutions to the affected

people themselves (Curran and Bonthuys, 2005). In order for such scenario to happen, genuine participation is required. Therefore, it occurs when people realize that some important aspect of their lives can be different, and that change is possible.

Stevenson and Parsloe (1993) highlight that, the social service practitioners can assist the survivor to recover by establishing safety nets. This task takes precedence over all others as no other therapeutic work can possibly succeed if safety has not been adequately secured. Survivors of *ukuthwala* may feel unsafe in their bodies and their emotions and thinking may be out of control. They may also feel unsafe in relation to other people. The strategies of therapy must initially address the client safety concerns in all spheres of life of the client. Some may suffer from *physioneurosis* of post traumatic disorder and this can be modified by the use of medication to reduce reactivity and hyper arousal and by the use of behavioural techniques such as relaxation or hard exercise to manage stress. This may imply that when a young girl goes through *ukuthwala* process she may feel threatened and may fear and experience body harm. Consequently, she may suffer from post traumatic stress disorder. Therefore, it becomes necessary for the social service practitioner to focus on the development of concrete safety plans.

Further, establishing safety should focus not only on the control of the body but should also gradually move outward toward control of the environment. This may include control of self destructive behaviours, establishing of a safe living situation, financial security, mobility and a plan or self protection that encompasses the full range of the client's daily life. Therefore, girls who have experienced *ukuthwala* may

threaten suicide, may need finance so that they can flee from the oppressive environment and need to be protected from harm from either their immediate family or the perpetrator (Monyane, 2013).

Safe refuge is an immediate task of crisis intervention and this may imply literal flight to shelter. Each new environment must be thoroughly checked and assessed with regard to its potential for security or danger. The survivor's relationship with other people tends to oscillate between the extremes as these young girls attempt to establish a sense of safety, they may surround themselves with people at all times or they may isolate themselves completely. In cases of acute trauma, crisis intervention may often include meeting with supportive family members, relatives or close people. The Social worker's responsibility is to establish a safe environment for these young girls by mobilizing caring people and development of plan for future protection. Also in the matter of criminal reporting as in all other matters the South African Police Service practitioners may help the survivor to make informed choices with the full knowledge of risks and benefits (Monyane, 2013).

There are various ways in which women can be empowered and the following is a discussion of some of these methods. The emphasis in all the highlighted methods is participatory development, whereby both men and women are actively involved in all empowerment programmes. Women also as the disempowered group should be encouraged to shape their destiny and should be given the platform to do so. Human rights approach must be emphasized which entrenches the principle that governments are accountable to the people.

African women are disempowered and are prone to *Ukuthwala* at the younger which makes them vulnerable to HIV infection due to the fact that their lack of resources and understanding constrains them to all sorts of physical, psychological and emotional abuse (Koyana, 2007). Women's vulnerability to abuse may also be fuelled by cultural attitudes that make it inappropriate for women to be acknowledgeable about their rights (UNAIDS, 2001). For instance, most women cannot say no or negotiate safer sex with their partners because of the fear of being assaulted.

Koyana (2007) state that in South Africa, especially in rural areas due to economic hardships which the country is facing women are getting poorer and they continue to be socially and economically dependent on men. What this means is that women have less control over when and whether they have sex (Abdool, 2003). This scenario is also as a result of the patriarchal practices rife in the country, which gives men an upper hand over women. This male dominance pervades every aspect of women's lives and influences their inability to be assertive so as to defend themselves from abuse by their partners (Kaufmann, 2004).

Poverty and the ingrained belief that women should be subordinate to men very often lead to sexual relations dominated and controlled by men. These factors translate into violence and coerciveness in sexual relationship (Kauffman, 2004). What is really needed in order to deal positively with the practice of *Ukuthwala* is a gender based response which focuses on how different social expectations, roles, status and economic power of men and women affect and are affected by this cultural practice (Mfono, 2000). This gender based response will analyze gender stereotypes

and explore ways in which inequalities between women and men can be reduced so that a supportive environment can be created.

2.11 Chapter Summary

Chapter two has successfully outlined the literature on what *Ukuthwala* entails, its effects on the abducted children and how the society plays a negative or positive role. The following chapter dwells much on the legislation and rights that seek to protect children and regulate marriage thereof.

CHAPTER THREE

LEGISLATION AND HUMAN RIGHTS LAWS ON UKUTHWALA

3.1 Introduction

This chapter discusses the various legislation laws that deal with human rights and the issue of marriage. The issue of girl child rights, the African Charter on rights, the Universal Declaration of Human Rights and the South Africa Constitution's stance on children rights are all discussed.

3.2 Radical Feminism and Violence against Women

Radical feminist discourse regards patriarchy as the root cause of women's oppression. Patriarchal attitudes are bred through socialization and the resulting power that is vested in men deprives women of fundamental human rights. In addition, patriarchal attitudes are sustained by a sexual class system in which men assume positions of power and domination while women adhere to positions of subordination (MacDougall, 2000).

The radical feminist thought as purported by Loseke, Gelles and Cavanaugh (2005) acknowledges that patriarchy enables men to dominate and control women. By the same token, within a patriarchal social order, men maintain a privileged position through their domination of women and their monopoly of social institutions (Cunningham, 2008). The study argues that this permits men to benefit from their power over women in every way, from ego-satisfaction to economic and domestic exploitation, sexual domination and power. In addition, patriarchy is regarded as a violence that is practiced by men and male dominated organizations

over women and is linked to all forms of abuse against women. Feminist's analysis of women violence connects it to the pervasive sexism in norms, values and institutions (Oyewumi, 2003).

Loseke, Gelles and Cavanaugh (2005) mention that patriarchy has been pinned as one of the contributory factors to men's inadequate involvement in health issues. This is because women have not been well placed to adequately persuade men to participate with them in health matters because men wield more decision making power over women as dictated by patriarchal power dynamics. Patriarchy refers to culturally and customary attained power by men over time and generations. Men have used this power to oppress women in many ways, socially and economically. Patriarchy is also strengthened by the Holy Bible. Some people believe that patriarchy may find roots or is borrowed from the biblical principles. As it similarly ascribes power to the fathers over children and women as Moses and Abrahams did in the bible (Curran and Bonthuys, 2005).

According to Van der Walt (1994:160), despite current legislation prohibiting discrimination on the grounds of gender, it appears that little has been achieved to facilitate equality of the sexes in the South African society. This is attributed to a deep rooted patriarchal society. Both Western and African cultures seem to be deeply influenced by the idea of the supremacy of the fathers, since patriarchy is irrevocably part of Eurocentric and afro centric cultures in South Africa Patriarchy is one of the oldest and strongest ideologies in cultures world-wide and in the context of modern western culture; it can be experienced on multiple levels, especially in African (Bennett, 2004). For example, for a long time, some African countries did not

think much of the education of a girl child. In some parts of Africa, girl children are still commoditised, they are exchanged for money under the guise of *ilobola*. This is a means of social mobility for the fathers while tying the girls to marriages that may end up in misery for the women.

The Commission on Gender Equality (2010) defines patriarchy as the common denominator of the South African nation. It is a system of denomination of man over women, which transcends different economic systems, eras, regions and class (Boonzaaier and Sharps, 1988). The idea of the father leading and protecting the close circle of the family was extended to other spheres of the society, and thus dominated all other forms of social intercourse. The patriarchy system permeates all spheres of life and thus can be seen wanting to regulate all other man-women relationship in society.

By the same token, Soucie (2011) proposes that when a man rapes his wife because he feels it is her wifely duty to submit, this is not a conflict of individual interests but that which is deeply gendered and the husband's perceived entitlement that has strong institutional support. Koyana and Bekker (2007) argue that, sexual violence is used by men as a way of securing and maintaining relations of male dominance and female subordination, a notion central to patriarchal social order. This ideology converges with the hegemonic masculinity concept which projects that men's use of violence against women embodies the currently accepted answer to the legitimacy of patriarchy, which guarantees the dominant position of men and the subordination of women (Oyewumi, 2003).

The researcher's frame of reference is that, the South African society like many other societies is patriarchal and that violence is perpetrated by men against women. As such, domestic violence cases are difficult to deal with, as society comprehends a man's use of violence against his spouse as a mechanism to discipline his partner (Mesatywa, 2011).

Conclusively, the researcher contends that feminists have exposed the breeding ground for domestic violence which is patriarchy. In essence, *Ukuthwala* of young African girls can be perceived as a form of male domination that violates their human right through gender based violence (Drislane and Parkinson, 2002).

Although radical feminists highlight the patriarchy system as perpetuating *ukuthwala*, African feminism stresses the need for the recognition of culture and traditions in the oppression of women and the domination of men from Africa (Oyewumi, 2003). This ideology may also be of significance to this study since it combines racial, sexual and cultural dimensions of oppression to produce a more inclusive brand of feminism. It speaks of cultural experiences of young African women and how it impacts on their lives and also addresses issues that young African women face. African feminism is also more concerned with the liberation of all African women with particular emphasis on culturally linked forms of oppression (Curran and Bonthuys, 2005).

Loseke et al, (2005) critic feminist analysis and argue that patriarchy is a strictly gendered view of power and control that do not provide a framework within which to understand other forms of violence. The researcher is of the opinion that violence in the African context is perceivable as normal behaviour among men because of the values embodied in the culture. The fight against women violence in the African

culture has to focus on all men and not on individuals as the cultural value bind almost every African man. Furthermore, although there are different branches of feminism, which holds contradictory viewpoints, their central conviction is that society is patriarchal and that patriarchy is the culprit that has perpetuated violence in the home.

3.3 Human Rights Laws on Ukuthwala

Ukuthwala has been viewed as a serious violation of human women rights, thus, this section has been dedicated to discussing some relevant legislative policies. It is imperative to understand that *Ukuthwala* could easily be viewed as human trafficking as it involves the forced removal of one being from one point to another without their consent. Hamman (2011) views *Ukuthwala* as the abduction of a girl for purposes of a forced marriage. This marriage is usually already agreed upon by the parents, thereby belittling the rights of the young girl. Hamman, (2011) purports that, by international law, in accordance with parameters set out by the United Nations, human trafficking is now committed under the disguise of *Ukuthwala*. It is thus crucial that this study outlines some of the important legislations that can assist to create a better world for these young women.

3.4 Ukuthwala as Violation of Women's and Children's Rights

Male violence is a violation of women's rights as it contradicts with the South African Constitutions Bill of Rights. Section 9 which is the right to equality states that violence against women is an obstacle against the achievement of the objectives of equality, peace and development (Beijing Platform for Action, 1998). In most societies the act of marriage is a very important development in a

person's life, as it indicates emergence into adulthood. According to Hanzi (2006: 29) marriage is a socially acknowledged and approved sexual union between two individual adults. Although people are supposed to enter into marriage when they are adults, some societies endorse child marriages (Iyanuolu, 2008).

Despite the provision of a Child's Rights Act in many countries including Southern African Development Countries (SADC) member states which prohibits and provide penalties for marriage and betrothal of children less than 18 years of age, child marriage is still rampant in many countries as can be seen in present day South Africa and some parts of Swaziland. In many societies where child marriage takes place, many people look at it as a cultural tradition which has to be practised because it serves a useful purpose within families and communities (UNICEF, 2007). A number of such cultural practices are harmful to the physical integrity of women and girl children. Child marriage is among a list of harmful cultural practices which maintain the subordination of women in society and legitimize and perpetuate gender-based violence. The sharp rise in domestic violence raises awareness at the aggravating pace with which women's rights are being violated (Malawi Human Rights Commission, 2005).

3.5 United Convention on the Rights of the Child

Ukuthwala as currently practiced is in violation of the rights of the child as articulated in the UN Convention on the Rights of the Child. South Africa is bound by the CRC; by signing it meant that the country has ratified it without any reservations. Marriage before the age of 18 years should not be permitted since children do not have the full maturity and capacity to act, as recognized by the expert body that monitors the Convention on the Elimination on all forms of Discrimination against women in its

general recommendation 21 (Griffith, Myers and Harvey, 2006).

According to Maluleke (2009) this Act states that every decision involving a child must be in the best interest of the child. The Acts of abduction, forced marriage, child marriage, rape and sometimes trafficking in persons involved in most instances of *Ukuthwala* violate other international human rights for South Africa. It is then required by the law that South Africa protects and prevent the kinds of harm to children that are inflicted through the practice of *Ukuthwala*. The children are entitled to human rights in their own right, thus society needs to move away viewing the child as a recipient of privileges bestowed at the discretion of the family, community and the state, and move towards a more progressive view of the child as the bearer of the legal rights.

3.6 African Charter on the Rights and Welfare of the Child

The African Charter on the Rights and Welfare of the Child states that parties to the present parties shall recognize the rights, freedom and duties enshrined in this Charter and shall undertake to the necessary steps in accordance with their Constitutional processes (Koyana and Bekker, 2007). Article 2 of the African Charter defines a child as a human being who is below the age of 18 years. Article 4 states that the best interest of the child shall be the primary consideration, every child who is capable of communicating her own views shall be assured the right to express her opinions freely in all matters. Article 11 also states that every child shall have a right to an education, promotion and development of the child's personality. Article 16 also states that parties to the present Charter shall take specific legislative, administrative, social and educational measures to protect the child from all forms of

torture, inhuman or degrading treatment and especially physical or abuse, neglect, maltreatment which includes sexual abuse while in the care of the child. Article 21 also states that appropriate measures shall be taken to eliminate harmful social and cultural practices affecting the welfare, dignity, normal growth and development of the child in particular those customs and practices prejudicial to the health or life of the child. Advocacy needs to be raised strong against those customs and practices like ukuthwala that are discriminatory to the child on the grounds of sex or other status (Curran and Bonthuys, 2005).

