
**INITIATION CEREMONIES AND GIRLS' RIGHTS TO EDUCATION:
A CASE STUDY OF THYOLO DISTRICT RURAL AREAS IN MALAWI**

BY

Maureen TIMVERANE

**Supervisors: Professor N. R. Kanyongolo
&
Professor J. Stewart**

**A Dissertation submitted in partial fulfilment of the requirements for a Masters Degree in
Women's Socio-Legal Studies, Southern and Eastern African Regional Centre for
Women's Law,
University of Zimbabwe
2020**

Abstract

This study notes that the sexual abuse in the guise of harmful cultural practices that girls experience during mandatory puberty initiation camps and ceremonies in the rural areas of Thyolo District of Malawi leads to their dropping out of school. Since these camps groom them for pre-marital sex and early marriage, the girls emerge feeling and thinking like adults. They are no longer interested in pursuing formal education which their communities consider is the rightful realm of boys who, in contrast, are expected to grow up, marry and become the sole breadwinners for their families. The findings of the research point to recommendations which include the government's enforcement of human rights inspired measures to educate communities to eliminate all cultural practices which are harmful to girls and women, to prosecute the perpetrators and accomplices of such practices and to educate, empower and protect girls and women. Success with such proposals will only be likely if they are mediated and implemented through existing youth forums organized by the state, parents and traditional leaders who are already aware of the urgent action which is needed to improve the educational welfare of girls and women in order for them to become more fulfilled and productive members of their society

Table of contents

Table of contents.....	3
Declaration.....	6
Dedication.....	7
Acknowledgements.....	8
List of abbreviations and acronyms.....	9
List of regional and international human rights instruments.....	10
List of local legislation.....	10
List of figures.....	11
List of tables.....	11
CHAPTER ONE.....	12
1.0 INTRODUCTION AND BACKGROUND TO THE STUDY.....	12
1.1 Introduction.....	12
1.2 Problem Statement.....	13
1.3 Location of study.....	14
1.4 Aim of the study.....	14
1.5 Objectives of the study.....	14
1.6 Justification of the research.....	15
1.7 Research questions and assumptions.....	16
1.7.1 Research assumptions.....	16
1.7.2 Research questions.....	16
CHAPTER TWO.....	17
2.0 LAW AND LITERATURE REVIEW.....	17
2.1. Introduction.....	17
2.2 Initiation ceremonies.....	17
2.3 Child Marriages.....	18
2.4 Rape and the law.....	20
2.5 International and National Legal and Policy Framework.....	21

2.5.1	National Legal and Policy Framework	21
2.5.2	International legal framework	22
2.5.3	Education in Malawi.....	24
2.6	Other Literature Reviewed.....	26
CHAPTER THREE		28
3.0	THEORETICAL AND METHODOLOGICAL APPROACH	28
3.1	Theoretical Framework	28
3.1.1	Radical Feminist theory.....	28
3.1.2	The Sex, Gender and Law Theory.....	29
3.2	Methodological Framework	29
3.2.1	Legal Pluralism.....	30
3.2.2	Women’s Law Approach.....	30
3.2.3	Human Rights Approach	31
3.2.4	Grounded Theory.....	31
3.3	Data Collection Methods.....	32
3.3.1	Interviews	32
3.3.2	Group/discussion interviews	33
3.4	Study limitations	34
3.5	Emerging issues.....	35
CHAPTER FOUR.....		36
4.0	DISCUSSION OF THE FINDINGS	36
4.1	Introduction	36
4.2	Definition of the puberty initiation ceremony.....	37
4.3	Types of initiation ceremonies of Lomwe girls	37
4.4	Social analysis of the <i>ndakula</i> initiation ceremony.....	38
4.5	Who initiates girls at initiation camps?.....	40
4.6	Syllabi followed in initiation camps.....	41

4.7	The teachings and experiences that girls receive at puberty initiation ceremonies result in their dropping out of school	42
4.8	Analysis of the belief of the hyena (“ <i>fisi</i> ”) practice	44
4.9	Consequences of teachings of puberty rites and initiation ceremonies.....	45
4.9.1	Truancy and dropping out of school.....	45
4.9.2	Early marriages and pregnancies.....	45
4.9.3	Disobedience and change of behavior	46
4.9.4	Puberty rites and initiation ceremonies incite young girls to engage in sex	47
CHAPTER FIVE		50
5.0	STATE OBLIGATIONS ON EDUCATING CHILDREN AND THE PUBLIC ABOUT CHILDREN’S RIGHTS	50
5.1	Introduction	50
5.2	Malawi’s free and compulsory primary education.....	51
5.3	The Malawi framework on education policy	51
5.4	Constitutional provisions protecting the right to education	52
5.5	Advantages of educating a girl child.....	53
5.6	Girls’ human rights to education and Constitutional provisions which oppose harmful cultural practices	54
5.7	Educational policies for monitoring school attendance	55
5.8	The State’s obligation to realise girls’ right to access education	56
CHAPTER SIX.....		58
6.0	CONCLUSION AND RECOMMENDATIONS	58
6.1	Introduction	58
6.2	Conclusion.....	58
6.3	Recommendations	59
Bibliography		61

Declaration

I declare that this research paper, ‘The initiation ceremony and the girls’ rights to education: A case study of Thyolo district rural areas in Malawi’ is my own work and it has not been submitted at any other high learning institution for the award of certificates or any other form of assessment.

Signed:.....

Date 16/ 03/2020

Maureen Christina Timverane

Dedication

To my beloved daughter, Esperanza Malivili, for your perseverance for the entire two years I have not been with you since you were six months old. I also dedicate this thesis to my parents for allowing me to leave Esperanza with you while she was still young. I don't take this for granted, as I know looking after a baby costs a lot. May the good Lord continue blessing you.

Acknowledgements

I would like to acknowledge the following for their contributions to this work:

I am grateful to my supervisors, Prof. Julie Stewart and Prof. Ruth Kanyongolo for their hard work, contributions and walking with me with patience to make this study a lived reality!!! Not to be forgotten are all staff members of SEARCWL for making our stay at the University of Zimbabwe most enjoyable.

I extend my sincere gratitude to my lovely daughter, Esperanza, and my best friend and husband Enoch, yours was the best contribution. You were always there with me throughout the research period. I love both of you!!! Many thanks should also go to my parents, brothers and sister at home, for their patience, encouragement and support during my entire two year study period.

Last but not least, I am indebted to all my respondents and informants. This work would have been incomplete if not for their contributions. Special acknowledgement goes to Carolyn Nangantani who despite her busy schedules volunteered to be my guide visiting the villages of village headsmen/women and homes of initiation tutors; without her assistance it would have been very difficult to get the right information.

Above all, I thank Almighty God, glory and honor be to Him for the opportunity given me to study.

Amen!!!

List of abbreviations and acronyms

HIV/ AIDS	Human Immune Virus / Acquired Infancies Disease Symptoms
MAGGA	Malawi Girls Guide Association
MANEB	Malawi National Examination Board
NGO	Non-governmental organization
PSLCE	Primary School Leaving Certificate Examination
SEARCWL	Southern and Eastern African Regional Centre for Women's Law, University of Zimbabwe
UN	United Nations
YONECO	Youth Network Counselling

List of regional and international human rights instruments

CEDAW	Convention on the Elimination of All Discrimination against Women
CRC	Convention on the Rights of the Child
Maputo Protocol:	Protocol to the African Charter on human people's Rights on the rights of Women in Africa
ACHPR	African Charter on Human and People's Rights

List of local legislation

Constitution of Malawi, 2013
The Malawi Criminal Procedure and Evidence Code

List of figures

Figure 1: Photographs showing two girls who dropped out of school as a result of puberty initiation ceremonies 33

Figure 2: Photographs of some of the focus group discussions 34

List of tables

Table 1: Showing details of the informants and respondents involved in the research 34

CHAPTER ONE

1.0 INTRODUCTION AND BACKGROUND TO THE STUDY

1.1 Introduction

Malawi is a country rich in culture and full of tribes with different cultural, traditional practices and beliefs. These tribes have different ways of perceiving things and life in general. In our Malawian context, one would say this person is a Chewa, Lomwe, Tumbuka, Tonga or a Yao simply by observing the cultural aspects of their lifestyles that reflect the tribe to which they belong. This paper critically discusses the how the initiation ceremony of girls in the rural areas of Thyolo District in Malawi affects their right to education.

Among some ethnic groups in Malawi, notably the Chewa, the Yao and the Tumbuka, tradition demands that a child must undergo a period of moral instruction and initiation before they can be accepted and taken into the tribe as an adult. Initiation is a period of instruction normally carried out by appointed elders (*anankungwi*) during a period of separation from the rest of the community (Chakanza and Phiri, 1996:6). During this time instructors place great emphasis on moral values. Various forms of behavior, for instance, respect for parents and elders, correct sexual behavior and respect for parents' sexual privacy, honesty, trustworthiness, self-restraint, patience, obedience, unity, responsibility and humanity are stressed.

Biologically, puberty is the stage during which a person's body matures physically. A boy or a girl's sexual reproduction system becomes physically ready to function. The growth of glands that are responsible for neuron-secretion and hormones is part of some of the changes that take place during puberty. These glands modulate the growth and development of the sex glands, and their endocrine as well as exocrine secretions.

Once parents or guardians notice their school going daughter maturing physically, she is forced to stop going to school in order to attend an initiation puberty rites teaching session. Although both boys and girls go to initiation camps, a large number of girls stop going to school altogether after attending these initiation camps. The aim of this research is to find out the exact ages of girls who attend these initiation ceremonies and to understand what experiences they undergo at

the time they change their behavior. It has been said that it is what girls experience in these initiation camps that contributes to their leaving school to get getting married and have families. The paper will also explore how the violation of girls' rights at these camps causes them permanent life-long adverse effects which even affect their lives as women. In my research which I conducted between November 2019 and January 2020 on the initiation ceremony and girls' rights to education based on a case study of the rural areas of Thyolo District in Malawi I aimed at investigating whether the initiation ceremony teachings and experiences of girls in southern Malawi actually leads to their dropping out of school.

1.2 Problem Statement

Malawi has laws that deal with human rights issues such as early marriages, education policies, girl child rights to education, etc. Despite all these frameworks communities still pursue their old unlawful cultural practices which affects girls' rights to education. So how do we move from formal legal frameworks and policy frameworks which should be supporting girls so that they benefit from these rights and make sure that these rights are actively and effectively implemented? While the State has enough laws, little or no effort is made to enforce them. Something must be done.

The Constitution of Malawi is silent on the issue of initiation puberty rites despite the increasing number of girls dropping out of school and teenage pregnancies. Before the nation's multiparty era in 1994 pupils in primary school had to pay school fees which contributed to some poor families being unable to send their children to school. In accordance with the Constitution, the current education policy, however, provides for free and compulsory primary school education. Free and compulsory education aims at bridging the education gap that exists between men and women. Although I am unable to provide the national statistical figures, it is generally and widely accepted that more than 51% of the total population are women and girls. However the education level of men exceeds that of women. There are many examples of this. For instance, in some schools there are only male teachers. The evidence is also notable in government ministries and the private sector where most employees are men.