3.7 Measures to effect Children and Women's Rights

In a bid to curb violation of children's rights SADC member states have been advised to raise the minimum age for marriage, since it is among the factors which contribute to the violation of women's rights (Office of High Commissioner for Human Rights, 1999; The African Child Policy Forum, 2007). African Charter on the Rights and Welfare of the Child (ACRWC) and the Convention on the Rights of the Child (CRC) recognise anyone of less than 18 years as a child (African Child Policy Forum, 2007).

The above observation shows that although appropriate laws exist, they are both inconsistent and ineffective, or do not sufficiently protect children from early marriages. This is also evident in cases of ukuthwala of minor children irrespective that the laws and human instruments are in existence. However, in some countries parents have to give their consent for girls to get married at an early age and it is evident that children in some cases do not receive the required protection, given the fact that some parents push for early marriages in order to acquire wealth

(UNICEF, 2007; NGO Committee on the Status of Women, 2007).

Child and forced marriage is a violation of human rights and is prohibited by a number of international conventions and instruments and South Africa is part of those protocols. Therefore, international and regional instruments provide norms and principles which states should implement within their national jurisdictions.

This requires state parties to adopt policies and legislation in line with the obligations they assume in those treaties. It may require states to have programmes and allocate resources for the implementation of obligations in those treaties. It also requires states to educate their citizens and orient their attitudes and also mobilize them so that the rights in the treaties can be realized. In essence, South Africa as a member state should entrench the application of those human rights legislations in the best interest of these young girls who are victimized by customary practices like *ukuthwala*.

3.8 Interventions to avert or mitigate Ukuthwala

There are various strategies and efforts that have been made to mitigate the ukuthwala traditional practice and the following can be mentioned.

3.8.1 Beijing Platform for Action (1995)

The Beijing Platform of Action is a reform that made a significant point of departure as far as women's rights are concerned. It is a result of this initiative that most educational campaigns, task forces and commission reports have been spawned at both international and national levels. This conference gave mandate to government

to condemn violence against women and to refrain from invoking any custom, tradition or religious consideration in an attempt to avoid their obligations. This initiative has influenced a number of policies and laws which have a direct bearing on gender violence. The progress made in 2000 indicated that a number of policies and laws were put in place in order to fight gender violence such as Domestic Violence Act of 1998, Human Rights Commission Act 2001 and Gender policy. Such acts have impacted positively on the society. On the other hand the success of Beijing's conferences objectives in South Africa has been limited as factors like poverty, HIV/AIDS, unemployment and discriminatory practices like *ukuthwala* among others have marred the progress of most initiatives (South Africa's Progress Report, 2000).

3.8.2 Customary Marriages Act

The recognition of this act requires that both parties consent to their marriage and *Ukuthwala* therefore could be used to overcome the brides consent. According to the Recognition of Customary Marriages Act, both the bride and the groom must consent to marriage. The age of consent is 18 years, if one of the parties is under that age of 18 years of age parental consent is an additional requirement for a valid marriage. If this cannot be obtained the permission of a child of commissioner or the Minister of Home Affairs must be sought, however this is subject to the provisions of the Sexual Offences Amendment Act of 2007, which sets the age of consent at 16 (Griffith, Myers and Harvey, 2006). However, the researcher is of the opinion that at times parents or guardian are using parental consent as a leverage in cases of *ukuthwala*.

3.9 The South African Constitution

According to the South African Constitution (1996) the best interest of the child are of paramount importance in every matter concerning the child. It is clear that *Ukuthwala* is not in the best interest of the child because it violates the right of the child that needs to be cared for; this also includes the right to be protected from malnutrition, neglect, abuse or degradation.

Young girls are turned into wives with all the burdens of being a wife in a gender unequal society exacerbated by age, rural poverty and the burden of care attendant to HIV/AIDS (Maluleke, 2009). One of the challenges of the South African Constitution lies in the contradiction that it raises between the universal individual rights guaranteed in the Bill of Rights. On the other hand, the long and cherished traditional practices often violate the rights as contained in the Bill of Rights.

Nielsen (2001) highlights section 8(1) within the constitution, more specifically the Bill of Rights argues that it is supreme and must be taken in cognisance during the deliberations on the cultural practice of *Ukuthwala*. Further, he allude that Section 8 provides for the requirement that common law be developed to give effect to the Bill of Rights. Furthermore, section 2 (11) provides the courts to apply customary law when that law is applicable, just like the other laws that are integral to the law of the land. Therefore, there is a constitutional duty to apply customary law as an equal form of law as the other laws. However, one can point out *ukuthwala* forms part of a customary tradition but transgress the expectations as contained with the law and that may include marriages of young minor children without their consent.

The writer points out that there were three limitations to section 2(11) and these are:

- No conflict is allowed with the Bill of Rights.
- Customary law must not be superseded by a specific Act of parliament
- Section 28(2) the best interest of the child is paramount in all matters

Therefore, it can be concluded that customary practice or cultural issues like *ukuthwala* could be found contrary to the best interest of a child and is also an overriding principle in Children's Act itself. She referred to the case in Swaziland, *Hlope v Mahlalela* (1998) which specifically addressed Conflict between customary law, and Swazi law and the best interest of the child. The ruling was that the best interest of the child be held paramount.

In addition she cited Sections 30 and 31, which provide for culture and religion as a fundamental right. She summarised the South African legal position as being that, customary law is now an integral part of the law of the land. She also states that in terms of the international treaties the following are important to the rights of a child:

- Convention on the Rights of a child Article 24(3): states that all parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of the children
- African Children's Charter states that all parties are required to take all appropriate measures to eliminate harmful social and cultural practices affecting the welfare, dignity normal growth and development of the child in particular :
- Customs and practices prejudicial to the health or life of the child
- Practices and customs may be discriminatory to the child on the grounds of sex

or other status.

In conclusion Nielsen (2001) state that disadvantages and burdens suffered by children as a result of cultural practice must always be juxtaposed against potential benefits of exercise of cultural rights, at the same time protection against clear rights violation and harm must be ensured.

3.10 The South African Domestic Violence Act 116 of 1998

Various policies and laws have been put in place to end gender violence internationally, regionally and nationally. The Beijing Platform for Action of 1995 gave a mandate to governments to condemn violence against women and to refrain from invoking any custom, tradition or religious consideration to avoid their obligation with respect to its elimination as set out in the Declaration of the elimination of violence against women (Objective D1). This initiative has influenced a number of policies and laws, which have a direct bearing on gender violence. The researcher is of the opinion that whereas, initiatives like the Beijing Platform for Action are noble attempts to fight gender violence, the inability to address women violence remains this initiative's shortfall.

Among other initiatives that have been initiated in South Africa, is the Domestic Violence Bill of 1998. The Bill recognises domestic violence as a serious social evil and that it approves that there is a high rate of domestic violence within the South African society (Zain, 2002). Despite this, critics state that, the act does not emphasise on counselling programmes for young women. The bill has taken a

stance against male violence through its protection order (section 7 a-f) which prohibits the abuser from:

- Committing any act of violence
- Enlisting the help of another person to commit any such act
- Entering the complainant's residence

One of the greatest challenges that this act is facing like any other policies is the lack of adequate publicity especially in the rural areas (Zain, 2002). Furthermore, other studies state that, because men have not been included in the process of reducing violence, women are reporting that protection orders against their spouses are fuelling violence in the home rather than reducing it (Parenzee and Moul, 2001).

The researcher contends that the Domestic Violence Act 116 OF 1998 is a noble initiative as it places power upon the criminal justice system to protect the victim and deal accordingly with the perpetrator (Mesatywa, 2012). However, the fact that it has failed to address the inclusion of women in the eradication of gender violence has made domestic violence a women's problem rather than an issue that is also central to men. Furthermore, the profound question that requires clarity is to what extent is the act effectively curtailing men from perpetrating violence against women?

3.11 Systems Theory

Muir (2000: 23) states that the need for cybernetics and systems theory is based upon the following: "When we pick up anything by itself we find it is attached to everything in the universe". This interrelatedness is comparable with the wholeness of the African experience. Muir (2000) speculates that if science, religion, philosophy

and epistemology of western civilisation were in better shape, we would not need cybernetics and systems theory as separate areas of enquiry; rather they would be woven into the fabric of our knowledge as already are other prior mental tools such as flexibility of language.

According to Prinsloo (2008), our tradition of education has a blind spot when it comes to complexity, interconnectedness and relationship. This explanation of complexity, interconnectedness and relationship forms a basis for the understanding of the intrinsic value of *Ukuthwala* in a collective decision making process regarding the well-being and suitability of an arranged coupling. The fact that the family and community were traditionally involved in the practice of *Ukuthwala* is indicative of shared decision –making. This traditional principle ensures that the best interests of all role players were taken into account and that the arrangement was in the best interest of the future bride and groom and that the families and community supported the union. Originally the traditional system had immense super power. This meant that the group was stronger than the individual members, resulting in a strong social control mechanism (Hughes, 2008). A break from tradition may have resulted in weaker social control mechanisms which in turn may have contributed to crime when the individual felt a lesser level of social cohesion and belonging.

Finally both researchers and criminal justice agencies need to look at the role of *ubuntu* in the *Ukuthwala* practice as African ontology and epistemology are two aspects of the same reality which manifest in the philosophy of *ubuntu*. Nafukho (2006: 409) avers that in traditional Africa, *ubuntu* represents the rule of conduct or social ethic in the sense that it recognises the human being as a social being who needs to be with others. However, the *Ukuthwala* traditional practice on young girls

contradict the principles of *Ubuntu* which emphasis treating of individuals with humanness and dignity. Young girls are forced to marry as minors, coerced to have sex and be raped in process, all in the name of '*Ukuthwala*'.

3.12 Empowerment theory

Empowerment can be defined as self strength, control, self-power, self –reliance, life of dignity in accordance with one's own rights, independence, own decision making, being free, awakening and capacity building (Mesatywa, 2011). Based on these premise, as much as African families continue to practice sacred and secular rituals, the traditional practice of minor girls in the name *Ukuthwala* create discourses that begins to challenge the preservation of some indigenous cultures that have evolved in a corruptible manner.

Empowerment, therefore, may be the key helping aspect in the lives of young girls who have experienced *Ukuthwala*. Smale, Tuson, Biehal and Marsh (1993) state that empowerment involves practitioners having to reinvent their practice and their focus on particular problems and solutions. This may imply that victims of *Ukuthwala* may be confronted by myriad psycho- social problems and empowerment in this regard may describe services that could be provided with meaningful choices and valuable options for the young girls in order to gain control over their lives and their circumstances. This process may also involve addressing the impact of inequalities, oppression and discrimination (Mesatywa, 2012).

Gutierrez (1990) identifies changes that could be sought through the process of empowerment. These could occur on the individual, interpersonal and institutional level, where a person could manage to develop a sense of personal power and an

ability to work with others to change social institutions. Through empowerment, the survivors of *Ukuthwala* could move from the position of apathy and despair towards a sense of personal power that may involve the following:

- Increasing self-efficacy, that may imply, moving from the state of reacting to events to taking action;
- Develop group consciousness; and
- Assuming personal responsibility for change either through the legal route and family systems.

The social service practitioners may need to provide practical assistance that may involve moving the survivors to shelters take legal actions against the perpetrators and get psycho-social and medical assistance for the victims. Intervention processes could be identifying and building upon the clients existing strengths and in engaging in a power analysis of the client's situation. This could include teaching these young girls specific skills like parenting skills for those who became pregnant during the ordeal and encouraging them to go back to school and get education. The social service practitioners could also conduct awareness campaigns that could highlights the dangers that are created by *Ukuthwala* on young girls. These could include mobilizing of resources to assist these girls and advocate for change (Mesatywa, 2011).

3.13 Chapter Summary

This chapter laid out the various legislative pieces that advance human rights. Furthermore, the chapter successfully discussed the measures that have been taken to effect women's rights and many other interventions that have stood in the best interests of women and children. The subsequent chapter highlights the research

methodology employed in finding answers to the key research questions of this study.

CHAPTER FOUR

RESEARCH METHODOLOGY

4.1 Introduction

In this chapter the researcher discusses major components of how the study was actually conducted. Thus, the research design, research methodology, ethical considerations, sampling procedure and tools to data collection, analysis of the data and limitations of the study are explained.

4.2 Research Methodology

This chapter is influenced by various definitions of researchers such as De Vos (2005), Bless and Higson-Smith (1995:100), Neumann (1997:329) and Oka and Shaw (2000). These authors agreeably define research as a blue print plan that researchers develop in order to find specific answers to a research question of a particular study. The study was conducted in two stages. The researcher used the thematic approach to establish a coherent and inclusive account of events and cultures from the point of view of those research (De Vos et al, 2011).

4.3 Research Design

An exploratory research design was utilised because of the paucity of information on the experiences of young women when it comes to *Ukuthwala* practice. Also, an exploratory design was chosen because previous research studies on young women and *Ukuthwala* do not address the impact of culture on *Ukuthwala*.

The present study did not make use of formal hypothesis because it is an exploratory study. This was in line with Trochim (2007) who asserts that an exploratory study has no formal hypothesis because the purpose of such a study is to explore some area thoroughly in order to develop some hypothesis which can be tested in future research. Based on the same line of argument, the present study however was informed by research questions (outlined in chapter 1) to which answers were sought. Trochim (2007) supports this argument when he states that in qualitative research, the enquirer makes use of research questions instead of a hypothesis.

A qualitative approach was utilized for the purpose of this study. Qualitative research seeks to describe life worlds from the point of view of the people who participate, so as to create a better understanding of their experiences. Furthermore, Gilbert (2001) asserts that a qualitative researcher is interested in diversity of perception, even in the multiple realities within which people live. The researcher thus utilized in-depth interviews in order to gain insight as well as an understanding of the experiences of young women on *Ukuthwala*. This research approach was suitable because the researcher's need was to understand the experiences of young women who had been abducted in the name of *Ukuthwala*. Furthermore, qualitative studies aim for in depth understanding in order to generate rich observations (Henning, 2004). The adoption of this approach for this study enabled the researcher to obtain deeper understanding into how these young women describe, make sense, interpret and give meaning to their experiences. Qualitative methods are used when a research requires an in-depth understanding of a social aspect (De Vos et al, 2011). Also, qualitative approach has the

advantage of being flexible, as it allows the Interviewer to respond to new theories and concepts raised by the respondents (Leyden, 2009).