1.3 Location of study

The case study which this research project presents the findings was conducted among the Lomwe people in the rural areas of Thyolo District in Malawi. The district of Thyolo is in the southern region of Malawi. It shares borders with Blantyre City to the north-west, Chiradzulu to the north, Chikwawa to the south west and Mulanje to the south. It is not densely populated as compared to other districts like Mulanje, Blantyre and Mangochi within the region but has a large population of people living with HIV/AIDS.

1.4 Aim of the study

The paper provides insights into girls' lived realities relating to their experiences of initiation rites. Information which I have gained will be communicated to the Ministry of Gender, Women and Children's Affairs to assist them in planning and implementing management programmes taking into consideration women's and girls' experiences, expectations and dilemmas. Different stakeholders, e.g., the Youth Network and Counselling (YONECO), Government departments and non-governmental organizations (NGOs) will also use the findings for developing education policy and programmes that will benefit women and girls. The findings will also be communicated to different educational institutions in the country to assist them in formulating practical strategies which will help in promoting girls' education rights.

1.5 Objectives of the study

1. To explore the nature of initiation puberty rites ceremonies and how they affect Lomwe girl child's education in the rural areas of Thyolo District.
2. To evaluate the impact of puberty rites ceremonies on the livelihood of girls.
3. To examine how initiation teachings affect girl's behavior and school performance.
4. To describe the role that families, traditional authorities, schools, government and the local community can play in making initiation puberty rites ceremonies helpful to Malawian Lomwe girls.
5. To outline strategies on how Malawi can implement international human rights instruments to help reduce the rate of teenage pregnancies and school dropouts in Malawi since the government has ratified these international instruments.

1.6 Justification of the research

1. The study is of great significance since it addresses the problems faced by the girl child and it should give guidance to parents and responsible authorities in formulating policies.
2. There are debates between parents and responsible authorities, the state and NGOs as to what is appropriate to teach in initiation ceremonies.
3. This research seeks to help resolve misunderstandings surrounding the harmful cultural practices which are taught and practised in the initiation camps.
4. Policies such as the “Return to School Campaign” and that of the Malawi Girl Guides which “fosters collaboration with key stake holders dealing with girls and young women and educational issues” are some of the solutions that are implemented to address the problem of girls dropping out of school and that those who fall pregnant and/or have children finish their education.

1.7 Research questions and assumptions

1.7.1 Research assumptions	1.7.2 Research questions
(1) Malawi initiation counsellors distort the aim and meaning of the Lomwe initiation ceremony and violate girls' rights to education.	(1) Is it true that initiation counsellors distort the aim and meaning of the Lomwe initiation ceremony and violate girls' rights to education?
(2) Teaching an adolescent girl child initiation lessons that are only fit for married couples exposes her to sexual practices which she may desire to practise and which in turn may lead to her poor school performance and finally dropping out of school to get married.	(2) Is it true that teaching an adolescent girl child initiation lessons that are only fit for married couples expose her to sexual practices which she may desire to practise and which in turn may lead to her poor school performance and finally dropping out of school to get married?
(3) Initiation rites counsellors (<i>"anankungwi"</i>) do not work hand in hand with the government, traditional leaders, parents, and their local communities to review initiation teachings so that girls only learn moral lessons.	(3) Is it right and true that initiation rites counsellors (<i>"anankungwi"</i>) do not work hand in hand with the government, traditional leaders, parents, and their local communities review initiation teachings so that girls only learn moral lessons?
(4) Many girls who attend initiation ceremonies and who have been sexually violated by a <i>"fisi"</i> (an older man called a hyena who comes in the night to have sexual intercourse with girls) at the camp thereafter engage in early sexual relationships which lead to their falling pregnant and dropping out of school.	(4) Is it true that many girls who attend initiation ceremonies and who have been sexually violated by a <i>"fisi"</i> (an older man called a hyena) at the camp thereafter engage in early sexual relationships which lead to their falling pregnant and dropping out of school?
(5) Non-governmental organizations can work hand in hand with the Malawi government to develop strategies on how to implement international human rights in order to control and end the harmful cultural practices of initiation which lead to girls dropping out of school.	(5) Why is it necessary for and how can non-governmental organizations work hand in hand with the Malawi government to develop strategies to implement international human rights in order to control and end the harmful cultural practices of initiation that lead to girls dropping out of school?

CHAPTER TWO

2.0 LAW AND LITERATURE REVIEW

2.1. Introduction

Nowadays there is no need for anyone to blow the whistle on the abuse of women and girls who suffer at the hands of harmful cultural practices as there already exist ample important state and worldwide lawful structures to safeguard them against such practices. Generally, sexual intercourse with a girl or woman without her consent is considered taboo. It is unlawful and punishable under criminal law and customary law in Malawi (Constitution of Malawi, 2013). There are instances, however, when customary law does permit sexual intercourse against a girl or woman without their agreement. When this occurs it means that the men and/or women entrusted with the care of the girl or woman give their consent to the unlawful act. However, when a woman is involved in giving her consent and forcing her fellow woman or girl to submit to such an unlawful act, it is because she herself is bowing to masculine formulated cultural norms which fulfill men's desire. Regardless of whether it is men or women who give such consent, this act degrades women who are considered the property of men.

The Constitution of Malawi has given customary law a special status. There is a clear clash between human rights and customary law. It is commonly claimed among Malawians that every tribe is distinguished and known by its cultural practices. They place more value on customary laws than national or international human rights laws. Worse still, the Constitution does not specifically address the harmful practice of initiation puberty rites that are highly valued by customary laws despite the increasing number of girls who are dropping out of school and teenagers who are falling pregnant due to the harmful cultural hyena (*fisi*) practice which they are forced to undergo during initiation ceremony camps. This hyena (*fisi*) practice violates girls' human rights because they are done without their consent.

2.2 Initiation ceremonies

In most Malawian societies once a girl reaches adolescence, she undergoes an initiation rite into adulthood. There are a number of lessons that girls learn at these initiation camps. However, of all the lessons taught, this paper focuses attention on the harmful ones which affect the right of a

girl child to education and her sexual and reproductive health. The focus of the initiation camps is on teaching girls how to please their husbands sexually by being gentle and respectful partners. After the girls have received practical teaching in this area and at a certain time, the initiation tutors bring in a man recognized as the '*fisi*' (hyena in English) who will have sexual intercourse with the girls to examine whether they have properly understood their lessons. The *fisi* (hyena) is customarily selected by the community for this particular role (Johnson, 2018). This sexual intercourse takes place without the girl's consent since it is authorized by customary law. Looking at customary practices such as this one enables one to see how customary law violates women's and girls' rights to make consciously unrestricted choices about issues that harm their sexuality. One of the provisions of the Constitution which challenges practices like this one is section 23 which provides for the protection of children from any treatment that is or is likely to be hazardous, interfere with their education and which is harmful to their bodily, mental or spiritual well-being (Constitution of Malawi, 2013). However, the government does not enforce the provisions of this section against perpetrators such as hyenas (*afisi*) who are protected by customary laws. This failure is a clear demonstration of the contradiction between the Constitutional law and the customary law. The government must make use of enforcement agencies such as the police and the judiciary in terms of legislation which it has passed in order to eliminate customs and practices such as sexual abuse, harassment and violence that violate girls' rights.

2.3 Child Marriages

In Malawi there are pressures that force some children into early marriages. Some of these pressures are related to the economy, poor parental guidance, peer pressure, harmful initiation teachings and experiences under whose influence girls obtain the false impression that they are adults who are capable of managing sexual relationships with men. Teenage weddings are often justified by parents who believe that they prevent their teenage daughters from indulging in promiscuous conduct. The lack of appreciation of the necessity for the girl child to go to school is also another cause contributing to early marriages. It is thought that educating a girl child is a waste of time and resources. Sometimes parents who are under economic pressure give their daughters away in marriage in return for the material support they receive from their husbands. When this occurs, the daughter's consent is rarely sought or obtained (Mwambene & Mawodza,

2017). This practice is observed in the northern region of Malawi particularly when parents need to settle loans. Such practices force girls from underprivileged families to marry as young as nine years old. Within the same region there is a practice known as ‘*nhlazi*’ (‘*shanzi*’ in Ngoni language), in which a younger pre-puberty relative of a wife, in most cases a younger sister, is given as a reward to her husband for being good to her family. It is the senior members of the girl’s family who make the decision, and in such cases the girl’s consent is not sought.

Here we are faced with two problems relating to capacity and consent. These challenges are the *fisi* (hyena) practice in initiation ceremonies and child marriages. Under customary law there is no marriageable age which means that children, especially girls, may be married off at a very tender age without their consent based on decisions of elders within their family whose interests take precedence over those of the young bride.

Such practices are contrary to Malawian law as section 23(5) of the Constitution states that children are entitled to be protected from economic exploitation or any treatment, work or punishment that is, or is likely to: (a) be hazardous; (b) interfere with their education; or (c) be harmful to their health or to their physical, mental or spiritual or social development.

In addition, according to section 22(1) of the 2013 Constitution, the family is the natural and fundamental group unit of society and is entitled to protection by society and the State. Furthermore, section 22 also provides:

- ‘(2) Each member of the family shall enjoy full and equal respect and shall be protected by law against all forms of neglect, cruelty or exploitation.
- (3) All men and women have the right to marry and found a family.
- (4) No person shall be forced to enter into marriage.
- (5) Subsections (3) and (4) shall apply to all marriages at law, custom and marriages by repute or by permanent cohabitation.

- (6) No person over the age of eighteen years shall be prevented from entering into marriage.’.

Article 16 of CEDAW on marriage and family also states that:

- ‘(i) States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure on a basis of equality of men and women:
- (a) The same right to enter into marriage;
 - (b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;
 - (c) The same rights and responsibilities during marriage and at its dissolution;
 - (d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount.’

(Nations & Nations, n.d.).

2.4 Rape and the law

According to the World Health Organization (2003), any penetration of the vulva or anus, however slight it may be, using a penis or any other body part or object by coercion is defined as rape. Section 132 of the Malawi’s Penal Code [Chapter 7:01] defines a rapist in a broad sense as any person who has unlawful carnal knowledge of a woman or girl, without her consent, or with her consent if the consent is obtained by force or means of threats or intimidation of any kind, or by fear of bodily harm, or by means of false representations as to the nature of the act, or in the case of a married woman, by personating her husband.

The Constitution of Malawi calls for the eradication of sexual violence against women, including rape, and offers and promotes the human rights of all Malawians, including women and children. In recognizing the various global and local legal instruments, it demands legislation to end

customs and traditional practices that discriminate against women. Although any sexual offenders including rapists and those who molest sexually molest children ought to be prosecuted according to the Penal Code of Malawi, sufferers of sexual violence are more often than not endangered by the customary laws of Malawi (Kanyongolo & Malunga, 2013).

In Malawi there are different types of rape. Aggravated rape is the first category of rape which occurs when serious bodily injury is caused and includes gang rape. It also includes rape that occurs following a break-in, abduction or other similar crime (Murphy, 2019).

While adult initiation rites and ceremonies are common in Malawi, their performance varies according to the varying customary laws of the communities which practise them. For example, according to some customary laws it is illegal to have sexual intercourse with a child without their agreement; and according to other customary laws sexual intercourse is permitted with a girl under 13. In view of the harm young girls suffer as a result of these customary practices, however, it is necessary to educate and persuade Malawians to combat and ultimately eliminate them.

The third and final category of rape is defilement. When the victim of rape is not only under the age of consent, but also a child as defined by the state law, the offence may change from rape to defilement. In one case, Judge Kamwambe defined defilement as sexual conduct in which a man aged between 18 and 65 has sexual intercourse with a girl under the age of 12.

2.5 International and National Legal and Policy Framework

2.5.1 National Legal and Policy Framework

Sections 23(1) and 26 of the Malawi Constitution are particularly relevant to this study. Section 23(1) states that all children, regardless of the circumstances of their birth, are entitled to equal treatment before the law, and that the best interests and welfare of the children shall be a primary consideration in all decisions affecting them. Section 26 states that every person shall have the right to use their own language and to participate in the cultural life of their choice. The provisions of these sections in the Malawi Constitution are mandatory (Constitution of Malawi, 2013). However, some of the cultural practices that are permissible under customary law violate

children's human rights. The hyena practice in the initiation ceremonies is a good example of a harmful cultural practice that violates human dignity, specifically girls' human rights. Understood properly, the hyena practice is actually a form of rape because it is done without the girls' consent or if the girls apparently consent, their consent is not real since it is obtained by force or by means of threats or intimidation or by fear.

Section 137(1) and (2) of the Penal Code establishes the offence of indecent assault and provides that any individual who illegally and offensively beats any woman or girl shall be liable to imprisonment for fourteen years, with or without corporal punishment (Malawi Penal Code, n.d.).

In a court of law it is no defence to a charge of an indecent assault of a girl under 13 to claim that she agreed to the assault. If the victim is an adult, however, she may consent to the assault, in which case no crime will have been committed. In each particular case, it is a question of fact whether or not the woman consented.

According to section 138 of the Penal Code the crime of defilement is committed when a person illegally and carnally knows any girl under 13 and may be liable to imprisonment between 14 years and life imprisonment. The accused may be found not guilty if he proves to the court that he had good cause to believe and did in fact believe that the girl was older than 13 (Malawi Penal Code, n.d.).

It is clear that the hyena initiation rites practised in the initiation camps in southern Malawi, including those in the rural areas of Thyolo district, violate the abovementioned provisions of Malawi law.

2.5.2 International legal framework

There are a number of global human rights instruments that have addressed the problem of harmful cultural practices in all its various forms including customary initiation rites and ceremonies.

The Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) was the first international human rights instrument to tackle the issue of violence against women. It is the women's bill of rights. For example, article 2(f) of CEDAW urges all state parties to take appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which discriminate against women (Nations & Nations, n.d.).

Article 5 of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women (Maputo Protocol) states that States Parties shall prohibit and condemn all forms of harmful practices which negatively affect the human rights of women. This Protocol is the first international human rights treaty to clearly address the scourge of HIV/AIDS. It also emphasizes the need to combat and eliminate other forms of discrimination against girls and women including child marriage and polygamy and to promote all forms of women's empowerment.

On the issue of early marriages, article 16(1)(b) of CEDAW stipulates that women shall have the same right as men to select a partner and enter into matrimony with their unrestricted and full agreement. In some countries which have a recognized law stipulating a minimum marriageable age, exceptions are allowed based on, e.g., parental consent. Although it is international law requires that both parties must give their free informed consent to their marriage, the practice in some countries is that it is the bride's father/parent(s)/guardian(s) who give their consent on her behalf and the bride's consent is rarely sought or obtained. Even where a girl apparently gives her consent, this should be seen in the context of societal norms, family pressure and lack of other options. The fact is that by virtue of being a child, a so-called child bride is legally incapable and therefore unable to give informed consent to marry. In cases in which a child bride has apparently given her consent to marry, such purported consent should never be acknowledged as a basis or rather an excuse to abuse her. The bottom line of it all is that child brides are treated like pieces of property and abused by those who have authority over them. Their so-called husbands treat them like household property.

While early marriage for girls is not explicitly mentioned in the Convention on the Rights of the Child (CRC), the UN Committee on the Rights of the Child (which is mandated with monitoring the Convention's implementation) has specified that child marriage is a harmful practice which

has a destructive effect on girls' sexual and reproductive health and strongly recommends that all States Parties should establish a minimum marriageable age of 18. Article 34 of the CRC mandates member governments to protect the girl child against all forms of sexual mistreatment and abuse.

Early child marriage coupled with various other forms of harmful practices often results in a violation of the child's right to education (Nations & Introduction, 2019). Principles of child protection have been confirmed repeatedly by the jurisprudence and recommendations made to individual countries by various committees like those of the CRC and CEDAW and other UN treaty-monitoring bodies.

Important regional treaties also emphasize the need to protect girls from child marriage. For example, article 6 of the Maputo Protocol states that the minimum age of marriage for women shall be 18 years old and the full and free consent of both parties is required.

Article 21 the Convention on the Rights of the Child is concerned with the issue of protection of the girl child against harmful social and cultural practices and requires states to take all essential measures to eradicate any practices that are harmful to the self-respect, well-being and usual growth of the teenager. The treaty also outlaws early marriage and encourages states to pass national laws stipulating that 18 is the minimum marriageable age.

2.5.3 Education in Malawi

In Malawi there are three levels of education, namely primary, secondary, and tertiary. Only primary education has been made free to the public since 1994 when Malawi attained multiparty system of governance. It is striking that the majority of Malawian children who start primary school education when they are six years old do not have any experience of pre-school education (kindergarten). Children between 6 and 14 are supposed to attend primary school in Malawi. However, it is during these crucial years when most Lomwe girls (as well as girls from other Malawian tribes) are exposed and forced to attend puberty initiation ceremonies where, apart from learning moral cultural values, they also experience harmful practices that violate their rights to education. It takes eight years for a child to finish primary education (i.e., standards 1-

8). Primary school education is important because it is during this time that a child acquires basic moral knowledge which is necessary for them to assimilate societal values (Malawi Penal Code, n.d.). This education also assists children their development into knowledgeable and creative adult citizens.

According to Malawi's school policy, primary education is divided into three stages. The first stage is pre-school which encompasses the first two years of prescribed learning. The second level is junior primary school which covers standards three to five. The third and final level is senior primary school which covers the last three years of primary education (i.e., standards six to eight).

The last three years of primary school education prepares a pupil to sit the Primary School Leaving Certificate of Education (PSLCE) examinations. PSLCE exams are the entrance exams for secondary school. Through its board, the Malawi National Examinations Board (MANEB), the Ministry of Education Science and Technology sets and marks the PSLCE examinations selects those students who qualify to attend secondary schools throughout Malawi. Competition to enter secondary school is very stiff since there are only very few government secondary schools to accommodate the large number of eligible students. Therefore, it is only the best performing students who are selected to enter secondary school. Since most girls do not perform as well as their male counterparts, the Ministry of Education Science and Technology reduces the pass rate for girls. Despite such assistance, however, few girls manage to enter secondary school due largely to the psychological trauma they suffer as a result of the harmful hyena ("*fisi*") puberty rite practice they experience at initiation camps.

Before attending initiation ceremonies, the general behavior of Malawian girls of primary school-going age is good. Many enjoy attending school and perform well which is not the case after they return from puberty initiation ceremonies. As they physically develop during their progress through school, young female students are in need of guidance as they are as eager to explore new things in life as they are to study. However, it is challenging for teachers to manage and guide them when they are required to teach large classes of over one hundred (100) children. As a result disorderly conduct which affects their school performance may develop among

school children particularly during the years when they study in standards seven and eight. Some girls who only start school late and become adolescents while they are still attending school fall pregnant and often drop out of school (Medson Makwemba, Blessings Chinsinga, Chrissie Thakwalakwa, 2019).

2.6 Other Literature Reviewed

The literature on puberty rites and initiation ceremonies authored by the following scholars has contributed a great deal to the general background of this research paper.

Different tribes in Malawi teach their adolescent girls their cultural norms and values so that they may become their custodians and developers in accordance with local customs and tradition. It is believed that by receiving such instruction a young girl becomes relevant to her community and prepares herself for her future life as a wife and mother. Sometimes, however, conflicts of interest arise between what is taught at puberty initiation ceremonies and at school. According to Rehema, this sometimes causes parents to withdraw their girls from school (Rehema, 2014:10). Indeed, girls' behavior is often directly related to the many tribal and traditional taboos which dictate what to do and what not to do at the various stages of their development which may conflict with the demands of schooling.

Longwe (2006:40) observes that:

“as in many African societies, female initiation rites are still very important in the Chewa society. When a Chewa girl child is initiated upon her first menstruation, she becomes a member not only of her family, but also of the whole community and takes on adult and community responsibilities.”

This statement helped to compare and contrast the significance of puberty rites and initiation ceremonies for girls between the Chemwa and the Lomwe societies. Merging intensive Christian instructions and the Lomwe initiation puberty rites teachings will help the girls to become good citizens who will be able to take up responsibilities as adults.

A study by Mbiti (1975:94) says that “initiation is a gate way to marriage.” It prepares young people for marriage. This statement should guide the appointed elders (*anankungwi*) as to what to teach about how newly married women should behave in their homes. This is important because when girls reach puberty, the age at which a person is first capable of sexual reproduction, many Malawi tribes including the Lomwe, Nyungwi, and Mang’anja societies of Thyolo hold ritual ceremonies to celebrate the transition of their girl children from from infancy to adulthood. The *anankungwi* should teach young girls that they should only practise some of the lessons they are taught after and not before they are married.

In her article, ‘Puberty rites of !Xoo Girls of Zutshwa of South-west Botswana,’ Nhlekisana also explores the cultural significance of the initiation puberty rites (Nhlekisana, 2017 vol. 29). This paper critically examines the harmful practices of puberty rites and initiation ceremonies of girls in the rural areas of Thyolo District and makes recommendations as what should be done to curb the malpractice in so far as it negatively affects their right to education. It calls upon the government, judiciary, and the general public to seriously begin implementing international legal standards which require that girls and their rights be protected and respected.

A study by Cox (1998, cited by Apawo Phiri, 1995) claims that “the Chewa traditional initiation of girls has some social elements which give dignity to women such as social prestige.” I investigated whether this positive characteristic was also true for the Lomwe and if not, I deem it proper that Lomwe initiation tutors be encouraged to adopt it in the puberty initiation ceremonies of their girls and to inform their parents and the public in general about this development.

After perusing other literature, I observed that many scholars have written on initiation puberty rites but they have not explored the issue of how initiation puberty rites and ceremonies of girls affect their right to education and this is why I decided to do research and write about this subject.