4.3.1 Triangulation

This process entailed using more than one method or source of data in the study of social phenomena. In this particular study, the researcher relied on data from different sources, the literature review, interviews and focus groups. The term triangulation refers to an approach that uses multiple observers, theoretical perspectives, sources of data and methodologies but the emphasis has tended to be on methods of investigation and sources of data (Bryman, 2012: 392).

According to Gilbert (2001: 209) data triangulation serves to provide a solution to the problem of partiality which arises when only one method is used in data collection, therefore, he suggests, triangulation is a better approach. This study thus made use of information provided through interview with individual participants from Soul Winners Support Centre and the focus group data, to validate their findings.

4.4 Ethical Considerations

Research normally deals with humans thus it becomes important to conduct it in such a way that there is no harm that is done to them. To do this, ethical considerations are established in order to protect and respect the moral, cultural and religious values. Thus, whenever a researcher carries out a study on human participant the researcher ought to protect the participants from any physical, mental or other form of harm, hence a variety of codes of ethics have been formulated by

professional societies (De Vos et al., 2011:68). In the context of this particular study, the researcher adhered to the ethical guidelines which govern all research involving human beings. Therefore, the ethics discussed below were observed during the interviews.

4.4.1 Gaining Access

Gaining access was a little bit of the problem as the researcher was new in the vicinity and knowledge of the culture of the people concerned created some problems. However, this was dealt with by introducing one's self-first to the management at Soul Winners Support Centre for Women and Children in Libode. The management then gave access to the relevant population sample. Then the researcher had an opportunity to slowly introduce oneself to the participants and discussing the topic with them prior to the fieldwork. On a positive note, regarding the language, the researcher had no problems and could speak the vernacular of the participants fluently.

4.4.2 Informed Consent

Following the principle of informed consent, the nature, goals, benefits as well as potential risks of the study were clearly explained to participants at the onset. Participation was entirely voluntary and participants were asked to sign a consent form appended at the end of the study report. Permission was also sought for the use of a tape recorder, and the researcher ensured that the tape recorder was placed inconspicuously so as not to cause unnecessary anxiety to the participants. According to Bless and Higson (1995), participants have a right to know what the research is about, how it will affect them, the risks and benefits of participation and

the fact that they have the right to decline to participate if they choose to do so.

4.4.3 Avoidance of Harm

Exposure to harm was taken into consideration in this research, as the topic was a very sensitive one. It was most likely that participants to some extent were afraid that information about their experiences on *Ukuthwala* would be used against them in some way. The researcher made sure that she reiterated the fact that the information gathered would be used for academic purposes only and would not under any circumstances be used against them.

The researcher observed certain reluctance on the part of participants to delve much on the practice as there was a tendency of participants to reconstruct their stories into moral adequate accounts of themselves and their life choices. The researcher was critically aware of this possibility especially with the sensitivity of the topic thus focus was maintained on responding to the questions asked to avoid digression or the coming up of make belief recreated stories.

4.4.4 Privacy and Confidentiality

Strydom (2009) asserts that privacy refers to personal privacy whilst confidentiality is concerned with the handling of the information in a confidential manner, it is however clear that these two ethics are there to protect participants from harm that might arise if their identity is disclosed to the public. To safeguard participants from such harm, pseudo-names were used so that personal identities of participants would be secured even in cases where information could be shared by third parties.

4.4.5 Deception of Participants

The researcher ensured that participants were told the whole truth about the nature of the study, and its benefits. She also went further as to tell the participants about the risks posed by the study mainly that the study was emotionally draining and could invoke painful memories. No deception or coercion was used in order to make participants to participate in the study.

Debriefing sessions were conducted after the interviews in order to aid participants to work through the interview experience and its aftermath, in turn minimizing emotional harm. During debriefing participants were given a chance to talk about the feelings invoked by the interview and the researcher helped them to step out of the interviewee role. Counselling was then conducted where necessary to enable participants to continue with their daily lives without any disruption due to the painful emotions that the interviews could have evoked. The researcher who is a trained social worker offered psychological support as prescribed by ethical guidelines by the South African Social Services Professions.

4.5 The Population, Sampling and Population Sample

4.5.1 The Population

According to Strydom (2009) the population of a study refers to all potential subjects in the universe who possess specific characteristics the researcher is interested in. A sample is thus a small portion of the total set of objects, events, persons that together comprise the subject of a study (De Vos et al, 2005). The major reason for sampling is feasibility. It reduces the likelihood of information overload which would

result in inaccuracy; this is so because, with a sample; time money and efforts are focused on a manageable size of participants. The population of the study therefore consisted of all *Ukuthwala* survivors who are placed in Soul Winners Support Centre for Women and Children in Libode. However the population sample was only 15 victims of *Ukuthwala* and 5 social services practitioners who were sources of support for victims of *Ukuthwala*.

4.5.2 Sampling Strategy

Marlow (2011: 353) maintains that sampling is the means of determining the subjects of the study. The researcher chose a group of individuals who were the representatives of the whole population. In order to participate in the study, participants had to meet the following:

- They had to be within the 12-15 years age group at the time of the study
- They had to have experienced *Ukuthwala* practice
- Participants had to be willing to avail themselves for the interviews at the centre

4.5.3 Non Probability Sampling

To pick a population sample the researcher used a non-probability sampling which is a process of selecting a sample where each element has an unknown chance of being included in the sample (De Vos et.al. 2011: 201). Non-probability purposive sampling was employed in order to get 15 *Ukuthwala* survivors from Soul Winners Support Centre as participants for the study. Purposive sampling is based on the judgement of the researcher on what constitutes the typical elements that embrace the most typical attributes of the population (Strydom and De Vos, 2010:198;

Alston and Bowles, 2003). The researcher thus chooses a particular case because it displays some feature or process that is of interest for a particular study (Strydom and De Vos, 2010). This study pursued purposive sampling because the participants who were selected to participate in the study had the first-hand knowledge of the subject. The reason behind the choice of such a small sample of 15 participants was informed by the desire to come up with in-depth information which is only possible when working with a small number of participants. In addition the notion of choosing a smaller sample is supported by Sheafor and Horesji (2006: 614) who maintain that 5 to 10 participants are sufficient when carrying out qualitative study.

4.6 Research Instruments

Research instruments refer to the tools used to solicit answers to the key research question guiding the study. The instruments used for this study included a focus group discussion and individual interviews.

4.6.1 In-depth Interviews

In-depth interviewing is a qualitative research technique that involves conducting intensive individual interviews with a small number of participants to explore their perspectives on a particular idea, program or situation. In depth tape recorded interviews were used as a technique of collecting data. The researcher asked probing questions from the participants so that they could elicit and elaborate more on the topic. This technique allowed the participants to re-live their experiences, their emotions were made visible and they were able to give more information than what was asked initially.

The researcher sought permission from the participants to use a tape recorder to record their utterances. This provided lengthy information some of which was sensitive. The researcher used her professional skills to be empathetic, caring and showed genuine interest on the participants and this is in line with the basic principle of social work practice. It was then easier for the researcher to record the participants and transcribe the information afterwards. The interviews were then transcribed (meaning the act of writing down verbatim a recording of the interview). The recording of conversations and interviews was to all intents and purposes mandatory with the approaches that entail detailed attention to language, such as conversation analysis and discourse analysis. It assisted to correct the natural limitations of researcher's memories and of the intuitive glosses that researchers might place on what people say in interviews (Marlow, 2011: 354).

Transcribing also allowed data to be reused in other ways from those intended by the original researcher for example in light of new theoretical ideas or analytical strategies (Bryman, 2012: 482). The use of transcribing allowed the researcher to make a clear and thorough examination of the participant's utterances. This method also helped the researcher to remember some of the responses that were almost forgotten. One can also cite that although the language used to conduct the interviews was IsiXhosa; the researcher had to translate the transcription to English as these are the expectation of the researcher.

4.6.2 Focus Group Discussion

A focus group is a form of group interview in which there is an emphasis in the questioning on a particular topic, and the emphasis is upon interaction within the group and the joint construction of meaning (Bryman, 2012). The focus group consisted of 6 social service practitioners around Libode area. These included; 1 Social worker, 1 Community nurse, 1 Policeman, 1 member from the house of tradition and 2 community leaders. The focus group assisted the researcher to gain better understanding of the dynamics around the issues that pertains to the experiences of young women on “*Ukuthwala*.”

4.7 Data Collection

The researcher utilized in-depth one-on-one interviews to collect data from the participants. Each participant was interviewed only once to enable the researcher to gain an understanding of the girl’s experiences of *Ukuthwala*. Interviews are further essential as a data collection method in the sense that it enables the researcher to observe beyond what the participant is saying. Through interviews, the researcher may learn about the context and surroundings of the participants. Also, the interview allows immediate follow up so as to gain more clarity. The instruments used in collection of data were two interview schedules which were constructed by the researchers (Appendix B). Interviews were semi-structured and each main question was accompanied by relevant prompts utilized in order to gain a deeper understanding of the experiences of the participants. The interview schedule however was not tested in a pilot study due to the sensitive nature of the topic.

4.7.1 Participants and Settings

Arrangements for the interviews were done in a private room in the centre; this approach gave the participants the privacy that they deserved. This further enhanced the creation of a relationship based on trust thereby enabling the respondents to confide in the researcher. The building of trust is essential in any research project in order to come up with accurate results which lead to accurate conclusions. Preliminary interviews were conducted whereby the participant's suitability to participate in the study was assessed. The preliminary interview was a means of establishing rapport and also screening participants and focused on potential participant's age. The interviews were conducted in Xhosa, the local language spoken in Libode so that the participants could express themselves freely in their own language. Each interview took 30 to 45 minutes depending on the participant's emotional state of mind and the extent to which they wanted to share their experiences.

The researcher took care not to strain the participants who were vulnerable, but for those participants who wanted to share their experiences in detail, the researcher made room for that, of importance is to note that the researcher used the interview schedule to guide each and every interview to ensure that all participants were asked the same questions. Transcriptions were proof read by the supervisor. To enhance confidentiality, pseudonyms were assigned to each participant and this was consistent in the focus groups also.

4.8 Data Analysis

Data was analyzed following the grounded theory approach. Grounded theory is a

scientific method that is concerned with the generation, elaboration and validation of social science theory (Glaser and Barney, 2008). Data analysis is a process of bringing order, structure and meaning to the mass of collected data, and determining the conclusion and the significance of the findings. Data analysis commenced with data reduction, data organization and then data interpretation with the backup of existing theory (Alston and Bowles, 2003). Literature on the experiences of young women was used to link the responses of the participants to findings from previous research studies. This linkage helped in the identification of similarities as well as differences between findings from the study and findings from other studies.

In data reduction, the data was coded, summarized, and thematically categorized in order to identify important aspects of the experiences of young women on Ukuthwala. This means that data was coded with the aim of generating themes, a process known as open coding. Coding is a system whereby data is organized according to selected themes.

A thematic approach was utilised to write a qualitative report that uses themes identified in the data (De Vos et al., 2011: 204). After interviewing participants, the researcher arranged the data into themes. The responses from the participants were analysed and categorized under the themes based on homogeneity and similarity or popularity of occurrences of a particular word. The thematic approach emphasizes organization and rich description of the data set; it goes beyond simply counting phrases or words in a text and moves on identifying implicit and explicit ideas within the data (Creswell, 2002).

4.8.1 Credibility

Credibility deals with issues of establishing that the results of the qualitative study are considered to be a true reflection of the participant's views on the phenomenon under study (Trochim, 2007). The 15 participants confirmed the credibility of the present study and in some instances added some points they felt had been left out thereby increasing the credibility of the study. Unlike quantitative studies, the credibility of qualitative study depends on the ability and effort of the researcher (Fortune, 2004). The researcher is a qualified Social worker with experience in conducting social work interviews. This quality ensured that the in-depth interviews conducted with participants revealed answers to questions at the heart of the study. The whole research process was done under strict supervision thereby ensuring that the aims of the study are realized and that the whole research process is done in an ethical manner.

4.9 Limitations of the Study

The study was not without its fair share of limitations, but the researcher tried to work around these limitations in order for the research to be successful. Fouche (2010; 118) states that although problems are never completely eliminated from any study; the researcher must spell out the various means by which she tries to limit the problems. The researcher faced translation problems since some English words cannot be directly translated into Xhosa and some of the English words do not exist in the Xhosa dictum. However, assistance was sought from department of African languages for translation of some of the Xhosa concept.

In the focus group session, making participants to share their experiences was

not an easy task for the researcher especially when taking into consideration the conservative nature of the Xhosa culture and the age gap between the researcher and the participants. To overcome this limitation, the researcher employed all the necessary skills in order to make the participants ventilate. She also had to repeatedly assure the participants of the confidential nature of the research. The study became sensitive as the interviews progressed as participants could not help getting emotional. Counselling was provided to all participants where necessary and also interview was followed by a debriefing session at the end of the interview.

4.10 Chapter Summary

This chapter has outlined the process of data gathering and analysis in detail. Ethical considerations were observed to protect participants from any harm. The following chapter deals with data analysis.

CHAPTER FIVE

RESULTS AND DATA ANALYSIS

5.1 Introduction

The previous chapter was a detailed discussion on the research methodology employed in this study. This chapter focuses primarily on the presentation of results; interpretation and analysis. There are four major themes that were used during the individuals as well as the focus group interview schedules. The literature is also linked to the findings as a back up to the discourse. Nevertheless, it is crucial to remind oneself of the main aim of this study, its objectives and the research questions. The study set out to investigate the experiences of *Ukuthwala* cultural marriage practice amongst young African women in Libode rural area. The study had the following objectives:

- To explore the experiences of young African women who have been forced through *Ukuthwala*.
- To examine the kind of support they receive from their families, friends and the community.
- To examine the kind of assistance that the social service professionals could provide.
- To find out from these young African women the kind of empowerment services that they require to curb *Ukuthwala*.

The data was collected from fifteen individual participants (interviews) and 5 social service practitioners (focus group). The following are the major themes that guided the structure of individual interviews.

- Personal details.
- Existence of the tradition of *Ukuthwala*.
- Challenges faced during the practice of *Ukuthwala*.
- Kind of professional assistance received.
- Empowerment services needed.

The following are the themes that were utilised in the focus group interviews:

- Personal details
- Existence of the tradition of *Ukuthwala*
- Challenges faced by these young women during the practice of *Ukuthwala*
- Strategies applied by social service practitioners to deal with *Ukuthwala* tradition

5.2 Theme One: Demographics and Personal Details

This section presents the findings related to the biographical information of the participants in the study.

5.2.1 Individual in-depth interview participants

The participants were asked to briefly tell the researcher who they were, their age and that of their partner, marital status, number of children and status of employment and that of their partner. Table 5.1 below illustrates the results of their responses to this question that sought to understand their demographics. In the table, the gender and age distribution of the children who were interviewed is reflected.

Table 5.1: Demographics and Personal Details of Individual in-depth interview participants

Pseudonym	Age	Education	Marital	No. of children	Employment	Partners	Employment
Lolo	12	Grade 4	married	1	student	40	unemployed
Amanda	12	Grade 3	married	2	housewife	47	Farm worker
Meise	12	none	married	2	housewife	46	miner
Nokuzola	12	Grade4	married	none	student	49	miner
Phumeza	13	Grade4	married	2	student	38	unemployed
Zukiswa	13	none	married	3	housewife	48	Truck driver
Zoiswa	13	none	married	1	housewife	47	Petrol
Vuyokazi	13	none	married	3	housewife	49	unemployed
Ntanazana	14	Grade7	married	4	housewife	50	miner
Nomsi	14	Grade 7	married	3	housewife	49	Farm worker
Noninakhe	14	Grade2	married	3	housewife	50	Traditional
Nontsokolo	15	Grade4	married	4	housewife	50	Self
Novelwano	16	Grade9	married	1	housewife	47	Truck driver
Nomxolisi	16	Grade9	married	2	housewife	50	miner
Iulama	16	Grade7	married	3	housewife	48	self

The results presented in Table 5.1 shows that among the fifteen children who were included in the study, they were all females between the ages of 12 and 16 years. Eight of the women interviewed were between the ages of 12 and 13 years old whilst the other 7 were between the ages of 14 and 16 years. Pseudonyms were used in accordance with the principle of confidentiality and for easy referencing (De Vos et al., 2011).

Mesatywa (2011) is of the opinion that, age is related to the increased incidents of domestic violence. He further asserts that these young women are prone to domestic violence by older men. Following the accounts given by these young women, their age differences did not have any effect on their stories in as far as their experiences on *Ukuthwala* were concerned.

The Children's Act 38 of 2005 section 12, state that every child has a right not to be subjected to cultural practices which are detrimental to his or her well being, section 12, 2(b) further highlight that children should not be given out for marriage or engagement. The individual participants that were chosen for this study were all females. All the participants that undertook the interviews were bracketed within the specified range above.

The tribes that were among the participants were of Xhosa and Mfengu origin. Twelve of the participants were Xhosas' and the remaining three were of Mfengu origin. The diversity of tribes showed that cultural practices could be shared through cultural similarity and personal endeavours. In South Africa, the custom of *Ukuthwala* originated from Xhosa tribe. However, the practice has expanded in to different ethnic groups. In recent years *Ukuthwala* has been condoned as the origin of the traditional practice did not involve raping or having consensual sex with the girl or young woman until the marriage requirements had been concluded (Koyana and Bekker, 2007).

5.2.2 Focus Group Participants Demographics and Personal Details

Table 5.2 illustrates the demographics and personal details of focus group participants of the study.

Table 5.2: Demographics and Personal details of Focus Group Participants

Name	Age	Marital status	Profession	Employment	No. of children
Mrs Sue	44	Married	Social worker	Soul winners	3
Mr Lloyd	39	cohabitating	policeman	Libode	1
Mrs Edna	50	widow	caregiver	Wellness clinic	5
Mr Gqada	54	Married	Traditional leader	Community representative	6
Mrs Sangc	33	Married	nurse	Khala clinic	1

The table 5.2 above illustrates that the participants of the study in the focus group discussion were predominant females and few males. The marital statuses of participants were different, three were married, one cohabitating and one was a widow. The participants were from different professional field of practice. Their ages ranged from 33 to 54.

5.3 Theme Two: Challenges faced during the practice of Ukuthwala

The following table (Table 5.3) presents the sub-themes and their categories of challenges faced during the practice of *Ukuthwala* as they emerged in the study.

Table 5.3: Sub-themes and categories of challenges faced

Sub-themes	Categories
Parental authority	<ul style="list-style-type: none"> • Forceful grabbing • Beating
Cultural purposes	<ul style="list-style-type: none"> • Culture • Payment of <i>ilobola</i> • Financial gain
Effects of <i>Ukuthwala</i> on young girls	<ul style="list-style-type: none"> • Education • Physical • Emotional anger • Psychological effect
Feelings during the <i>Ukuthwala</i> practice	<ul style="list-style-type: none"> • Self blame • Anger • Betrayal • Hopelessness • Helplessness

Table 5.3.presents sub-themes and categories based on the challenges faced during the practice of *Ukuthwala*. It also provides the utterances of the participants.

5.3.1 Sub-theme one: Parental Authority

- ***forceful grabbing***

All the 15 participants (100%) maintained that they got married under the orders of their parents; they had no say in their future and had to obey their parents. Twelve (70%) participants interviewed maintained that they were forced to marry at tender ages, and that this happened to older men against their will. Focus group participants pointed out that the participants had no intimate relations prior the abduction, no prior knowledge of their partners and most of the times are forced by their parents and families through the process of *Ukuthwala*. The young women do not have much choice, parents and other clan members decide to whom they marry the majority of the community believe this is a societal norm.

This is what one of the participants had to say about their experiences:

“As I was accompanying my cousin back home I saw a group of men who were looking suspiciously on us. As we parted the men rushed and forcefully grabbed me. I screamed for help and nobody came to my rescue”.

Other participant echoed what the previous participant had said:

“On the day of the incident I was requested by my mother to go to the river and fetch water. I was confronted by three men I knew and they forcefully grabbed me hurtfully. They dragged me to a nearby house where a man raped me repeatedly the whole night.”

Another participant said,

“Ndandingamazi nokumazi wathandwa ngu malume”

The above quote shows that the participant did not know the prospective partner and had no prior knowledge of his existence but her uncle liked him. This became a challenge because the young girls did not have a freedom of choice and was forcibly taken for marriage without her consent or knowledge.

This finding is consistent with Monyane (2013) who asserts that the woman or girl is forcibly taken for marriage without her consent or knowledge. However, some of the parents may have already been knowledgeable about this intent. The author also alludes that the abduction on its own is an attack on the integrity of the young girls. Under normal circumstances a proposal to marriage should be decent and respectful and not involve dragging a person as if it is an object (Monyane, 2013). It can be concluded that parents has played a significant role in the practice of *Ukuthwala* and some still remain an integral part of this phenomenon.

- **Beating**

All participants experienced beating during the ordeal as sticks, knobkerries and kicking was effected by the people who were mandated to *Ukuthwala* of the young girls. Ten of the participants claimed that they were beaten by their partners as they were coerced into sex and being raped.

This was reiterated by all focus group participants who stated that most women who go through *Ukuthwala* suffer injuries such bruises, dislocation of joints and bleeding and some are forced to have sex on their first night with the perpetrators.

Some of the experiences are cited as follows:

“he kicked me as he beat me twisting my arm and forcing himself on me. I screamed for help but nobody came to my rescue.”

“he broke my arm as he was beating me with a knobkerrie and i pleaded for mercy

as i was bleeding profusely”.

These findings correspond with a finding by Londt (2004) who claim that forced sex is often a form of rape or sexual assault which most of the time is accompanied by use of weapon and beating (Mesatywa, 2012).

5.3.2 Sub-theme two: Cultural Purposes

- **Culture**

The participants were asked if the practice of *Ukuthwala* was cultural and exist in Libode. All participants (15 or 100%) agreed to the existence of *Ukuthwala*. They also maintained that they were forced to marry men who are older to be their fathers. All focus group participants also concurred with the fact that the practice of *Ukuthwala* is a traditional practice and forms part of culture and still exist especially in rural areas.

One of the participants said:

“I used to believe that Ukuthwala is not an issue since it is believed that the place of a woman is to look after the family but when i became a victim its was devastating”.

One participant uttered:

“My parents told me that I had to marry one elder from a church and give him an heir since all his wives are giving birth to girls. Culture maintains that only boys or males can be heirs and have to inherit their fathers’ wealth”.

It may become apparent that *Ukuthwala* can serve important cultural purposes among those South Africans who live their lives according to cultural norms (Mwambene and Sloth- Nielson, 2011: 6).

The assertion by Mwambene goes a long way in supporting the notion of culture as playing a pivotal role in the practice of *Ukuthwala*. The writer argues that the culture of *Ukuthwala* originally was not a bad traditional practice. However, it has evolved and has been corrupted and abused to suit some of the perpetrator's desires.

Monyane (2013) cited that the rules of culture are supposed to be shared by everybody and not to be oppressive to others.

However, Wadesango, Rembe and Chabaya (2011) refer to culture as a sense of distinctive ways of thinking and doing; distinctive creations; language and symbols among the youth who can in a sense only be described retrospectively". Because the term culture usually refers to a blue print for the behaviour norms and values in a given society, subculture often refers to the kind of phenomenon, that is practiced by a smaller group in a society (Wadesango et, al.2011).

The researcher is of the opinion that cultural rules should not cause perpetrators to inflict pain on young women, but should influence communities to behave in an orderly manner, which helps them to understand each other.

- **Financial gain and Payment of *ilobola***

The participants were asked if the cultural practice of payment of *ilobola* through *Ukuthwala* was popular. All 15(100%) participants attested to the popularity of *Ukuthwala* due to financial gain. This was further evidenced by the fact that all 15 participants were forced to marry as *ilobola* was partially paid to their families and

some parents did receive full payment in monetary forms.

All participants from focus group (100%) cited cultural practice of *ilobola* or financial gain as responsible for the continued practice of *Ukuthwala*. All members (100%) who were also focus group participants further stated that *Ukuthwala* tradition still exists even though the community understands well that it is against the law. They stated that the financial gain through *ilobola* payment makes *Ukuthwala* to be prominent amongst the poor communities.

One of the participants mentioned:

“My family is poor and they negotiated for me to be abducted as they were going to get money through the payment of ilobola”.

Another participant sadly stated that:

“We are the slaves to this cultural practice of ilobola payment and Ukuthwala. Because it is culture that forces us to obey without question, our families can send us back or return us to the family that has perpetrated Ukuthwala.”

One participant uttered:

“My parents have already used part of payment of ilobola to settle debts and buy food”.

“Zayithanda izihlobo into yokuthwalwa kwam kuba babefuna inkomo, kwaye lisiko Ukuthwala ayilonyala”.

The above statement shows that the parents indulged in *Ukuthwala* because some are poor whilst other wanted to get cattle through *ilobola*. Furthermore, *Ukuthwala* is a societal norm not a taboo.

Women Legal Centre Report (2010: 98) allude that the motives for financial benefit and poverty are the primary reasons that parents sell their children. This can also be viewed to be in agreement with Hanzi (2006) who suggests that in other countries young girls are married early to settle family debts through a payment of bride price and as a compensation for pledging. While none of the girls that participated in this study ever said they were used to pay a debt, it is highly possibly that some of the families of these victims used *Ukuthwala* to pay off some debt.

As it has been stated by Hanzi (2006), that this normally happens where a family in need typically receives help from another family on condition that the family receiving assistance commits to marry their girl child to that particular family. In this regard, a girl is provided in a form of debt bondage (Malawi Human Rights Commission, 2005).

However, Mndende (Mail and Guardian, April13-20, 2006:19) argues that *ilobola* is based on relationship between two families. This is for the protection of children that will be born of a relationship that is based on either traditional or civil marriages. She further argues that there is a misconception that women are sold through the payment of *ilobola* and at times it is not mentioned that the bride has to bring certain possessions or gifts (*ukwambesa*) from her own homestead to a new home (Mesatywa, 2011).

Financial gain and *ilobola* have been identified as having been the conditions within which *Ukuthwala* continues to flourish.

5.4 Sub-theme three: Effects of Ukuthwala on young girls

- **Education**

The findings of the study highlight that all participants (15 or 100%) claimed that *Ukuthwala* leads to girls dropping out of school. All participants mentioned that they had to leave school through the practice of *Ukuthwala*.

One of the focus group members who is a Social worker stated that these children are abducted at 12 or 15 years, ultimately the men are denying them access to education meaning that these girls chances of employability is reduced to almost zero. A caregiver who is also a focus group member shared that in 2006, 13,9% young girls (13-19 years) were not in school due to pregnancy incurred during *Ukuthwala*.

One participant went on to say:

‘Kwakubuhlungu wethu kuba ndandingekazi xelesi ngokutshata’.
Ndandimncinci ndifunda’

The above notion asserts that the participant was still young to get married, also she was still at school and as such she was deprived of her education.