CHAPTER THREE

3.0 THEORETICAL AND METHODOLOGICAL APPROACH

3.1 Theoretical Framework

The central idea of this research project focuses on the protection of girls against harmful cultural practices. To achieve this it is imperative that this chapter studies the legal framework of national and international human rights. There are a number of theories that assisted me and informed the study. The continuous interaction between these various theories helped me to conduct the research as well as to understand and analyze the data which I collected during the research process.

3.1.1 Radical Feminist theory

Chambers explains that cultural feminist defenders are of the opinion that gender and gender inequality are unnatural (Chambers, 2005) and MacKinnon states that they are socio-cultural formulations (MacKinnon, 1989). This research sheds light on why women in many African societies fall victim to men. There are women whose minds are so seduced, deceived and corrupted that they contribute to the continued victimization of their own fellow women. One lesson learnt from this case study is that at the puberty initiation ceremonies which girls are forced to attend they are trained in sexual education which emphasizes various techniques they should use to please their future husbands.

Some people I interviewed stated that at some initiation camps girls are only given herbs, while in most camps instead of this, the girl's tutors arrange for them to have sex with or, essentially, be raped by an older man known as who visits them at night. He is called a hyena (*fisi*) because, like a wild hyena who visits homesteads at night to steal reared animals such as pigs, goats, sheep, chickens, etc., it is believed that he should also come at night to perform this sexual ritual based on the belief or superstition that by doing so he opens her womb (steals and plunders her virginity) and gives her the strength of a man. This is a very good example of a socially constructed form of gender inequality. The belief that a girl receives the strength of a man through her first sexual intercourse with a "*fisi*" (hyena) is a myth or lie and superstition.

In Malawi, there are some tribes who do not ritually initiate their girls in this manner and who allow them to remain virgins until the time they marry (which is above the age of 18) and have their first sexual contact with their husbands.

Radical feminism explains that both extremes of matriarchy and patriarchy have their disadvantages and in the latter case men dominate, oppress and violate women. Lobber, a radical feminist, argues that patriarchy is very hard to eradicate because it is rooted in men's belief and consciousness which considers that women are inferior to men and second-class citizens (Lobber: 16). Bentzon et al. also claim that patriarchal supremacy is not only evident in cultures but also in some major religions of the world (Bentzon, et al, 1998). Since it is obvious that the oppression of women is a worldwide problem, some radical feminists believe that there is a need to totally restructure the world and life so that rights of women can be realized (Tong, 1989).

Radical feminism theory has helped me to understand the extremely rigid attitudes that exist in society which have for so long proved difficult to break. This approach also helped me to be open minded in compiling the data I collected.

3.1.2 The Sex, Gender and Law Theory

According to this theory, men and women are treated differently because of their sex and gender. The physical distinctions between men and women determine sex, whereas gender is a social and cultural construct (Bentzon, 1998). This theory enabled me to evaluate the implications of rules for men and women with regards to their sex. It also helped me to come up with the right kind of questions to ask my respondents. It enabled me to formulate specific questions on how initiation puberty rites and ceremonies violate the human rights to education of Lomwe girls as well as girls in general, and what long lasting impact they have on the lives and well-being of women now and in the future.

3.2 Methodological Framework

Lots of methodologies were used in carrying out this study. I developed this framework when I looked at the nature of the topic and the type of respondents I interviewed.

3.2.1 Legal Pluralism

Legal pluralism refers to different rules, norms, cultural practices, customs and laws that determine how people react to a particular legal or social problem. As I interviewed different respondents especially those who were illiterate living in rural areas, I realized that despite campaigns by different organizations and the government to educate both boys and girls to become well-educated, self-reliant citizens, the message had seemed to fall on deaf ears. I discovered that initiation tutors and parents of girls are more interested in preparing young girls in how to please and impress men and their future husbands sexually rather than ensuring that they become well-educated and equipped for future employment.

3.2.2 Women's Law Approach

The Women's Law Approach is a woman-centered legal discipline which takes women's actual 'lived experiences' and life situations based on sexuality, birth, care and domestic work as a starting point for the analysis of the position of women in law and in society (Bentzon et al., 1998). I used this approach in conversation with the actual people who are affected by the customary practice of men called hyenas (*afisi*) raping and defiling girls at puberty initiation camps and it put me in a positive and receptive state of mind as I interacted with them.

The women's law approach also helped me to ask girls who had been victims of rape by a man called a hyena (*fisi*) at a puberty initiation camp questions about this practice. This approach prevented me from drawing baseless conclusions about the negative effects of this practice on the livelihood of these girls. As a result I discovered that girls face many problems after initiation ceremonies. Had I not used the women's law approach, I would not have been able to unearth the problems that arise not due to their sex but rather as a consequence of this law (or practice) made by men and for men. I discovered that man-made laws and practices reflect and respond to the needs and opinions of men because they create solutions to conflicts between men (WLSA 1990:117). My starting point was to examine what my respondents (both the victims themselves and their contemporary companions and associates) narrated about their lives and realities and then I examined the law to see what it said and its response to the needs and concerns of women.

Furthermore, this approach also assisted me to gather information from women and girls who were raped by men called hyenas (“*afisi*”) during puberty initiation camps. Some of their experiences were horrifying. Grounded in or based on the stories which they themselves told me, I was able to find out what women and girls considered to be their main worries and concerns. This approach enabled me to empathise readily with my respondents. For example, I learnt, based on what they narrated, that when young girls are taken to the puberty initiation camps they are threatened with many grave consequences (both to themselves and their families) if they should disclose what they experience, whether they believe it is good or bad. I also learned that while at initiation camps the girls are robbed of their rights. For example, they are not allowed to say how they would prefer to be treated. One informant narrated how shocked she was at seeing their tutors checking their private parts without their consent and at being forced to have sexual intercourse with a man called a hyena (“*fisi*”).

3.2.3 Human Rights Approach

Human rights are defined as “a set of universal entitlements that individuals enjoy irrespective of their sex, gender, age, nationality, religion, culture or status that are inherent to human beings and that are proclaimed and protected by international law” (The Constitution of Malawi, 2013). In this case study, I used this approach to investigate whether the information I gathered concerning the teachings and experiences that Lomwe girls receive in puberty initiation camps breach their human right to education. For example, I examined whether the practice of being raped and/or defiled by a man called a hyena (*fisi*) contravenes article 3(1) of the Maputo Protocol Article 3(1) which states that “every woman shall have a right to dignity and protection of her human and legal rights”. This methodology also gave me the opportunity to obtain a clear understanding of the contextual framework within which the harmful customary hyena (*fisi*) practice is imposed against girls, what and how their human rights (in particular their rights to education) are being violated and possible ways of combating and eliminating this abuse.

3.2.4 Grounded Theory

Bentzon et al. in ‘Pursuing Grounded Theory’ describes this methodological approach as the dung beetle approach as follows:

“The dung beetle method is grounded research process in which the researcher collects data, sifts and analyses it, considers the implications of her findings, determines what to collect next to meet her needs, and continues the collection and analysis cycle. Through this process, new methodologies, perspectives are hatched.”

I used this methodological theory as one of my tools to collect the data that I used in this study. Glaser and Struss explain that this theory is used for analyzing empirical data with the aim of generating a theory (Glaser and Struss 1967:187). I used it as a complement methodology to the Women’s law approach. The result was very informative and indeed proved very useful. I was able to probe for relevant information. The information that I collected shed much light on the livelihood of the girls who experienced the teachings of the puberty initiation rites. Furthermore, I found this methodology helpful because I was in a position to add new data that I got from other informants who had different viewpoints of the new issues that arose. For example, when I collected data I compared it with what other scholars had written. This helped me to clarify and classify certain emerging issues.

3.3 Data Collection Methods

Data collection methods helped me in the actual process of obtaining evidence from different individuals and/or informants. The data used in this study can be classified as primary and secondary sources. Primary sources that I used included conducting interviews, group discussions and observation while secondary sources involved getting information from books, the internet, and case studies (Figures 1 and 2 and Table 1).

3.3.1 Interviews

Most of the data used in this study was collected as the result of interviewing individuals and group discussions. Individual interviews were mostly done with girls who underwent initiation ceremonies and initiation counsellors and tutors who were my main informants. Although I visited different rural areas within Thyolo and met many people, I had only a very few opportunities to conduct individual interviews because most of them were unwilling to be interviewed on account of the fact that at the ceremony they are sworn to secrecy on pain of death/harm to themselves and/or their families. Despite this, I managed to interview more than twenty girls and four initiation counsellors.



Figure 1: Photographs showing two girls who dropped out of school as a result of puberty initiation ceremonies

Also I interviewed my respondents orally and committed both my questions and their answers to memory. I made sure that I had no pen or paper with me. The reason for this is that I did not want to instill in them any fear of the existence of any written record of anything I asked or they spoke about in connection with the extremely sensitive subject of puberty initiation rites or ceremonies involving their being raped by men called hyenas (“*afisi*”). As a result they were able to speak more freely than if I had used pen and paper in which event they would most likely have been more fearful of my publishing our exchanges other than for the purposes of this research. An advantage of conducting oral and paperless interviews was that I was free to conduct more observations of the respondents than I would have been able to do had I been focusing on reading my questions and writing their answers.

3.3.2 Group/discussion interviews

I conducted group discussions in four different villages and at five schools. For the sake of flexibility, some groups comprised women only while others consisted of both women and men. One way of doing these interviews or/and group discussions was through interrogation using

leading questions that were related to my research topic. I wrote down the responses given by the interviewees. It was through these group discussions/interviews that I obtained the information I needed for the research. In most cases the group members from different villages furnished me with similar information. Group discussions were successful because burning issues arose and were discussed.



Figure 2: Photographs of some respondents involved in the focus group discussions

Table 1: Showing details of the informants and respondents involved in the research

Sex	Key informants	Respondents	Age	Total
Female	21	120	7-40	141
Male	4	7	18-50	11
Total	25	127		152

3.4 Study limitations

There are limitations to all research, especially research such as this which investigates the secret puberty rites and initiation ceremonies for girls which is forbidden to be mentioned let alone discussed with anyone like me, for example, who has not been through the experience themselves. Therefore it was difficult for my initiated respondents to share their experiences with me. However, in order to successfully access information I had to overcome such limitations. It

was difficult for me to find such initiates at home since this research was conducted during the rainy season when they were busy working on their farms. So, I decided to offer to help them with their work and some of them decided to open up and tell me about these secret initiation rites and ceremonies as we worked together.

3.5 Emerging issues

One issue which emerged during the research involved section 13(f)(ii) of the Malawi Constitution which states that primary education is compulsory and free for every Malawian citizen. However, this is not the case on the ground where I found parents and guardians are asked by school authorities to pay US\$3 per student towards the school development fund which is an amount many of those living in the rural areas cannot afford to pay. Another thing which also came up while I was conducting this research concerned youth forums organized by the state, parents and traditional leaders. I learnt that instead of building the life skills of girls and encouraging positive behavioral change towards them, the teachings of these forums were actually promoting the sexual role of boys over girls and thereby reinforcing gender inequality.