Another participant also stated that:

“I was only 15 years when I was abducted; I had to drop out of school, and had to marry a man who already had three wives...”

Monyane (2013) cited that in South Africa there is a higher literacy rate among men (87%) compared to women (85%). In 2005/06, 92% of those benefiting from land reform were men, as opposed to 8% women. In 2009/10, men comprised 90% of

this figure and women 10%. This is a serious problem in a country where there is a high unemployment above 25%. Furthermore, in this 25% unemployment rate, women constitute a large percentage of this figure. In the face of such skewed statistics already, women are further oppressed through *Ukuthwala* thereby undermining all the efforts to improve the plights of the female species through the attainment of education (Statistics-South Africa, 2006).

By being married off at such a tender age, means that the child's education loses priority and the responses above clearly indicate the challenges faced by woman in gaining equal access to economic resources

Suocie (2011), goes on to say that, *Ukuthwala* occurs in different ways and in the process it violates children's rights. The rights that are infringed upon this phenomenon include right to human dignity, right to education and right freedom and security. One of the considerable effects brought about by *Ukuthwala* is that of education. Victims of *Ukuthwala* are deprived of their opportunity to educate themselves and subsequent prospect for a better future ahead. What is even worse is that these children's future may be compromised as they are taken out of school and lose on their education.

Ukuthwala perpetuates a cycle of inequality and the most revealing information maintained that due to the lack of education women are trapped in the vicious cycle of patriarchy and their rights are not maintained or respected (Mesatywa, 2012).

This is further evident in the results of this study as the abduction of young girls leads to their drop out from school which is a big interruption of their progression in education. By taking them out of school, the men reduce the women to mere housewives and unpaid labour. In the present day, South Africa's access to

education is closely linked to employment and poverty alleviation strategy (Statistics South Africa, 2006).

- **Physical effects**

All participants (100%) were minors and still under the age of 18 and they claimed that they were bruised and suffered physical scars. 2 participants broke their arms during the ordeal and 5 participants suffered internal bleeding due to rape by older men and them being minors

All (100%) participants of the focus group elude that, these young girls suffer physical harms through beating, dragging, and some get bruised and they bleed. The perpetrator usually does not take the young girl for medical care but would rather keep it as a private matter. In some cases as already shown in this study, the girls run home for refuge but they are turned away by the very people whom they regarded as family.

Regarding the physical effects of young girls, one participant mentioned that:

“Ndandineminyaka eyi12 ukuthathwa kwam ngamadoda amane ndiwathembile, endirhuqa ndisopha.Zange ndisiwe nakwa gqirha”.

The above statement shows that the victim was twelve years when she was abducted by four men, kicking, bruising and she was bleeding, she never received any medical care from the perpetrator.

Another participant stated that:

“I was abducted by two men on my way to school, they beat me, and slapped

and banged my head on the ground my arm was broken”.

One participant sadly mentioned:

“i was raped by this old men and i was in pain and profusely bleeding. In the morning insisted that i need to be taken for medical care as i could not walk or urinate. I was told by the nurse that my internal organs were damaged and that there was a possibility that i may never be able to conceive. This was heart breaking to me”.

Mesatywa (2012) mention that some victims of gender based violence may suffer physical injuries that may lead to post traumatic stress disorder.

Bennett and Peart (2009) states that there are several ways in which people experience shock, which affects human beings, including numbed emotions, questioning of perceptions and memory disturbances, Ukuthwala survivors spend a lot of time thinking about what they could have done differently. The important thing is not what they did, but on how they have survived the physical harm and event of Ukuthwala (Bennett and Peart, 2009).

Another scholar cited that the traumatic event of being *thwala'd* can be experienced in different ways by survivors, others have recurrent and intrusive recollections of the event in instances where the young girl was kicked, bruised and at times bled, others have recurrent and distressing dreams whereby the older men forcefully raped her the whole night, others experience dissociative states and physiological distress and reactivity, the other group have deliberate efforts to avoid thoughts, feelings or

conversations about the traumatic event of being abducted.(Women Legal Centre Report, 2010).

The researcher agrees with the above scholars because once a girl has been abducted and experiences all the physical harms, she loses control of herself and lives on carrying instructions from the perpetrator and the in-laws. They usually have fear of their husbands.

- **Emotional anger**

All (15 or 100%) voiced their anger about what they have gone through *Ukuthwala*. All were angry against their families for forcefully marrying them without their consent, they were all angry towards their perpetrators for the physical beating, coerced into sex and some raped. (5 or 50%) participants were angry because they became pregnant and this jeopardizes their future plans as young girls. All participants mentioned that they were inexperienced when it comes to issues related to sex by the time they got married. Some participants (10) contracted HIV infection due to forced sex without the use of a condom.

All (100%) of the participants from the focus group stated that the experience have changed the young girl's lives in many ways, they have lost trust in men and in their communities. They were angry, bitter especially when they came back home pregnant with the child of this man, and the parents never supported them, some resort to alcohol or threaten suicide as they realise that they were HIV positive.

This is what some of the participants had to say about their experiences:

“I was so scared by this so called husband and was also disgusted by him, and angry at him as he was old enough to be my father. I was also angry at my father for selling me to this old man”.

The second participant echoed:

“I was angry and wanted to run away. I was bitter and could not understand how my parents allowed such a thing to happen to me”.

According to Maluleke (2009) emotional anger is the exposure to an extreme stressor involving direct personal experience of an event. It involves actual or another person, learning about violent threat, serious harm or injury experienced by a member or a close associate.

According to Iyanuolo (2008) emotional anger is an internalized wound or injury, characterized by a group in body temperature, mental confusion or a stressful event sometimes leading to long term neurosis (Iyanuolo, 2008).

The young girls who have experienced *Ukuthwala* by force, may be beaten, bruised, have lost a sense of control, connection and meaning. The researcher have discovered from the experiences of the young women interviewed, have upsetting memories and nightmares such as images of the whole abduction occurrence and others still suffer from anxiety and fear.

The above findings show that when it comes to emotional abuse, its effects have devastating impact which may cause long term Post- traumatic Stress disorder and a variety of mental and physical illnesses to those who have experienced *Ukuthwala*.

- **Psychological effects**

All participants (100%) involved in the individual interviews explained psychological abuse as isolation from the community as they are ashamed of being married to older men forcefully whom they had never met. Eight (40%) of individual participants echoed that due to these experiences, they are traumatised psychologically; they become sad, lonely and inferior. Some of the younger women cited that they suffered stigma, nightmares and felt humiliation in the presence of friends as they were young and pregnant.

This was reiterated by the participants from the focus group (5 or 50%) who stated that these young children suffer psychological trauma because they are raped and have suffered emotional scarring. Some men may have gone to the extent of raping them in public with the aim of shaming them so that they feel embarrassed and be forced to stay married to them. These young girls are isolated from their peers as they are locked up, and also cannot get advice from others. They also go through the trauma of being stigmatized and cannot easily open up as they have lost trust to their families for betraying them.

One participant said:

“i suffered from nightmares due to physical trauma and had at times sleepless nights thinking about my blink future”.

The second participant stated that:

“i still have pains from my broken bones and worse of all i am HIV positive due to

ukuthwala".

According to the South African Domestic Violence Act, 116 of 1998, psychological abuse refers to a pattern of degrading or humiliating conduct towards women. This may include name-calling, to cause emotional pain, insults, integrity and security (Abrahams, Jewkes & Laubsher, 2010).

MacDougall (2000) reiterates that at times when spouses can cause harm to partners through acts of violence, some men display no hint of remorse for their actions. Instead they blame their spouse for their acts of violence. Such discourse confirms that some men believe that it is acceptable to hit a woman and may justify their acts of abuse as "normal" which is a depiction of hegemonic values inherent in societies (Mesatywa, 2011).

The above finding further elaborates what is asserted by Hanzi (2006) who states that a number of *Ukuthwala* practices are harmful to the physical integrity of the individual and especially women and girl children.

The researcher is of the opinion that marriage is a contract between two people based on love. Happy and healthy marriage involves two people working their differences together as well as big ones. However, *Ukuthwala* is a matter of power over women. *Ukuthwala* leaves these young girls with hatred, bitterness physical and psychological trauma.

5.5 Sub-theme four: Feelings during the *Ukuthwala* practice

- **Self blame**

Participants were asked how they felt on the day of abduction and how that marriage has affected them. Out of the fifteen participants who were interviewed, all of them (100%) perceived themselves as victims as they blamed themselves and their families for consenting to such practice.

Participants (5 or 50%) from the focus group stated that most young women have a low self-esteem, and mentioned that they blame themselves for what has happened to them. Some blame themselves for not having enough courage to escape from their parental control and perpetrators.

These are some of the experiences cited by the individual participants:

“I blame myself because if I did not go to fetch water in the river on that day I would not have fallen prey of Ukuthwala”.

“I blame myself for allowing myself to be bullied by my husband as he would refuse to grant me permission to see or visit my parents”.

Self blame is a form of abuse. This view is supported by Hanzi (2006) and Iyanuolo (2008) who adds that perpetrators of *Ukuthwala* use emotional and psychological abuse as a form of intimidation and to cause harm to the victims. They may be pressured and forced to do humiliating, painful and degrading activities.

These findings of the study also concur with Moser and Clark's (2001) statement that many women blame themselves for being silent about matters of abuse, and should not talk publicly about their experiences, as they will lose even more, such as privacy or maybe respect.

The literature also suggests that some women blame themselves for not having a voice due to pressure from their families as they mention Ukuthwala as a norm that that should be accepted in African societies (Mesatywa, 2011).

- **Anger**

Eight (80%) participants stated that they were so angry with their spouses and they wanted to kill themselves or run away. Some (50%) stated that one of the common causes that emerged as contributing factors to their anger is how their husbands talked to them about their family backgrounds, and how their partners always questioned their inability to perform housework duties especially cooking.

This was pointed out by all (100%) of the participants in the focus group who also emphasised that poor family backgrounds made them prone to husband's abuse. Also members from the focus group discussion articulated that some of the common causes that emerged, as factors to these young women's anger were how their spouses talked to them, questioning their prerogatives. Some were even angry because other girls were raped by the older men, some felt pregnant and others got HIV positive.

One participant venting her anger said"

“It is painful to be reminded about your poor background and at times i ask myself whether is it really culture that makes on to endure all those insults”.

“i am angry because i am now pregnant and HIV positive. How can my parents expose me in such danger”.

It can be observed from these findings that, the men who assault their partners are driven mostly by their misplaced emotions of anger towards failure of wife to cook, frustration with one thing or another, inability to achieve something or just ego issues. These findings are in agreement with previous studies that have revealed that most of the women stated that some of the reasons for the men’s loss of anger included that of a woman taking long to cook dinner (Njovana and Watts, 2006).

These findings concur with Myer’s (2006) statement that poor social and economic circumstances under which African women live in rural areas may contribute to their vulnerability to violent partner relationship which in turn causes anger in young women.

Findings support those by Ambrossino, Shuttleworth, Hefferman (2005) who attests that poor family background, poverty becomes the vehicles for loss of respect and vulnerability to physical, emotional and psychological abuse.

Findings concur with the literature which states that the precarious social and economic conditions under which some African rural women live may contribute to their vulnerability to the practice of *Ukuthwala* and this may contribute to anger.

- **Betrayal**

Some of the participant's (12 or 70%) stated that their spouses betrayed them, thus propelling them to run away or to think of committing suicide. Of the 15 participants, 12(70%) stated that their spouses betrayed them by having multiple partners.

All participants from the focus group (100%) further stated that these children are facing some form of betrayal from their husbands who have multiple partners, and a sense of betrayal from their families for consenting to the practice of *Ukuthwala*.

One participant said:

"I feel betrayed as i have sacrificed my life and my future is contaminated by HIV as my husband had multiple partners."

Another participant stated that:

"my family has betrayed me for selling me to an older person and now, how can continue with my education as i am pregnant".

From the above statements it is evident that patriarchy has been pinned as one of the contributory factors to multiple sexual partners and victims of gender based violence may blame themselves for allowing their perpetrators to rape them (Curran and Bonthuys, 2005).

The researcher contends that the patriarchal notion have existed in the society to an extent that men view violence as normal and consequently view some actions as trivial if they do not fall within what they grew up knowing as violence. At times the survivors of *Ukuthwala* blame themselves for being victims of degrading cultural practices.

- **Hopelessness**

All members (100%) who were part of the in-depth interviews felt hopeless as they had to be the ones to ask for forgiveness to their husbands when they transgressed. Some (70%) thought they would never be able to see their families or friends ever again and felt hopeless and abandoned by their families.

All members of the focus group agreed that they thought these children would feel hopeless of ever being able to escape these relationships or see their friends and families again. One participant said:

“I am deprived to go and see my family as he threatens to kill me. My self confidence is low and I feel hopeless and depressed”.

“I am a laughing stock to my friends and relatives they are gossiping about my pregnancy and i feel so hopeless that will ever go back to school again”.

Campbell (2003) confirms that young women are reluctant to voluntarily disclose abuse as they feel hopeless and lack ready access to their safety. Other studies indicate that some victims of gender based violence feel immobilised, trapped, shamed, isolated and hopeless in their situations.

These findings of this study concur with Curran and Bonthuys (2005) who mentions that the impact of Ukuthwala is likely to result in greater psychological damage and victims may feel hopeless and depressed, and may develop post traumatic stress disorder.

- **Helplessness**

Some participants (12 or 60%) claimed that their partners indicated that they could not accept a woman's view and the authority of the man had to be accepted, hence the

women in *Ukuthwala* practice felt helpless. (30%) of the participants voiced out that their views were ignored and disregarded.

All (100%) participants from the focus group mentioned that the victims of *Ukuthwala* felt helpless and their families were reluctant to assist them and free them from the ordeal.

One participant said:

“my family doesn’t listen to anything that I voice out, and my partner just ignores me as i plead with him to release me from his bondage”.

Another participant cited that:

“i feel so helpless in my situation and doubt very much that i will ever enjoy my youth again as now the community looks at me as used and no longer a virgin and therefore can no longer play with my friend. You know i am just 14 years old and already married away by my own parents just because of money and i hate them so much”.

These statements above concur with statements by Matthews and Abrahams (2001) who mention that that due to the lack of communication and power relations that are patriarchal, women find themselves helplessly trapped in situations where they have no choice and unable to negotiate even views on *Ukuthwala* practices.

Further, findings are on par with literature which states that underlying the notion of “men in control” is the hierarchal factor of “ownership of women” who may contribute to women who cannot voice their opinions. This is a reflection of a patriarchal discourse that has been institutionalised in traditional practices (Mesatywa, 2011).

5.6 Theme Three: Kind of professional assistance received

Table 5.4 below shows the sub themes and categories of the kind of professional assistance that was received by the girls.

Table 5. 4: Sub themes and categories of professional assistance received

Sub themes	Categories
Social workers	<ul style="list-style-type: none">• counselling
Police	<ul style="list-style-type: none">• Arrests
Magistrate	<ul style="list-style-type: none">• Protection order and Court interdict
Doctor, Clinic and Nurses	<ul style="list-style-type: none">• Medical care• Hospitalization• HIV infection
Social networks	<ul style="list-style-type: none">• Neighbours• Relatives• Traditional Healers

5.6.1 Sub-theme one: Social Workers

- **Counselling**

When asked of the assistance they sought after victimization, all participants (100%) claimed to have received some form of counselling from the Social workers at the Soul Winners Support Centre, and they claimed to have received advices on how to go about resolving the cultural practice of *Ukuthwala*.

The focus group participants (100%) also attested to have received counselling and support from the Social workers. All the participants described the Social workers as friendly and caring.

One participant said:

"I am attending a programme from the centre, and attending a support group programme to assist me to recover my self-confidence and my dignity".

"When i visited the Centre I was welcomed by friendly social worker who seem to have gone through the same experience I went through, they were non-judgemental".

Monyane (2013) suggests that counselling should form part of empowering of clients who find themselves in abusive cultural practices and depressive relationships, and also counselling is the practice of enhancing client's knowledge and skills. Campbell (1998) concurs with the findings and cited that radical feminists view violence as the women's powerlessness in the social structure;

therefore the Social workers as formal networks should help the *Ukuthwala* survivors to experience a sense of power and control over their lives.

A Social Worker from Soul Winners Support Centre stated that they empower these young girls to view the centre as a temporary residence not as an institution in the traditional understanding of the term, thus every effort is made to help these young women feel that this is their home for the time being, their space to do what they need for themselves and their children in order to build a new life free of violence.

Findings concur that the counselling that was offered was concerned with addressing and resolving the trauma the young girls faced that is *Ukuthwala*. They are also assisted with legal matters and are enabled to make informed decisions about the future of their lives.

5.6.2 Sub-theme two: Police

- **Arrests**

More than half of the participants (65%) sought assistance from the police (50%) of the participants claimed that some members of the police refused to assist them and arrest their partners when they reported the abduction. Some participants claimed that their partners contravened their protection orders (10%) claimed that some police officers told the women that they did not want to be involved in family matters.

The focus group participants (80%) claimed that some victims of *Ukuthwala* do receive assistance from the police and their perpetrators are at times reprimanded. Some victims get their partners arrested only to withdraw the cases later.

Some participants said:

“Some of the police were reluctant to help as they said they can’t meddle into private affairs, they ultimately assisted us with the arrest of the perpetrator as we were in danger”.

“My husband was arrested but due to the pressure my parents were giving, I had to withdraw the case”.

These narratives suggest that some women in *Ukuthwala* practice do seek police assistance, but at times their husbands are not arrested as expected but are warned. The literature concurs with these findings as it states many abused women do not go to the police because they anticipate that their perpetrators may not be punished, referred to court or obtain a guilty verdict (Koyana and Bekker, 2007).

These findings also correspond with Abrahams and Matthews (2001) who refer to reports on the implementations of Domestic Violence Act, 118 of 1998, indicating that the police are frequently described as un-cooperative, and quick to suggest that the victims is making too much fuss about the incident of abuse (Mwambene, Sloth-Nielsen, 2011).

5.6.3 Magistrate

- **Court interdicts/ Protection orders**

When the participants were asked of the assistance they received after the traumatic ordeal, all (100%) participants got help from the magistrate in the form of court interdict and protection order. However, some participants (20%) claimed that their partners disregarded the court interdict.

Three participants from focus group claimed that usually court interdicts are issued by the magistrates. They mentioned that victims become scared to report abuse due to fear of their partners being arrested. They also fear retaliation from their respective families due to partner arrest.

However, Most of the participants had to say:

“I was referred to the magistrate for court interdict and my partner is scared to touch me’.

“I had a court interdict but my husband disregarded it and insults me in front of my family. I do not have any physical scars and cannot prove to the magistrate that I am being abused”.

Vetten (2005) points out that there are still problems with the implementation of the Domestic Violence Act, No 116 of 1998. The court interdict is supposed to be a legal document that prohibits the use of violence against women. There are some indications that some men do not adhere to it and this is exacerbated by the reluctance of the law enforcement agencies to carry out immediate arrests.

5.6.4 Sub-theme four: Doctor

- **Medical care**

Most of the participants (70%) were referred to the Khala clinic for medical attention as they suffered from various injuries such as bruises, cuts inflicted, internal injuries and broken bones during the practice of *Ukuthwala*. (3 or 30%) of the focus group members mentioned that victims of abuse usually receive medical care due to broken bones and injuries sustained during the ordeal.

One participant said:

“i had to be taken to the clinic as I was bleeding due to rape and the clinic nurse referred me to the hospital for medical care”.

Abrahams and Jewkes (2010) mentioned that comprehensive health care professionals working in primary care settings can be of help in providing assessment and intervention for the problem of abuse. The philosophy of primary prevention is that of exposing actual health problems that result from abduction.

- **Hospitalisation**

Some (30%) of the participants has sought help from the local medical staff in hospitals whereby they were admitted and treated for broken arms and other related disorders associated with the abuse they suffered during the cultural practice of *Ukuthwala*.

All members of the focus group reiterated that some of the victims of *Ukuthwala* at times are hospitalized due to psychosomatic disorders and injuries sustained and associated with the abuse inflicted by the partners.

These are the experiences of the participants:

“I was admitted at the hospital for two months when I was kicked, grabbed and shoved during abduction and I banged my head and became unconscious”.

“My cervix was ruptured during the repeated rape by my husband and I had to be admitted at the hospital”.

These findings are supported by Sawadogo (2003) who confirms that some women suffer from health problems such as STI's, HIV/AIDS infection and unplanned pregnancies that require screening and medication due to the events associated with *Ukuthwala*. According to the World Health Organization women who have experienced *Ukuthwala* are at risk of a range of health problems that may include, pregnancy, broken ribs because of being dragged. Some are hospitalized due to mental health problems that may include anxiety, psycho-neurosis and stress disorders.

The findings also concur with the literature that alludes that when abducted women leave their violent partners and find themselves in a shelter alone, at some point they usually feel acutely the pain of loss of a relationship they end up having mental problems associated with post-traumatic stress disorder and being hospitalized (Hoff, 1991).

- **HIV infection**

Half of the participants (35%) interviewed stated that they were not involved in heterosexual relationship and had no knowledge of sex prior to their abduction and they agreed the source of infection was their husbands. (30%) of the focus group also maintained that these girls are under aged and more likely to be still virgins when they are abducted.

Some participants had to say about their husbands:

“My husband confessed that he had been promiscuous all along before he met me as he is a truck driver and spends most of his time on the road”.

“My husband said, I am a man and cannot deny that I have had other sexual partners and Xhosa men do not use condoms”.

The above finding is in line with other research on HIV infection which state that 60-80% of young African women with HIV had only one partner (Njovana & Watts, 2006). In the same line of argument, Hanzi (2006) state that “it is a fact not repeated enough that 90% of women who have been infected with HIV have only slept with one man in their lives, their husbands”. Thus it was confirmed that women are exposed to the HIV/AIDS pandemic through the actions of their husbands.

The researcher is of the opinion that the reason for the vulnerability of these young women to HIV infection was confirmed to be the result of patriarchal nature of the African culture which allows men to have more than one partner, whilst women are expected to be faithful to only one person, the husband.

5.7 Sub-theme five: Social networks

- **Neighbours**

The participants were asked who gave them the support from their social networks when they experienced *Ukuthwala* practice. Some participants (6 or 12%) claimed that neighbours of the perpetrators helped them a lot to offer transport or accommodation when they were beaten, detained and locked out by their husbands. (9 or 50%) of the participants claimed that the neighbours did not want to get involved even if they hear the screams.

Participants from the focus group (30%) stated that in most cases victims of *Ukuthwala* are salvaged by their neighbours by calling police.

Some participants uttered:

“It was twelve midnight when my neighbours came to my rescue as I was sjamboked by my so called husband, they called the police and took me to the nearby clinic and I was kept overnight”.

“When my neighbours heard me screaming and begging for mercy from my husband, they looked from the windows and did not make any attempt of saving me”.

Zain (2004) state that, most of the network members hold traditional views on some points, but their values are quite feminists on the other point, with the majority tending more toward feminist than traditional values. However findings suggest caution against stereotyping people as women’s libbers or hopeless conservatives. Some scholars state that it is also possible that some network members may disapprove violence and approve economic equality for women, since these issues are currently in the public domain. The sympathy and concern of neighbours for their sisters and daughters who were abused during *Ukuthwala* and experiencing hardships may have influenced their consciences.

This view is held by the participants who appreciated the sacrifice and assistance that they receive from their neighbours and friends. (African Charter on the Human and people’s Rights, 2013).

- **Relatives**

Some of the participants (11 or 70%) claimed that their families and relatives like aunt, uncle would help by being mediators in the situation. Whilst (4 or 40%) participants

stated that their parents took sides and reprimanded them and also reminded them on how lucky they were for being married to such caring husbands.

However, all members of participants from the focus group maintained that relatives may intervene and mediate during the event of *Ukuthwala*.

These are some of the comments from the individual participants:

“My in-laws would interfere in my marriage and always blame me for failing my wifely duties, this aggravated more abuse by my husband”.

“I usually chat with my uncle and aunt about the way my husband treat me and always applaud their marriage and afterwards I would hope for the better”.

These findings correspond with other studies that state, although the abducted and abused women may find it difficult to discuss their ordeal with family members, when they manage at the end to disclose their problems they need to be motivated to talk and be attended to (Bekker, 2009).

- **Traditional Healers**

All participants (100%) from individual interviews did seek help from traditional healers as they had a feeling that they were cursed. Participants of the focus group (3 or 30%) maintained that they some victims do seek help from the traditional healers as they have a perception that they were bewitched by their abusive husbands so that they may not leave.

Most of the participants had to say:

“I thought I was a curse as I did not understand why my parents consented to marry me off to such an elderly men, but the Sangoma told me it was about financial gain”.

“When things went wrong in my marriage I consulted a witchdoctor with a view that I was bewitched and have wrath of evil spirit, the healer gave me medication to help appease the bad spirit”.

Fortune (2004) cited that some African societies when bad omens follow them in their marriages, resulting in physical or emotional harm, misfortune and injuries in close members, it may be attributed to ancestral anger, witchcraft or evil spirits. These instances may warrant seeking the views of traditional healer (Nichols, 2010). These findings concur with the views of the participants when they indicated that in instances when things went wrong in their marriages they had to seek traditional healing so as to ease their suspicions about what is happening in their relationships.

5.8 Theme Four: Empowerment Services needed

Table 5.5 below shows the empowerment services needed to help the young girls who were victims of *ukuthwala*.

Table 5.5: Sub-themes and categories of empowerment services

Sub theme	Categories
Safety and Protection	<ul style="list-style-type: none"> • Legal remedies
Gender issues	<ul style="list-style-type: none"> • Gender role expectations • Shelters • Awareness campaigns

5.8.1 Sub-theme one: Safety and protection

- **Legal remedies**

Most of the participants (90%) confirmed that there was a need to be empowered about their own rights as young women and also to be educated about human rights that may include the Domestic Violence Act, No 116 of 1998. (10%) of the participants were also interested in being educated about how to apply for protection orders and court interdicts.

All participants from the focus groups also emphasised there is a dire need of empowering the young women about their rights in order to curb the cultural practice of *Ukuthwala*.

One participant stated that:

“I don’t know anything about my rights especially the Domestic Violence law and I think it is time that as young women we take serious stance to learn about our rights”.

“I always hear on the radio about protection orders but we as young women in rural areas do not know where to turn to when we need such services”.

The need for legal representation for abducted women is evident, the findings concur with Wadesango et al, (2011) who states that there is a need in legal arena for arrests of the perpetrators and advocacy of the abducted women. These may include policy formulation on the needs of young African Women and ethnic communities and on community awareness.

5.9 Sub-theme two: Gender issues

- **Gender role expectations**

All the participants (15 or 100%) and All the (5 or 50%) of the participants from focus group confirmed that male domination is prevalent among African societies and some men conform to cultural practice to prove their manhood, power and authority by effecting *ukuthwala*.

Most of the participants cited that:

“in this day and age some African men still practice Ukuthwala to please their families and to prove the mancho status. They need to be informed that they should be wary that child abduction is a crime and they will be arrested for child abuse”.

“what i do not understand is why girls fall prey to males and be treated as sex slaves to older women. I think our futures as young girls are compromised by Ukuthwala and African societies should be mindful of traditional practices that results in girl children being exposed teenage and unwanted pregnancies and lose out in education”

The literature reviewed states that patriarchy may at times place African women in a compromising situation because of cultural factors, peer pressure, poverty, poor education and financial gains (Mesatywa, 2012).