CHAPTER FOUR

4.0 DISCUSSION OF THE FINDINGS

4.1 Introduction

This chapter is a discussion of the findings of the main aim of this research which examines the harmful teachings and experiences of initiation puberty rites and ceremonies on girls' rights to education focusing on a case study of the rural areas of Thyolo District in the southern part of Malawi. The chapter also gives an overview of definitions of puberty rights and initiation ceremonies, attendees, recommended age, tutors and syllabi followed in the initiation camps.

From the Malawian cultural perspective any person in his or her life passes through different stages of life. These stages which are also known as rites of passage are birth, puberty, adolescence, marriage, pregnancy, and death. Different tribes mark and celebrate each of these stages by performing rituals. Munthali, Kok, and Kakal comment that in accordance with their culture, people, in recognition of different times of their lives, organize and hold ceremonies at which specific rituals are performed (Munthali, Kok, & Kakal, 2018). Makwemba, Chisinga and Thakwalakwa argue that rituals are held not only for rites of passage but for every stage in the life of a person like birthdays, qualification into high school, and funerals which mark important changes and new developments that are recognized by all cultures (Medson Makwemba, Blessings Chinsinga, Chrissie Thakwalakwa, 2019). This paper examines the rituals that the Lomwe people perform at puberty when a person is first capable of sexual reproduction. Puberty falls within the second stage of a person's life and is called adolescence.

Since initiates are expected to play new roles within their society, it is significant to celebrate rites of passage ceremonies so as to help them understand societal expectations. Besides this they help other people after their experience in certain rites of passage to learn how to treat people in new ways. Separation, transition, and incorporation are three phases of rites of passage. The transition phase is the time when the participants learn the appropriate behavior for the new stage they are entering. However, every day brings about a transition in the life of a person.

In Africa, just as in other parts of the world, the performance of rituals is symbolic of expressions that convey meanings, either verbally or non-verbally. Traditional African leaders stress the importance of performing rituals as being customary and symbolic social communication that is repeatable according to fixed patterns. In all African societies, different stages of development and life have different rituals either in number or in kind that mark the passage from one to another. Generally, the coming of age of a girl which is termed initiation begins at the onset of puberty. The transition is frequently marked by ceremony and celebration. Once parents or guardians notice the marks of this onset, the girls are taken into initiation camps where they often undergo a long and arduous education process in preparation for the responsibilities of adulthood (Munthali et al., 2018).

4.2 Definition of the puberty initiation ceremony

Initiation is a process of being introduced or mode of entrance into a society or into an organization or a rite of admission into a secret society or order. Once one is initiated one becomes accepted into the community. The initiation ceremony is predestined to inaugurate the gender standards that govern boys and girls as they grow into men and women. In a nation like Malawi where approximately three quarters of the population lives below the poverty datum line, emphasis on having sex may have a darker purpose.

Among the Lomwe people, once girl passes into adolescence, she learns values of the tribe to which she belongs so that she can maintain and develop it. The education that girls receive in puberty initiation camps is considered directly relevant to those girls, preparing them for life as wives and mothers. Indeed, girls' behavior is often directly related to many tribal and traditional taboos which dictate what and what not to do at the various stages of their development. Some of the behavioral changes which the girls learn conflict with the demands of their schooling.

4.3 Types of initiation ceremonies of Lomwe girls

The Lomwe people of the southern region of Malawi have three types of initiation ceremonies. The first initiation ceremony for girls is "*Chiputu msondo*". This ceremony involves young girls aged seven to ten years old. In this initiation, young girls are taught good manners and are given various gifts on the day of their graduation. "*Ndakula*" (meaning, 'I have come of age') is

another type of initiation ceremony which covers girls in their puberty aged between eleven and seventeen years old (Munthali et al., 2018). The aim of the “*ndakula*” puberty initiation ceremony is to instruct girls on how they can take care of themselves during their menstrual periods. “*Litiwo*” is a third kind of initiation ceremony practised among the Lomwe tribe. It covers girls who have been impregnated before marriage. Two weeks during the school holiday at the end of third term in June are set aside for initiation ceremonies. Among the Lomwe in the rural areas of Thyolo district in Malawi, it is compulsory both socially and culturally for girls to participate in such initiation ceremonies.

I conducted this research to alert fellow Malawians and the world at large to the teachings taught to girls during the *ndakula* initiation ceremony so that together ways can be found to address the problems identified here since it is these teachings and experiences which contribute to early pregnancies, the contraction of sexually transmitted diseases and infections (STDIs) and girls dropping out of school. Most Lomwe girls reach puberty between the ages of eleven and seventeen during which period many changes occur to their bodies. Another reason why this paper focuses on the *ndakula* ceremony is because, although it contains controversial aspects, it still remains the most important vehicle through which girls receive the instructions they need to prepare for marriage (Johnson, 2018).

4.4 Social analysis of the *ndakula* initiation ceremony

Much at this stage of initiation is done by parents or guardians of the girl. Her mother or aunt informs the girl that she has to get ready for the coming initiation ceremony – “*ndakula*”. Receiving such notice beforehand prepares the girl psychologically. This is a transitional stage because she has just attended the first initiation ceremony known as *Chiputu Msondo*, and is now preparing to attend the second initiation ceremony. The girl who is in this waiting period is referred to as “being in between stages” because she has not yet entered the next initiation ceremony - “*ndakula*”. But “being in between defined social positions” may also describe a situation in which a girl has joined the initiation ceremony and is still undergoing instructions (Johnson, 2018) or the girl has started menstruating and is getting prepared for the initial ceremony according to the Lomwe society.

When menstruation begins, the girl either tells her aunt, mother, grandmother or any other elderly woman in her village. If the girl had been expecting this, the news is accepted with joy. Traditionally, when the girl child has reached puberty, her parents have sexual intercourse known as “*kupitakumphasa*” (meaning, ‘Going to bed’) for a ritual purpose. According to the Lomwe belief, this act is done soon after menstruation. When there is a single parent, the woman takes traditional herbs after consulting the “*sing’anga*” (traditional doctor).

In the past, the girl was moved from her parent’s home to that of a relative or tutor (“*phungu*”). The reason for taking the girl away from her parents’ home was for fear of “*msempho*” (harming the girl) if the parents unknowingly had sexual intercourse while she was menstruating. To avoid prolonged menstruation, the girl was given food mixed with herbs. This was done to protect the girl during her menstruation. In case an accident like that happened, the girl stopped menstruating instantly. The “*phungu*” or the relative reported to the girl’s mother, who then drew water in her mouth, and while tying the palm leaf on her arm lamented the following words, “*Usambelero chifukwa tagonana ndibambo wako tisakudziwa,*” (meaning, “Resume your menstruation today because your father and I had sex without knowing you are menstruating.”) Once this was done, it was believed that the girl could start or continue menstruating the same night. When the girl finished menstruating, according to Lomwe tradition, the mother prepared porridge and the girl added salt to it so that the whole family could share in it and it marked the beginning of normal sexual intercourse between her parents (Mwambene & Mawodza, 2017).

The above ceremony is modified and of short duration. It is “*ntchembere*” (meaning, ‘elderly women of child bearing experience’) that give the girls some instructions for one night or a few hours. It is up to the tutors (“*aphungu*”) to continue instructing the girls after the ceremony. Initiates themselves, however, need to take the initiative to continue learning by attending other initiation ceremonies.

This is the first puberty rite ceremony which is done to the girls who have just reached the stage of puberty. There are other two initiations which I have not described in this paper. One of them is for pregnant women and the other for entering marriage. This research paper has focused on the girl child puberty rite initiation ceremony called “*ndakula*”.

The informants also said that the celebration of the “*ndakula*” puberty rite initiation ceremony begins on the day when women pound maize in preparation for the big meal, “*nsima*”. The program on the actual day of the initiation ceremony starts with giving advice to the initiates. The next thing which spices up the event is the presentation of gifts to the girls from relatives and well-wishers. Finally the program concludes with singing and dancing.

4.5 Who initiates girls at initiation camps?

Initiation tutors (“*anankungwi*”) or counsellors are experienced elderly women who initiate young girls during the puberty initiation ceremony. The whole initiation (“*chinamwali*”) curriculum or the syllabus is organized by the tutor (“*phungu*”) who is supported by a few selected qualified and experienced women who come to give the girls intensive teaching. The teaching is also conducted by those who were previously initiated and they help the new candidates in the interpretation of other things done within the “*Chinamwali*”. The group of girls who have been initiated in the past are called “*Ngudu*”. The new recruits of initiated girls are called “*Nkwenje*”. Another informant pointed out that this whole process of initiation is called “*Kukhweleda*” which is typical of Lomwe society.

Many informants explained that in normal circumstances the teachings and instructions are done at night. Teachings on sex and the body are conducted during night vigils. Over time things have changed however and as a result of the influence of modern education and human rights codes, it is now school teachers who teach girls sex education and how to manage their bodies as they experience puberty, e.g., how to use sanitary pads (Medson Makwemba, Blessings Chinsinga, Chrissie Thakwalakwa, 2019).

After the girls are taken to the initiation camps but before teachings and instructions begin, the *phungu* (tutor) conducts a vaginal examination of all the girls. This is so in order to make sure that they have really reached puberty. This custom is called “*muonano*”. The tutor (“*phungu*”) gives the girls some instructions on the sanctity of their body and how they should now behave towards men and their elders. Girls are also warned against the dangers of having sexual intercourse when they are menstruating. In order to prevent any one from seeing their menstrual

blood and “*tchakala*” (the menses linen), the girls are given instructions about how to care for their menses.

During the “*ndakula*” (I have come of age) initiation ceremony the girls undergo sexual education which emphasizes the techniques they should use to please their future husbands. Many people whom I interviewed said that it is also while attending this initiation when, instead of giving herbs to the girls, a man called a hyena (“*fisi*”) is invited into the camp at night in order to have forced sexual intercourse with each of the initiate girls in turn. It is believed that through this sex ritual the girl receives the strength of the man who ritually opens her womb. Nowadays with prevalence of HIV/AIDS, the “*fisi*” (hyena) practice is diminishing in urban areas but not in most rural areas. Yet, many initiation camps are returning to the use of herbal medicine (Johnson, 2018).

Further teachings that the girls receive while attending initiation ceremonies include how they should behave and show respect toward their parents, elders, and the chief. They are taught to avoid coming home late and to refrain from socializing with boys. If the girl is beaten on her back by her brother or any man while during her menstrual period it is believed that the assailant will suffer from “*mphuzi*”. Instruction on house chores and “*kukoka makutu a nyini*” (elongation of the labia minora) are also part of her lessons. “*Makutu a nyini*” are also called “*makutu*” (ears) or “*makwerero*” (stairs/ladders). The teaching on elongation and how to pull the labia (which sexually stimulates women and gratifies men during sexual intercourse) is contrary to formal education because such teaching encourages girls to engage in pre-marital sex which often leads to early pregnancies, the contraction of STDIs and causes them to drop out of school to get married.