Studies on the effectiveness of the Criminal justice system in South Africa contend that there are flaws inherent in this system in that most officials have been described as unsympathetic towards victimization of these young women (Zain, 2004). Zain (2004) argues that the government needs to channel more resources to the formulation of guidelines so as to capacitate these young men and women.

- **Shelters**

Fifteen participants (100%) from individual interviews including five participants (100%) from the focus group mentioned that there is a need to establish more crisis centres and shelters for African young girls within various rural areas that still practice *Ukuthwala*.

Participants remarked:

“I felt trapped during Ukuthwala as i wanted to escape but also knew that I could go home and shame my family and I did not have a place were i could run to and be accommodated”.

“I managed to escape through the help of a neighbour and had to be accommodated in a neighbouring village and if there were crisis centres that i knew of, i would have gone straight there”.

These findings suggest that fear, danger and insecurity can erode efforts of the victims of abuse to leave abusive relationships due to lack of knowledge of safety networks and shelters (Cunnigham, 2004).

- **Awareness campaigns**

All participants (15 or 100%) mentioned that through awareness campaigns that address issues around cultural practices that perpetuate gender based violence, women may be empowered to be vocal about Ukuthwala abusive practice on minor children. In this category all participants from the focus group (5 or 100%) mentioned that awareness campaigns would play a significant role in empowering the communities about issues around violence against women and children.

Participants said:

“We need to have awareness campaigns that will address issues of women abuse through Ukuthwala and its is through these public debates girls could be empowered to voice the plight and suffering”.

“Awareness campaigns can help our communities to be informed about gender violence and the rights of girl children to freedom of choice and violation of their rights to access education”.

5.10 Chapter Summary

The above qualitative data analysis confirms the existence of the ruthless cultural practice of *Ukuthwala*. Further the results indicate that the information that the researcher found in the field concerning young women on *Ukuthwala* practice highlights the main problem affecting service provision to these young women is the lack of support by the community, government authorities as they are the one with statutory powers to deal with all matters pertaining to children. The above presentation of results inform the study that child and forced marriage results in low

levels of education, high levels of violence and abuse, severe health risks and harmful power dynamics which increase vulnerability to poverty for girls and women. It is contended that the study reinforced previous results established and at the same time introduced new information. It is also safe to conclude that this chapter has given insight into the experiences of young African women on *Ukuthwala* practice. The following chapter will focus on drawing conclusions from these findings and also to make recommendations from these conclusions.

CHAPTER SIX

DISCUSSIONS, CONCLUSIONS AND RECOMMENDATIONS

6.1 Introduction

Chapter 1 provided an introduction to the study reflecting on the research problem, motivation and significance of the research as well as theoretical points of departure, goals and research questions.

In chapter 2 and 3 literature was reviewed extensively. Chapter 4 explained the research methodology, overview of the research approach and process, data collection and ethical considerations. Chapter 5 focused extensively on the actual research findings, with well supported relevant literature.

This chapter will provide a summary of the findings, draw conclusions based on the data analyzed and provide recommendations. Notably, this study is important since minimal literature and studies exist in South Africa on the cultural practice of *Ukuthwala*. Therefore, this research seeks to enlighten service providers and policy makers on this pertinent issue. It is further anticipated that the study will provide them with information on how best to address the issue of forced marriages (*Ukuthwala*) in policy and practice. The chapter is concluded with a postulation and reflection on the limitation

6.2 Findings relating to individual and focus group interviews and themes

The four themes with their sub-themes, presented in Table 6.1 presents the summary of the findings of the study. The themes and sub-themes will lead and guide the conclusions as well as recommendations in this chapter.

Table 6.2: Summary of Findings of the study

Themes	Sub-themes
Challenges faced during the practice of <i>Ukuthwala</i>	<ul style="list-style-type: none"> • Forceful grabbing • Beating
Feelings during the <i>Ukuthwala</i> practice	<ul style="list-style-type: none"> • Self blame • Anger • Betrayal • Hopelessness • Helplessness
Kind of professional assistance received	<ul style="list-style-type: none"> • Counselling • Court interdict and protection order • Medical care • Hospitalisation • HIV infection • Neighbours • Relatives • Traditional healers
Empowerment services needed	<ul style="list-style-type: none"> • Legal remedies • Gender role expectations • shelters • awareness campaigns

Findings relating to individuals, focus group interviews and themes were presented in table 6.1

6.2.1 Exploration of experiences of Ukuthwala cultural marriage practice amongst young African women

To explore and define the problem of Ukuthwala and the abuse it entails is significant when exploring interventions and empowering solutions. In reviewing literature, a number of terms were used to describe this phenomenon. These include forced marriage, cultural traditional marriage, child abuse, marital rape, relationship and intimate abuse and others. For the purpose of this study and during the discourse these terms were used interchangeably. However, Mesatywa (2011) acknowledges that most activists of gender based violence recognizes Ukuthwala as including all acts of violence that are perpetrated by men on young girls and women and some supported by cultural practices and that cause psychological, economic, social and physical harm to women because of male domination.

6.2.1.1 Theme One: Challenges faced during the practice of Ukuthwala

Participants, both from the individual and focus group understood Ukuthwala as a complex cultural practice that is continuously perpetrated by male violence on women. It is manifested in an oppressive and controlling manner. Participants in their experiences indicated that they were grabbed, kicked and beaten during the process of *Ukuthwala*, some were even hospitalised and treated due to injuries sustained during abduction and had to run away and seek help to a safe place.

Blacklock (2001) attest high level of abuse amongst African women where people are generally subjected to customary laws that place them at risk of abuse.

Conclusions drawn from the findings

- Parents played a major role in the practice of *Ukuthwala* and remain an integral part of this phenomenon.
- *Ilobolo* and financial gain have been identified as having been the conditions within which *Ukuthwala* continues to flourish.
- Despite its illegal nature *Ukuthwala* is still being practiced under the cultural banner.

Recommendations drawn from the conclusions

- The researchers recommend that parents be seen as the major stakeholders in the fight to curb the practice of *Ukuthwala*.
- Occasional parenting seminars should be held so that parents are educated on the rights of their children so as to avoid the continued practice of *Ukuthwala*.
- Clear legislature should be drafted which inhibits the practice of *Ukuthwala* and outlining the punishment for anyone found guilty of such practice.
- The extent of cultural practice should be redefined within the constitution
- Seminars on human rights should be conducted country wide as it is clear that some parents fail to uphold the rights of children.

6.2.1.2 Theme Two: Feelings during the *Ukuthwala* practice

- **Self blame**

Participants from both individual and focus group confirm that victims at times blamed themselves and their parents for consenting to such practice, they all stated that they have low self esteem and another contributing factor associated with their anger is the fact that their husbands refuse them to visit their parents or relatives.

Maluleka (2009) points out during the process of *Ukuthwala* some of the women may blame themselves for finding themselves in this predicament.

Conclusions drawn from the findings:

- Some participants felt that they have fallen prey of *Ukuthwala*
- Partners use various discriminatory forms to perpetrate abuse and emotional abuse is used
- Some of the participants regret being part of this practice as it has made their lives miserable and difficult.

Recommendations drawn from the conclusions

- Women should seek help from professionals to combat abuse
- Women from violent relationship also should be aware of the tactics used by their perpetrators.

- **Anger**

Participants from both individual and focus group interviews experienced different types of negative feelings especially anger towards their partners that were influenced by cultural practices.

Mdumbe (2010) mention that abused women may suffer from anger due to painful experiences that they have to endure during abuse.

Conclusions drawn from the findings

- Participants were angry, bitter and had feelings of committing murder or suicide
- They had feelings of depression and anxiety and freight of their partners
- Some were afraid to leave their partners because they will be turned away by their parents

Recommendations drawn from conclusions

- There is a need for the service providers to form networks that will be of assistance to these young women who are confused about how to deal with their situations.
- Awareness campaigns which will educate the community at large about the conflict between the tradition of Ukuthwala and human and children's rights should be planned
- Counselling programmes which will restore self-esteem and self-worth should be provided to these young girls.

- **Betrayal**

Some members from the individual group and also focus understood the fact that their partners betrayed them by having extra-marital affairs and multiple partners. Participants in their experience stated that their partners disregarded them whenever they bring the topic of betrayal. Focus group members cited that their partners would betray their partners through infidelity.

Jonas (2006) points out extra marital affairs can be prevalent in violent partner relationships.

Conclusions drawn from the findings

- Extra-marital affairs left these young women vulnerable to abusive relationships.

Recommendations drawn from conclusions

- Extra-marital affairs should be condemned in our societies as the trigger more abuse to married couples and increase sexually transmitted diseases.
- Violence among men should be challenged by the laws regulating South African Constitution

- **Hopelessness**

All the members from both the individual groups and focus group felt hopeless as they had to be the ones asking forgiveness even if their husbands are the ones who have transgressed.

Conclusions drawn from the findings

- Women are trapped into feeling guilty, isolated, shamed and hopeless

Recommendations drawn from conclusions

- Professional service practitioners should assist and protect women in abusive relationships by providing reconstructive services.

- **Helplessness**

Members from individual groups and focus group maintained indicated that partners could not accept their views and claim that men's authority had to be accepted. Others cited that their partners would ignore and disregard their suggestions especially in family matters and they feel helpless in the situation.

Nicholas (2010) allude that feelings of helplessness usually prevails in women who have been battered.

Conclusions drawn from the findings

- Helpless feelings at times contribute to abused women not to leave an abusive relationships
- The absence of a social support for victims of Ukuthwala may make it difficult for them to seek help.

Recommendations drawn from conclusions

- Skills training programmes and strong supportive social networks should be established by service practitioners to assist women who have been in *Ukuthwala*

6.2.1.3 Theme Three: Kind of professional assistance received

- **Counselling**

Participants mentioned that they received counselling and advices on how to go about resolving issues pertaining to abuse. Focus group affirmed that young women who have gone through Ukuthwala do need and receive counselling as well as support from social workers.

Nicholas (2010) mention that the role of a social worker is to provide counselling and a variety of mediation skills to victims of battery.

Conclusions drawn from the findings

- Social workers should provide services, support and empathy for the benefit of the survivors of *Ukuthwala*
- Social workers should mediate and employ their essential qualities to curb the practice of *Ukuthwala*

Recommendations drawn from the conclusions

- Social workers should be non-judgemental when dealing with cultural issues of *Ukuthwala*.
- Programmes that eradicate poverty and centres should be initiated by social workers to assist abducted woman.
- Social worker should be ethnic sensitive when they provide services to victim of cultural practices like *Ukuthwala*.

- **Protection orders, Court interdicts**

Some participants from both individual and focus group mentioned that some of the partners were issued court interdicts and protection orders. Some claimed that some partners disregarded the court interdict, while some participants stated that when their partners were issued protection orders they became scared of reprisal.

Vetten (2005) claim that victims of abuse should seek legal assistance through the application of a court interdict and protection order. Further, women should be informed about the existence of legislation that protect them and curb battery.

Conclusions drawn from the findings

- The Justice system should be harsh on convicting the perpetrators who practice an act of *Ukuthwala*
- Magistrates should take plight of women seriously and should protect them by issuing protection orders.

Recommendations drawn from conclusions

- There should be police stations and courts in rural areas 24 hours to help the women in violent relationships get protection orders.
- Women should be empowered to have skills that assist them to navigate the criminal justice system.

- **Arrests**

Most participants from individual and focus group indicated that police assistance is usually sought during *Ukuthwala*. Some participants mentioned that they encountered some problems as some police members refuse to help them as they maintain that the matter was private and regarded as being between families.

Vetten (2005) maintain that some police officers still refuse to effect arrest to the abusers and some believe that it is a family matters and therefore need to be discussed within families.

Conclusions drawn from the findings

- Some members felt that their safety was compromised as some police members refused to help them.
- Some find it difficult to report the cases of abuse to the police as they

anticipate that their perpetrators may not be punished.

Recommendations drawn from the conclusions

- Police services should be co-operative when cases of abuse are reported.
- Criminal justice system should be harsh on convicting perpetrators who practice *Ukuthwala*

- **Medical care**

Participants from individual and focus group members both mentioned that some victims of abuse suffer various injuries such as cuts, bruises, and psycho somatic disorders due to abuse the experience in the Ukuthwala ordeal disorders. Some had to be referred for medical care. Others had to be assessed for a couple of days by doctors due to depression.

Vetten (2005) define women abuse as violence perpetrated by abusers that may result in post traumatic disorders and physical harm and may lead to medical care.

Conclusions drawn from the findings

- Victims may suffer serious permanent physical damages due to abuse, which may result in medical care.
- Government is spending a lot of money on medical care treating psychological damages caused by violence.
- Doctors spend more of their time filling in forms for victims to go to police for protection orders.

Recommendations drawn from conclusions

- Women should seek immediate medical care in instances where they may be gruesomely beaten to avoid permanent damages.
- **Hospitalisation**

Participants from both individual and focus group mentioned victims of *Ukuthwala* may be admitted in hospital for all kinds of related injuries that may include broken arms when they were grabbed, beaten and kicked. Others were admitted for psychological trauma associated with humiliation. Some victims may be hospitalised due to anxiety, cervix that were ruptured because of repeated rape inflicted by abusive partners.

Mesatywa (2012) confirms that women in abusive partner relationships may sustain injuries that may require admissions to hospitals due to critical injuries sustained during the abuse.

Conclusions drawn from the findings

- Delay in seeking medical help may place women in more abuse which may result in severe injuries or even death.
- Cultural practices and traditions may contribute to the vulnerability of abused women.
- Poverty and economic hardships that prevail in African societies contribute to men abusing and abducting women.