4.6 Syllabi followed in initiation camps

‘We bring them to the river. They get naked and try the Chisamba dance, moving their bottoms to turn men on,’ explained Awa Yahaya, one of the organizers of the camps without any hint of embarrassment. She has been doing this for many years and has no plan to stop anytime soon. In their state of nakedness, these girls rub up against each other and then lie on the ground and simulate the sex act even though they have barely started puberty. They are also taught to sing

and dance. A certain woman who in this paper chose only to be known as Fanny's mother said that involving girls in such dances and actions was the only way for them to learn about “life.”

When evening draws near, the tutor “*phungu*” completely covers the girls’ heads with a piece of cloth. This is done in readiness for visiting relatives’ families. When evening come the initiates go to nearly every family house in the village while carrying a piece of burning firewood in their hands. And with their heads covered, the girls lie down at the door of the kitchen. They wait while singing until they are given some money. Once they receive the money they continue singing and visiting the rest of the relatives’ houses for alms.

While conducting this research, I discovered that the girls who attend initiation ceremonies encounter different forms of abuse and sometimes they lose precious time attending school. During a group discussion with girls of Mpinji primary school, the teachers reported that many of their female students change their behavior after attending initiation ceremonies. As a result of what they learn and experience in these camps, the returning girls and now see themselves as grown-ups, believing and behaving as though they possess all the knowledge of an adult about life. Many start disrespecting their teachers because they see them as their equals. A taste of sexual intercourse in the camp and the false impression of seeing themselves as adults are some of the factors which contribute to the reason why many of these girls lose interest in schooling and fail to perform well. It is at this point that many girls drop out of school. The majority of girls choose to get married and raise their own families or pursue other womanly responsibilities (Mazibuko, 2011).

4.7 The teachings and experiences that girls receive at puberty initiation ceremonies result in their dropping out of school

The first thing that the tutors (“*aphungu*”) do when they gather the girls for the two weeks at the initiation camp is to teach them about hygiene and the taboos of menstruation. The girls are also taught how to behave well and with respect in the presence of elders and traditional leaders. When the *aphungu* finish giving their advice, other women who help the *aphungu* also participate by putting money into the laps of the girls and comment on their character and behavior. Giving specific examples of what is and is not responsible behavior, they also teach the

girls how they should relate with their mothers and other close female relatives and encourage them to keep improving themselves (Schouten, 1991). During these two weeks, the girls are taught how to become "women" as quickly as possible so that they are ready and able to look after a family.

A critical analysis of the origin of opening initiation camps reveals that they are tools of male domination. Their purpose is to fulfill men's desires. Surprisingly, the elderly women, known as "*anankungwi*" in the local language who run these camps, help in perpetuating the harmful practices originating in these camps. Fanny recalls:

"We were sent away from the village, alone with the organizers and without any men. Once the first rituals began, we understood we were there to learn how to sexually please men."

As Fanny said this, her smile disappeared and tears started rolling down her cheeks as she recalled these memories.

They are taught that while a woman is still young she should get married and have children. Such teaching encourages girls to believe that education in formal schools is only meant for boys and not for girls who are only meant to be mothers and wives. The girls explained that if they failed to live up to these expectations (i.e., of becoming wives and mothers) they could not stay in their villages and because of the poverty they would face they would have to leave their communities in search of better living conditions. This would involve engaging in domestic work, prostitution, street work, and informal or illegal work in urban cities (Rehema, Verhan, Emmanuel, & Douglas, 2014).

As a result of some of the socially and culturally acceptable yet harmful practices they learn in puberty initiation camps, female adolescents in Thyolo and throughout Malawi grow into adulthood grappling with contradictory teachings which place them in an almost impossible and deeply unfair situation. Their elders who awaken these young girls to their sexual potential and teach them how to sexually gratify their future husbands within a context of fear, abuse, submission and inequality are the very same elders who unfairly expect them to resist engaging

in pre-marital sex, especially with their male counterparts at school who are socially and culturally expected and encouraged to prove their manhood as aggressively and forcefully as their older male in their community. In fact, while tutors (“*aphungu*”) in girls’ initiation camps are good at teaching girls to take care of and control their bodies and sexual desires, boys are left alone and this only encourages them to take advantage of female students. This puts girls at risk because they can contract STDIs from boys even if they end up getting married.

Initiation cultural practices and beliefs have been around for centuries and despite criticisms some harmful practices continue. It must be admitted here that appropriate teachings are good if they are taught to the right age groups. Therefore, there is a need for further investigations into what are the best practices and beliefs to teach adolescents and to find ways of how best to use and sustain them throughout Malawi (Schouten, 1991).

4.8 Analysis of the belief of the hyena (“*fisi*”) practice

Many countries in Africa share a common belief known as sexual cleansing. Every girl is expected to have sexual intercourse with a man after her first period. In the southern part of Malawi girls are forced to have sexual intercourse with an old man locally known as a “*fisi*” (hyena) when they reach puberty. This practice is called “*kusasa fumbi*” in the vernacular language of Malawi and may be translated in English as brushing or shaking off the dust. The concept behind “*kusasa fumbi*” entails a sexually experienced old man having forced sex with a girl in order to ‘remove’ her sexual inexperience. Sexual cleansing is one of the rituals performed in initiation camps among the Lomwe people. It is believed that it turns a girl into a woman (Medson Makwemba, Blessings Chinsinga, Chrissie Thakwalakwa, 2019).

The practice of “*kusasa fumbi*” which is perpetrated by a man called a “*fisi*” (hyena) is not only done in initiation ceremonies but is also practised against a woman after her husband dies. As stated above, a man called a “*fisi*” (hyena) is invited by the tutors of initiation camps to have sexual intercourse with all the girls. When a husband dies, the relatives of the deceased man identify a man called a (“*fisi*”) (hyena) to have sexual intercourse with his widow for the purpose cleansing her from evil spirits believed to be in her from her dead husband. These forms of sexual intercourse constitute rape because they are done without the consent of either the woman

or the girls. Worse still, these practices occur often in ignorance of the danger of contracting or spreading HIV/AIDS and sexually transmitted diseases and illnesses (STDIs). They also promote pre-marital sexual activities among girls resulting in early pregnancies and dropping out of school.

4.9 Consequences of teachings of puberty rites and initiation ceremonies

The consequences of the teachings of puberty rites and initiation ceremonies are many, but here I will just name a few. The first result is that puberty initiation rites and ceremonies motivate young girls to practise sexual intercourse. Secondly, these teachings contribute greatly to early pregnancies and marriages. Last but not least is that the lessons and experiences on sexual intercourse are the main causes of truancy and dropping out of school. Lastly, some girls change from being well behaved to rebellious and disrespectful of their elders.

4.9.1 Truancy and dropping out of school

During interviews and focus group discussions, girls, teachers and other stakeholders mentioned that truancy was one of the effects of girls' attending puberty initiation ceremonies. About 14 of the girls mentioned that with the type of lessons and all what they heard and went through, they were made to believe that these formal schools were meant for boys and men while they (the girls) were meant to be future mothers and wives. As a result and after experiencing their puberty rite of passage they saw no point in continuing to attend school. In addition, girls claimed that sometimes their parents would seek permission for them to stay at home and whether they agreed or not, they were obliged to obey (Rehema et al., 2014). They also explained that low school attendance always affected their daily school performance which led to their poor performance during examinations. Due to their continued poor performance and failure to keep up the rest of their class, the girls in Nchiramwera area, especially at Nachipere and Mpinji Primary Schools, opted to drop out of school.

4.9.2 Early marriages and pregnancies

The consequences of lessons and experiences gained in initiation camps are severe and long-lasting because they affect the education of the initiated girls, lead to early marriages and affect the health, physical and emotional well-being of every Malawian girl.

The study revealed that girls' early sexual engagement and pregnancies were among the effects of puberty initiation ceremonies. Apart from the girls whom I interviewed, teachers and faith based leaders also blamed these cultural practices as a cause of early pregnancies and marriages. The girls whom I interviewed explained that a number of girls who had been initiated within their age group indulged in sexual intercourse even though they were still very young. It is the role of parents, local community leaders and the general public to teach and advise girls to abstain from sexual activities until marriage so that they can concentrate on their education (Mwambene & Mawodza, 2017).

This research has established that girls who engage in early sexual activities do not go further with their formal education. Some even contract and/or spread STDIs and HIV/AIDS because both parties involved in the act do it outside marriage and are uncertain about their health status.

The study also established that instead of proceeding with their education, girls who indulged into pre-marital sexual intercourse got married, cared for their husbands, did household chores and worked on their farms. Young women who became second wives were abused and treated like slaves by older wives (Rehema et al., 2014).

Most girls who marry early fall pregnant almost immediately. Early pregnancy is not good for the health and physical development of a girl. There are health consequences related to early pregnancies. Some girls encounter problems during their first act of sexual intercourse with their husbands and they may be scarred physically, mentally and emotionally for life. Sometimes girls experience problems during delivery as a result of which they may have to give birth by cesarean section and/or they may develop fistula. Other complications of early pregnancy and childbirth include the death of girls who get married between the ages of eleven and seventeen.

4.9.3 Disobedience and change of behavior

The research reveals that lack of obedience and change of behavior are observed after the girls are sexually initiated. It is observed that the girls feel that since they are introduced to all secrets of womanhood it means they are equal to adult women. Because of this, the initiated girls around

Nchiramwera area felt they should not be told what to do or what was best for them by their elders.

They reported that because they considered themselves equal to adults, they could not be commanded or reprimanded by other elders. They emphasized that despite being told to respect other adults, they were made to believe that men, more especially their future husbands, were the most important human beings. This understanding had an impact on them at school, church and home. Female teachers who were interviewed complained that after they had been initiated, the girls no longer respected them. Male teachers also complained that they were being seduced by female pupils after coming out of initiation camps.

4.9.4 Puberty rites and initiation ceremonies incite young girls to engage in sex

The women at initiation camps, known as “*anankungwi*” or “key leaders,” teach young girls about sexual intercourse. Although girls are taught other things like how to take care of themselves, most of what they learn at the initiation camps is about sexual activities. This includes wearing beads around their waists and allowing the man to be on top during sexual intercourse. A woman is not supposed to refuse a man sex because her purpose is to satisfy him. Although the girls are taught about sexual intercourse they are not specifically advised to refrain from engaging in sex while they are still young. As a result, many young girls do engage in pre-marital sex while they are still young and contract STDIs because they are not taught about protected sex (Munthali et al., 2018). I have noticed through this research that lessons about sex in marriage which girls learn in initiation camps directly leads to the spread and contraction of sexually transmitted illnesses (STIs) and HIV/AIDS. If the nation of Malawi is to develop, its traditions must help to curb and not promote harmful practices.

When I was doing this research I was interested to find out the roles which families, traditional leaders, the state and non-governmental organizations play in ensuring that lessons and practices taught at puberty initiation ceremonies do not have a negative impact on the education of girls. What I discovered as a result of the interviews and group discussions I conducted was encouraging but there is evidence that negative effects still exist.

During my research, I found that there are youth forums organized by the state, parents and traditional leaders which are designed to improve the life skills of girls and improve the behavior of their communities toward them. I also found that some non-governmental organizations as well as chiefs are working hand in hand day and night to make sure that girls are protected from harmful cultural practices in our country and particularly in Thyolo where I conducted this research. In the neighboring district of Mulanje there is a female chief, Chief Chikumbu, who is working day and night to make sure that the hyena (*fisi*) practice is stopped. At the time I was doing this research she had managed to end child marriages and had sent many girls back to school. Using the radio and television, Chief Chikumbu was campaigning against harmful cultural practices taught in initiation ceremonies. I am sure that other chiefs from the rural areas of Thyolo District will team up with her to fight against harmful cultural practices.

Fear and secrecy surround the teachings of initiation camps and if girls refuse to follow the rules, camp leaders use ancestral superstitions to threaten them with harm against themselves (such as contracting skin diseases) and against their families in the form of bad luck. In their innocence some girls attend these camps excited about what they think are holidays. Others who have heard rumors or complaints issued by non-governmental organizations are reluctant to attend them. In either case they usually end up attending, often encouraged by their mothers to carry on traditions which ironically even these mothers have themselves suffered.

Joyce Chimombo who works for a non-governmental organization known as ‘Go back to school Girls,’ which promotes health, education and equality for girls and women in Africa said that these camps brainwash girls into becoming women too fast. She added that the consequences of brainwashing these young Malawian ladies are disastrous. “After the camp, most of the girls get married and drop out of school,” she continued.

Another youth forum which is instrumental in the promotion of education for girls is the Malawi Girl Guides Association (MAGGA). This organization brings together youths from different intervention areas for them to share ideas on harmful cultural practices and best practices of prevention. MAGGA is responsible for encouraging national and international goodwill, peace and understanding among girls and young women in this country and the whole world. It also

promotes strategies to prevent HIV/STDIs, addresses issues affecting girls and young women and advocates protecting children, girls and young women from all forms of discrimination and exploitation/abuse.

CHAPTER FIVE

5.0 STATE OBLIGATIONS ON EDUCATING CHILDREN AND THE PUBLIC ABOUT CHILDREN'S RIGHTS

5.1 Introduction

The term education is broad and does not have a single definition. Essentially, however, it is a process that promotes learning, knowledge and development. Formal education may be described as a process of learning which is acquired by going through levels of structured institutions like schools and programs. According to the ISCED, there are three levels of education in Malawi, namely: primary, secondary and higher education. Generally, Malawi children start primary education between the ages five and seven (Chilemba, 2013).

The Malawi government must ensure that the girl child has the right to primary education as prescribed and guaranteed in the International Covenant on Economic, Social and Cultural Rights (ICESCR). Its provisions on the right to education must contain, among other things, the concept of compulsory and free primary education (FPE). The concept of compulsory and free education has two connotations. First, a child's access to education must not be optional. Secondly, it means that their access to education is non-discriminatory (Nations, 2016).

Practices related to marriage are important to almost all of Malawi's citizens and girls are affected by them in various ways. Sometimes these practices infringe their human rights by preventing them from enjoying them. Malawi, however, does have laws which are designed to protect them from such breaches. For example, those under the age of eighteen (18) are prohibited from entering into marriage. The law also protects children below the age of eighteen from any form of treatment which is hazardous, detrimental or interferes with their education. In all these cases the Malawi Constitution focuses on protecting girls' interests. Offences that are harmful to the physical, mental and social development of the girl child are punishable by law. It is against this background that one wonders why no punishment is enforced against the men called hyenas ("*afisi*") who sexually violate girls in puberty initiation camps.

One of the reasons why the Constitution prohibits girls from marrying below the age of eighteen their bodies have not sufficiently developed for them to safely bear children. This research has shown that obstructed and prolonged labour and fistula are some of the serious maternal complications associated with early pregnancies.

It is therefore necessary for girls to be protected from sexual abuse including, for example, the hyena (“*fisi*”) practice. Intensive counselling on girls’ rights in primary schools should be part of any strategy to reduce early pregnancies and school dropouts. Sexual abuse is such a grave violation of girls, their rights, interests and needs that they should be empowered to report on any sexual abuse, especially the harmful hyena (“*fisi*”) practice, to their parents, traditional leaders and directly to police officers whether they are on or off duty and anywhere they may be found, in or outside a police station (Bayle, 2016).

5.2 Malawi’s free and compulsory primary education

The Malawi Constitution and the Education Act are the two important pieces of legislation which regulate education in Malawi. Despite the difference between how they each define primary education, they both set out important legal measures to ensure that all children have access to free primary education. On one hand, according to the Malawi Constitution, primary education takes at least five years. On the other hand, the Education Act treats the first eight years of regular schooling as primary education. The provision in the Malawi Constitution on the duration of primary education does not conform to international standards set by the International Standard Classification of Education. All public schools comply and follow the prescriptions set out in the Education Act while most private schools provide primary education for six years. Wilson and Wilson are of the opinion that the Malawi Constitution, being the supreme law of the land, ought to comply with the six year period prescribed by international standards (Wilson, 2010).

5.3 The Malawi framework on education policy

Being a party to regional and international conventions, Malawi has a provisions in its Constitution which gives all citizens the right to education.

“In most instances, international human rights treaties are directly part of Malawi’s domestic legal system, and can thus be used at the national level to hold the government accountable through administrative, political or legal procedures” (Salaam, 1979).

Malawi has fulfilled the international human rights law on free primary education by actually introducing it at the birth of its multiparty era in 1994. However, it is worrisome that Malawi has failed to sign the protocols to the CRC and ICESCR which give individuals the right to access the complaint procedures (UN Office of the High Commissioner for Human Rights, 2017). Although Malawi has introduced free primary education, it is not yet compulsory according to the Constitution and Article 13(2a) of the ICESCR.

Besides complying with the Universal Periodical Review and the CRC on the right to education, Malawi in its mandate to fulfil its Malawi development goals (MDGs) has specific targets in its national strategies. However, there is need to regularly measure these legal targets and policies concerning rights to education against international human rights standards and the reality of education in a country (Johnson, 2017). It is the responsibility of the government to make sure that education human rights standards that are not in conflict with international standards are enforced. Whenever the general public and more particularly the Malawian girls see the government not doing enough to promote girl child education or noticing bad practices that are an infringement on the girl’s right to education, they should appeal to international bodies and/or treaties to come in.

5.4 Constitutional provisions protecting the right to education

This paper emphasizes the need to have provisions in the Malawi Constitution that protect the rights to education. One of the human rights instruments, the convention on the rights of children (CRC) recommends national education sector plan that promotes early education, and policies that allow pregnant girls go back to school. Government’s deliberate emphasis that children complete their primary school and taking action on non-compliance, and early childhood education can contribute to the reduced rate of primary school dropouts in Malawi. Strict measures should also be applied to deal with traditional practices such as sexual abuse and harassment of girls in initiation ceremonies that contribute to early school dropout. It is

imperative that the state should put in place mechanisms that see to it that primary education is not just free but also compulsory. For the welfare and development of Malawian citizens, the state must adopt and implement policies and legislation that can contribute to elimination of illiteracy (Project, 2012).

5.5 Advantages of educating a girl child

“When you educate a girl, you educate a nation” is a popular saying among Malawians. Another expression commonly one can read on bill board is "Knowledge is power." This expression, “when you educate a woman you educate a nation” is true in a way that mother is central in the family. Both parents of a child play significant roles in raising up a child, but a woman plays a greater role than a father. Most of the time from day of birth a child is with the mother. She is the first a teacher and a mentor even during early child’s education and development. Most of the time right away from the day of birth, and the first three or four years, children that are born in the family are with their mothers. The early childhood of any child depends on their mother. Children learn language from their mothers. Education empowers a woman so as to effectively contribute positively first to her family, and late alone bring participate in the development of the country. Education open the whole human being in all spheres of life as to how to do things correctly Illiterate women become subordinate to their husbands while an educated woman can stand on their own. In the years past but also to the present, some tribes give priority to educating boys than girls. This is built on cultural understanding that women are there to satisfy men’s sexual desires and bearing children, and such is the finding of this paper. Among the Lomwe of the rural areas of Thyolo District, initiation counsellor spend much time when it comes to “*ndakula*” initiation ceremony the focuses on teaching girls family life, preparing young girls for marriage. Educating the girl is important for her whole family. A family is a basic unit of the society, therefore, educating a woman means a healthy family which late alone contribute to healthy and sustainable development of entire society. Educated women make informed decisions about their families and the nation (Chilemba, 2013).

Only educated women are able benefit their families and the state with health services and family planning skills. They take part working in private and government departments like education, health, agriculture, electricity supply commission of Malawi (ESCOM), water board, etc. A

knowledgeable woman makes informed decisions about herself, family and state. She becomes a role model to her children on matters of education. And will know why a girl or boy child education is necessary, and advise her children why certain things are done in the way they are done, and why certain choices have to wait for opportune time. For instance, even if her daughter was sent to attend initiation ceremony an educated mother can offer counter teaching to early marriage. She will advise her children wisely on the right age to get married; when to have children, and how many.

School dropout is great and rampant and continues to grow not only in the rural areas of Thyolo District among the Lomwes but also in most parts of the country. Another contributing factor to this is poverty. If girls get enough education, poverty cannot be an issue because after successful completion of secondary and tertiary education they would get employment, or engage in businesses. Educating a girl changes her entire life. Uncompleted education don't allow girls to make choices of how will live the rest of their lives (UN Office of the High Commissioner for Human Rights, 2017).

Giving girls an opportunity to acquire education is expanding their world view in decision making, opening up great possibilities which otherwise they would reach without education. Once girls are educated they affect the future of their country. Educated women are not easily moved and swept by outside forces, but able to control forces affecting them, and shape their own future.

5.6 Girls' human rights to education and Constitutional provisions which oppose harmful cultural practices

The Constitution of Malawi as well as the international human rights standards contained in the Convention on the Rights of the Child (CRC) and the African Charter on the Rights and Welfare of the Child (ACRWC) recognize the girls' human rights to education (Chilemba, 2013). However, in Malawi, there remains a high prevalence of socially condoned harmful and pervasive practices which wreak devastating consequences in the lives, health and education of the girl child. Punitive measures which have been put in place to protect children from violent and harmful practices perpetuated by initiation puberty rites ceremonies are not enforced and

their continued practice continues to violate children's rights to education. Many girls continue to be victimized and traumatized by the vicious hyena practice. Article 19 of the Convention on the Rights of the Child describes violence against children as including all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse (Nations & Introduction, 2019).

The African Committee of Experts on the Rights and Welfare of the Child, which is responsible for monitoring the implementation of the ACRWC calls upon all states to eliminate practices that are harmful, hazardous and detrimental to children's wellbeing. This includes the harmful hyena practice.