Recommendations drawn from conclusions

- There should be continuation of awareness programmes that are directed at empowering communities and the survivors of *Ukuthwala*.
- Women in abusive relationship should be vigilant and vocal about the tactics that partners use to instigate abuse

- **HIV infection**

Participants maintained that the source of HIV infection is their older partners who had no knowledge and indulged in sex prior Ukuthwala ordeal.

Maluleka (2012) state that Ukuthwala traditional practice on young girls should be condemned as it is exploitation of young African girls who may become victims of HIV/AIDS due to coerced sex and rape.

Conclusion drawn from the findings

- Financial dependence on their partners due to lack of education makes women to obey every rule set by husbands which place women in detrimental situation of contracting HIV infections.

Recommendations drawn from conclusions

- Infidelity and extra-marital relationships should be condemned in societies as they only lead to arguments and violent abuse.

- **Neighbours**

Participants, from both from the individual and focus group confirm that their neighbours helped them a lot during their ordeal. Focus group members cited that these young girls are salvaged by their neighbours during the ordeal of physical abuse.

Oyewumi (2003) states that isolation becomes the pertinent feature of abuse as the victim is barred from having contact with friends.

Conclusion drawn from findings

- Women in violent partner relationship experience a wide of abuse that includes physical and emotional abuse.
- Women suffer financial constrains as they lack education.

Recommendations drawn from conclusions

- Women should report abuse immediately to professional service practitioners.
- Professional service practitioners should assist and protect women in abusive.

- **Relatives**

Participants confirmed that families and relatives would help by being mediators when they are abused by their partners. Focus group members cited that some relatives would help though others took sides and help the partners to navigate abuse.

MacDougall (2000) cites that psychological and emotional abuse is amongst the prominent features of violence against women in partner relationship. Some forms of control may in some instances be entrenched by socialisation, cultural expectations and acceptability (Mesatywa, 2011).

Conclusions drawn from findings

- Patriarchy system prevalent in African societies subjected them to male

domination.

- Poverty and poor family background at times contributed to relatives being reluctant to assist and may end up siding with perpetrators.

Recommendations drawn from conclusions

- Abuse should be challenged by women's movements so as to address issues of patriarchy.
- Women should also be empowered or trained in skills that would assist them to be marketable.

- **Traditional Healers**

Participants from individual groups sought help from traditional healers; they had a feeling that the abuse is aggravated by some form of curse. Participants from focus group confirmed that some of these young girls reported that they had consulted traditional healers to seek help.

Fortune (2004) cited some African societies when bad omen follow their marriages resulting in physical or emotional harm, misfortune, it may be attributed to witchcraft.

Conclusions drawn from findings

- Some families when confronted with family problems like abuse they think they are bewitched or have wrath of ancestors.
- Some women would visit the traditional healers to hear where the problem lies and to seek advice.

Recommendations drawn from conclusion

- Social service professional should develop supportive empathic attitudes that are responsive to the needs of the abused women who may be unsure of to do

their ordeal.

6.2.1.4 Theme four: Empowerment services needed

- **Legal remedies**

Participants from both individual and focus group confirmed that there was a need to be empowered about their rights and also to be educated about human rights violations that may include Domestic Violence. Some participants were interested in being educated about protection rights and court interdicts. Some focus group members emphasised the issue of empowering women in order to curb the practice of *Ukuthwala*.

Conclusions drawn from the findings

- The need for domestic forums and all relevant role players and other stakeholders need to strengthen joint responses and support for abducted women.
- Some women should be aware of the rights and legal framework that may be of assistance to abuse

Recommendations drawn from conclusions

- Legal and advocacy groups should provide trainings programmes should to equip the survivors of *Ukuthwala*
- Survivors of *Ukuthwala* practice in disadvantaged and rural areas need to be empowered about the Domestic Violence Act and what it is all about.

- **Gender role expectations**

All participants mentioned male domination as contributing to Ukuthwala practice and women are expected to go through this process.

Woods (2005) cite that patriarchy system that prevails in Africa culture entrenches gender role expectations and stereotypes about views that women should serve men under the banner of marriage.

Conclusions drawn from the findings

- African women should be enlightened about cultural practises that encourage gender role expectations

Recommendations drawn from conclusions

- Women's movement should continuously conscientize women and children about issues of gender based violence that are perpetuated by gender role expectations.

- **shelters**

All participants were of the opinion that more safety networks should be established. They also voiced the need for the establishment of crisis centres and shelters for victims of gender based violence within communities.

Mesatywa (2011) emphasizes the need for establishment of shelters for battered women.

Conclusions drawn from the findings

- Social Service practitioners and non-governmental organisations should establish more centres that are conducive for the survivors of *Ukuthwala*

- Male partners should be empowered through these centres about abuse and cultural practices that undermine the status of women in societies.

Recommendations drawn from conclusions

- Communities should be encouraged to form community based organizations and faith based organization to assist with the establishment of crisis centres
- Nongovernmental organizations should assist communities by providing shelters to the abused.

- **awareness campaigns**

All participants felt that there is a need for communities to have awareness programs that will educate them about issues of legislations, human rights and gender based violence.

Maluleka (2012) mention that African women should receive awareness raising about issues of traditional cultural practices like Ukuthwala that compromise the lives of young girls in societies.

Conclusions drawn from the findings

- The need for domestic forums and all relevant role players and other stakeholders need to strengthen joint responses and support for abducted women through awareness campaigns.

Recommendations drawn from conclusions

- Awareness campaigns should be the voice of the abused and should equip the survivors of *Ukuthwala*
- Male partners should be empowered about abuse and cultural practices that

are detrimental to women

- Some men should undergo anger management programs to curb abuse
- Men should go through HIV/AIDS testing prior Ukuthwala as this will assist in identifying those that are already infected
- Ukuthwala on young minor girls should be treated as a crime as it transgresses the historical traditional practice that existed traditionally.

6.3 CONCLUSIONS ABOUT THE METHODOLOGY SELECTED FOR THIS STUDY

This study utilised the qualitative approach. The researcher believed that this approach was the most appropriate as it for in-depth description, understanding and interpretation of the problem. The study was also exploratory in nature as the researcher was able to gain a better insight into and understanding of the experiences of young African women on *Ukuthwala* cultural practice. The population and the sample chosen for this study was representative and appropriate for the objectives of the study. The researcher was knowledgeable about the methodology as it is related to social work practice skills. The researcher used pseudonyms for confidentiality purposes as well as for protecting participant's identity. This worked very well for the study as this was perceived to be very sensitive issues that needed careful consideration. The researcher believed that the research site was conducive for this study. The researcher felt a great privilege to listen attentively to the voices of young women sharing their sensitive and painful experiences. The population chosen for this study was relevant. The purposive sampling also assisted in the process of choosing the relevant participants as all participants were victims and survivors of *Ukuthwala* cultural practice. The interview schedules that were used for both individual and focus group participants were perfect for this study. Triangulation as the data analysis

approach was the most applicable way to interpret the data collected from both individual and focus group participants.

6.4 POSTULATIONS AND REFLECTION ON THE LIMITATIONS OF THE STUDY

In the previous chapters some limitations to the study were mentioned. The researcher cites some of the following reflections:

- The researcher had to travel long distance to Libode in Transkei to conduct interviews which was very costly, but at the end it was an eye opener.
- The Xhosa culture socialised one into shyness to probe deeper into the experiences of *Ukuthwala*. The researcher was empowered to gain an understanding of how culture can be used to discriminate against other people.
- Some of the participants were reluctant to divulge information due to the sensitive issues of the topic. The researcher was able to use the skills gained through social work practice to establish and build a healthy relationship amongst the participants.
- Interviews were conducted in the Centre where participants are kept, privacy and tranquil was maintained all the time and it was beneficial as participants were relaxed and vented all their experiences.
- The age gap between the researcher and the participants was never a problem as the researcher perceived.

6.5 SUGGESTIONS FOR FURTHER RESEARCH

- Exploring factors associated with compromising children's rights
- Study on the empowerment strategies that can be utilised to assist the women on Ukuthwala practices
- Exploring the psycho-social impact caused of cultural practice of *Ukuthwala* on women.

6.6 CONCLUSIONS

The study on the experiences of young African women on cultural practice was not an easy one. This was due to the fact that the topic was sensitive and complicated. This chapter captured briefly the findings of the study and compare it with the research objectives in chapter one. The recommendations were based on the conclusion.

The involvement of young girls who have gone through the traditional forced marriage of Ukuthwala was really touching and the researcher felt privileged to have liberty to listen to those voices some so young who has gone through so much painful experiences.

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APPENDICES

APPENDIX A: PERMISSION LETTER TO CONDUCT RESEARCH

The Manager

Soul Winners Women's Support Centre

Libode

Dear Sir/Madam

RE: PERMISSION TO CONDUCT A RESEARCH AT SOUL WINNERS WOMEN'S SUPPORT CENTRE

This letter serves as a request to undertake my research study at your centre. My name is Thunyiswa Ndindwa I am a fieldwork co-ordinator at the university of Fort Hare and currently pursuing my Masters Degree in Social Sciences (Social Work) by research. I am doing research on "The experiences of *Ukuthwala* cultural marriage practice amongst young African women: A case study in Libode, Eastern Cape.

I am therefore requesting your permission and assistance to have access to 15 of your clients between the ages of 12-16 years as my research participants. The research is focusing on young African women on *Ukuthwala* cultural practice. I wish to collect data, preferably from 25th of June 2013.

I hope my application will receive your favourable consideration.

Yours faithfully

Thunyiswa Ndindwa

Cell number: 0733530531

E-Mail: ndindwa@ufh.ac.za

APPENDIX B: COVER LETTER FOR THE PARTICIPANTS

Interview Schedule

My name is Thunyiswa Ndindwa. I am doing Masters in Social work degree at the University of Fort Hare. As part of the requirement of the degree I am carrying out a study on the experiences of “*Ukuthwala*” cultural marriage practice amongst young African women. The study was approved by the research committee of the university and I hope with all your help this study will become a success.

Thank you for agreeing to participate in this study. Your participation is voluntary and you are free to withdraw at any time if you wish to do so. I intend to tape record the interview with your permission, please note that your participation is entirely voluntary and if you wish not to answer any question or wish to withdraw from participating in the study, you are free to do so at any point.

The study is about the experiences of “*Ukuthwala*” cultural marriage practice amongst young African women, you will be asked questions pertaining to your own experiences on *Ukuthwala*. Another section of the study will deal with the support systems that are available in your community which help you to cope with this practice, and lastly you will be asked your own opinion on how women on this cultural practice can be empowered.

The information you will give will be kept private and confidential and will only be used for research purposes. The duration of the interview will be 30 to 45 minutes of your time. You will be further asked to choose a pseudonym which will be used in the interview to protect your privacy. Any queries regarding research, your participation and rights can be addressed to Doc Mesatywa who is my supervisor.

If you agree to all the conditions mentioned overleaf and have no further questions I will then ask you to sign below to show that you have given your consent.

----- (Pseudonym) ----- (signature)

If you need more information, the contact details are:

Ndindwa Thunyiswa Cell no: 0733530531/040-6022194

Supervisor: Doc N.J. Mesatywa Cell no: 0721149832/040-6022193

APPENDIX C: INTERVIEW SCHEDULE FOR INDIVIDUAL PARTICIPANTS

1. Personal details

Question	Prompts
1. Since we are meeting for the first time can you please tell me about yourself?	<ul style="list-style-type: none">• identification• Age• Education• Marital status• Number of children• Employment status• Partners age• Partners employment status

2 Challenges faced during the practice of Ukuthwala

Question	Prompts
1. Can you please tell me about the challenges that you were faced with during <i>Ukuthwala</i>	<ul style="list-style-type: none"> • Use of force • Grabbing • Beaten
2. Do you think culture plays a vital role in this practice?	<ul style="list-style-type: none"> • Culture • Financial gain • Payment of <i>ilobola</i>
3. Can you please tell me how did the process of <i>Ukuthwala</i> affected you	<ul style="list-style-type: none"> • Education • Physical • Emotional anger • Psychological effects
4. Can you explain to me the kind of feelings that you experienced when you were forcefully married?	<ul style="list-style-type: none"> • Self blame • Anger • Betrayal • Hopelessness • Helplessness

3. Kind of professional assistance received

Questions	Prompts
<p>1. Have you ever received any professional help?</p> <p>2. What kind of support did you receive from your social network, for example neighbours, and relatives?</p>	<ul style="list-style-type: none"> • Counselling • Protection orders / court interdicts • Arrests • Medical care • Hospitalisation • HIV infection • Neighbours • Relatives • Traditional healers

4. Empowerment services needed

Questions	Prompts
<p>1. Are you aware of any rights and legislations that protect you as a young girl from <i>Ukuthwala</i>?</p>	<ul style="list-style-type: none"> • Legal remedies • Gender role expectations • Shelters • Awareness campaigns

APPENDIX D: INTERVIEW SCHEDULE FOR PROFESSIONALS THAT COULD SUPPORT THE VICTIMS OF *UKUTHWALA*

1. Personal details

Questions	Prompts
1. Can you please tell me about yourself since it's our first initial contact?	<ul style="list-style-type: none">• Age• Marital status• Employment• Profession• Number of children

Strategies applied by social service providers in dealing with Ukuthwala

Questions	Prompts
<p>1. What sort of help does your institution or organisation offer to these young women who are abducted?</p>	<ul style="list-style-type: none"> • Counselling • Awareness campaigns
<p>2. In your own opinion what are the effects of <i>Ukuthwala</i> on young African girls?</p>	<ul style="list-style-type: none"> • Physical • Emotional anger • Psychological effects • Education
<p>3. Would you say these young girls are knowledgeable about their rights and legislations that support them?</p>	<ul style="list-style-type: none"> • Legal remedies • Gender role expectations • Shelters • Awareness campaigns
<p>4. What kind of assistance do you offer these young women when they report about their abusive partners?</p>	<ul style="list-style-type: none"> • Arrests • Protection orders • Court interdicts