Most African states nowadays allow their children to be taught sex education. This sex education begins in secondary schools instead of primary schools. This is problematic because by the time a girl child enters secondary school, she has already been influenced by her culture. For example, Lomwe girls who are forced to attend puberty initiation camps where they are abused by the harmful hyena practice are still attending primary school. So, logically, it is too late to teach them at secondary school how to protect themselves from the abuse they are experiencing in primary school. The fact that initiation camp tutors do not teach their young female initiates how to engage in safe and healthy sex and that most parents are not open enough to discuss such matters with their children only serves to reinforce and foment the culture of disrespect for and rape of girls at initiation camps and thereafter.

5.7 Educational policies for monitoring school attendance

In line with international human rights law, Malawi has in its Constitution an education policy which provides for free and compulsory education. However, in practice, since 1994 Malawi has only introduced free primary education but hasn't made it compulsory. Failure to make primary education compulsory has some setbacks because students stop attending school at any point. This paper suggests and calls upon all stakeholders to make sure compulsory education means compulsory daily school attendance for which the government should be held accountable. The government through the Ministry of Education, Science and Technology provides all primary schools with attendance registers which are used to monitor pupils' daily attendance. It would be

helpful to motivate pupils by somehow rewarding them if and when they complete attending each school term or year. In some parts of the country, especially in the central region, chiefs and school committees through their parents and teachers association (PTA) forums use what they call “*Gule wamkulu*”/”*Nyawu*” (Big Dance) to go from village to village every morning seeking out and gathering those children who have been absenting themselves from school and then taking them there. “*Gule wamkulu*” is a masked society and entry into it is through initiation (Salaam, 1979).

5.8 The State’s obligation to realise girls’ right to access education

To say that the state has an obligation to realize the rights of girls to access education is obvious. All over the world, international and regional legal instruments call upon states to ensure that all girls have the same opportunity as boys to enjoy education. States are duty bound to increase and improve existing infrastructure in order to maximize and make education more accessible to girls. This paper calls upon the state and all Malawians to review policies and customary laws that restrict girls from being able to enjoy their right to education fully. Initiations promote persistent harmful practices. Fear through the curses of harm against them and their families that initiation tutors put on their vulnerable young female initiates prevent them from being able to think freely, clearly and critically for themselves so that they can make their own decisions about their own bodies and lives.

The government’s plans and policies on girls’ rights to access education must include providing goods and services that purposely target girls’ rights to access education. Contrary to the international legal framework and Malawi’s Constitution, customary laws allow child marriages. Girls who enter into such marriages do so less out of choice than as a direct result of having been groomed or initiated to do so by the sexual abuse they suffer during puberty initiation camps which were established and are perpetuated for that very purpose. This research found that girls in these marriages are too physically, mentally and emotionally immature to actually behave and exercise their rights as wives and mothers which is all the more reason why every effort should be made to ensure that they are discouraged from marrying early and should rather remain in school to complete their education. It is the government responsibility to ensure measures are put

in place to counter such socio-cultural practices by teaching the public of their harmful effects on girls which in turn has affect the wider community (Project, 2012).

Furthermore, the government should abide by international human rights standards and be proactive in taking measures to eliminate and dismantle all forms of discrimination between boys and girls by promoting the empowerment of girls in matters of public and private life. For instance, while girls are taught how to please their future husbands, boys receive no teaching about how to respect girls or refrain from pre-marital sex. On the one hand, apart from the sexual harm they suffer, girls are psychologically traumatized and feel deeply betrayed by the rapes that their trusted elders and tutors deliberately arrange for them at the hands of men called hyenas (*'afisi'*) during initiation camps and as a direct result they often lose interest in school. On the other hand, boys of similar age who do not attend these initiation ceremonies continue with their education untrammled by any similar experience. The Malawi government should not only abolish these traditional practices that are counterproductive but also modify and/or terminate any other existing customary laws, customs and regulations which discriminate in any way against girls and women.

The international community has recognized the equal right to quality education for everyone and is committed to achieving gender equality in all fields, including education, through the acceptance of international human rights law. This means that states including Malawi have legal obligations to remove all discriminatory barriers, whether they exist in law or in everyday life, and to undertake positive measures to bring about equality including access to education. Once States have ratified or acceded to international treaties that recognize the right to education, they must guarantee and implement this right at the national level (Rehema et al., 2014).

CHAPTER SIX

6.0 CONCLUSION AND RECOMMENDATIONS

6.1 Introduction

This chapter provides a summary of the research and makes some recommendations to the government and all stakeholders on the topic of study.

6.2 Conclusion

Many women are targets of harmful cultural practices because of various myths and stereotypes. In this paper, there are a number of suggested strategies that I think may assist in bringing meaningful change to harmful cultural practices. In curbing these practices the government should sensitize traditional leaders and the public on the setbacks of teaching primary school-going adolescents who are not mature enough to make informed decisions about their sexual and reproductive health. By its nature, adolescence is an exploratory stage in life, a period during which young adults want to make sense of whatever they come across. It is necessary that girls should learn about their rights to education, and report to the right authorities when they experience any form of harassment that impinges their rights to health, physical and mental development, but more particularly their right to undertake and complete their education which is key to their future livelihood and well-being.

The government must take certain measures to educate initiation counsellors who play key roles in the perpetuation of these harmful practices by offering them new ways of understanding and treating their youngsters. Since girls and women should in no way be treated as sexual objects, it is, therefore, necessary to teach girls about their rights which should not be violated by their male or female counterparts. They have the right to give their consent in matters affecting their personal lives. Any form of forced sexual intercourse, however it is dressed up (e.g., as a customary puberty rite or initiation ceremony), is a form of rape whose culprits are punishable by law.

One obstacle that prevents girls from enjoying the same right to education as boys is the gender stereotype of the role of girls and women in family life. In families, girls are socialized to stay at

home playing the role of domestic workers and child carers while boys are treated as future men and bread winners. It is for this reason that education for boys takes priority over girls and this is the case among the Lomwe people. Such stereotypical thinking leads to segregation in the choice of employment and occupation for men and women. Therefore one finds that girls are less valued than boys who are encouraged in certain fields such as mathematics science, engineering and technology. The research has shown that gender stereotypes is common in the rural areas where girls' human rights, including their right to education, have been violated in the name of culture, especially as a result of puberty rites and initiation camps which often lead to their dropping out of school. Every human being has a right to education and since primary education is free in Malawi, the state should also make it compulsory for all.

6.3 Recommendations

1. The Malawi government must be proactive in conducting awareness campaigns in order to disseminate information that promotes girls' right to education. It should make every effort to eliminate every form of violence including harmful cultural puberty rites and initiation practices against girls and actually prosecute and punish perpetrators.
2. The government must make sure that there is equality between boys and girls in accessing good quality education.
3. The Government should make sure that all its schools have qualified and adequately trained teachers, including those who are competent to teach human rights and gender equality early in the learning process.
4. Non-governmental organizations should conduct dialogue with community leaders and parents and offer counselling in primary schools on girl's rights to education, ensuring that issues affecting young people are openly and meaningfully discussed and addressed effectively.

5. Initiation ceremonies which some Malawian tribes have been practising for decades should be encouraged but should be stripped of all harmful cultural practices that violate girls' education rights.

6. The government should involve the media in helping to promote issues raised by non-governmental organizations and human rights activists on girls' rights to education, e.g., ZATHU PAWAILESI program.

Bibliography

- Bayle, S. (2016). *Monitoring Education Participation* (Vol. 1). Retrieved from <https://books.google.com/books?hl=en&lr=&id=ZIpHdPD9n4QC&pgis=1>
- Bentzon, A. W. et al., (1998). *Pursuing Grounded Theory in Law: South-North Experiences in Developing Women`s Law*. Harare: Mond Books; Oslo, Tano-Aschenoug.
- Chilemba, E. M. (2013). He right to primary education of children with disabilities in, 3, 3–26. General Recommendation number 19 of the UN
- Glaser, B. G., and Strauss, A. L., (1967). *The Discovery of Grounded Theory*. Hawthorne, New York: Aldine.
- Johnson, J. (2018). Feminine futures: female initiation and aspiration in matrilineal Malawi. *Journal of the Royal Anthropological Institute*, 24(4), 786–803. <https://doi.org/10.1111/1467-9655.12917>
- L.C.J.Mazibuko, C. J. M. (2011). *Inventory of Malawi`s Intangible Cultural heritage*.
- Longwe, M. (2005), *Growing up: A Chewa Girl`s Initiation*. Kachere series, Zomba.
- Mbiti, J. (1975), *Introduction to African Religion*. Heinemann, Nairobi
- Medson Makwemba, Blessings Chinsinga, Chrissie Thakwalakwa, A. M. et. al. (2019). *Traditional Practices in Malawi*, (March), 1–212.
- Munthali, A. C., Kok, M., & Kakal, T. (2018). YES I DO . *Initiation ceremonies in Traditional Authority Liwonde in Machinga District in Southern Malawi* :, (October).
- Mwambene, L., & Mawodza, O. (2017). Children`s rights standards and child marriage in Malawi. *African Studies Quarterly*, 17(3), 21–44.
- Nations, U. (2016). *Protecting Children From Harmful Practices in Plural Legal Systems*. *Protecting Children From Harmful Practices in Plural Legal Systems*. <https://doi.org/10.18356/82478d33-en>
- Nations, U., & Introduction, I. (2019). *Convention on the Rights of the Child, 03621*
- Nations, U., & Nations, U. (n.d.). *CONVENTION ON THE ELIMINATION OF ALL FORMS OF*.
- Nhlekisana, R. O. B. (2017). *From childhood to womanhood: puberty rites of! xoo girls of Zutshwa*. Gaborone, Botswana.
- Project, Right. (2012). *Right To Education Country Fact Sheet Malawi*, 1–13. Retrieved from <http://www.right-to-education.org/sites/right-to-education.org/files/resource->

attachments/RTE_Country_Factsheet_Malawi_2012.pdf

- Phiri, I.A, (2002), Hidden histories of women of faith in Africa, Clusters publications.
- Rehema, M., Verhan, B., Emmanuel, M., & Douglas, M. (2014). Effects of Initiation Rituals to Primary and Secondary School Girls in Morogoro Rural District. *International Journal of Innovation and Scientific Research*, 6(1), 9–17.
- Salaam, K. Y. (1979). *Women's rights are human rights*. *Black Scholar* (Vol. 10).
<https://doi.org/10.1080/00064246.1979.11414043>
- Schouten, J. W. (1991). Selves in Transition: Symbolic Consumption in Personal Rites of Passage and Identity Reconstruction. *Journal of Consumer Research*, 17(4), 412.
<https://doi.org/10.1086/208567>
- The Constitution of Malawi. (2013). Sweden's Constitution of 1974 with Amendments through. Retrieved from <https://www.constituteproject.org/search?lang=en>
- The Malawi Penal Code. (n.d.).
- UN Office of the High Commissioner for Human Rights. (2017). Realisation of the equal enjoyment of the right to education by every girl.
- Wilson, H. M. (2010). Education and Girls' Development in Malawi: Promotion of Girls' Education in Relation to Sustainable Development.
- WLSA Malawi (2005) Beyond Inequalities: Women in Malawi Limbe, Women in Development Southern Africa Awareness, Women and Southern Africa Research and Documentation Centre