

RUTH ABANKWAH

Affiliation: University of Namibia (Lecturer)
Windhoek, Namibia

Email: rabankwah@unam.na

DIANA ABANKWAH

Affiliation: University of Namibia (Student)
Windhoek, Namibia

Email: dianaabankwah@gmail.com

THE PLIGHT OF AN AFRICAN GIRL CHILD: TRADITIONAL CULTURAL PRACTICES IN MALAWI**ABSTRACT**

The Malawian girl child is faced with many challenges such as early marriage to older men, dropping out of school due to pregnancy and instances where the tradition requires girls to have sex with a paid sex worker (*hyena*) when they reach puberty. In some tribes in Malawi, this tradition is still revered by many elders who consider it to be sexually cleansing. Sexual cleansing also applies to women whose husbands die. Such a woman is required to have sex with a paid sex worker known as ‘hyena’ before she buries her husband (Kamlongera, 2007). This act in itself is harmful to the victims who are vulnerable to sexually transmitted diseases including AIDS. Such people may be left with emotional and psychological scars which may never heal. The main question this concept paper asks is: Where does one draw the line between tradition and the African girl child’s rights?

Keywords: Tradition, culture, African girl, sex, Fisi

1. INTRODUCTION

In Malawi, the girl child is faced with customs which longstanding traditions dictate she follow through with in order to give honour to herself and her family. In many parts of Malawi, culture promotes underage sex between girls and older men, early marriage, and genital mutilation, all varying in beliefs. In none of these instances does the girl child or woman have a say in the matter, and more often than not, she ends up being a victim of sexual violence, whether she is aware of it or not. These practices are not only prominent in Malawi, they are practiced in some other African countries, Namibia included. In a poem written by a young Namibian, the author abhors a culture which rendered her helpless as her husband brought wives year after year until she succumbed to a strange disease. She had no say in all this. She helplessly questions when such a culture will change, wondering how many generations will experience such trauma (Hasheela, as cited in Ruppel, 2008).

The paper focuses on specific customs in Malawi which, although perceived as rites of passage, take the form of sexual aggression and violation of the girl child and women, and how these disadvantage the lives of those involved.

2. SEXUAL VIOLENCE IN THE MALAWIAN CONTEXT

Sexual violence in Malawi is engrained in the cultural fabric of Malawians. However, it is the perception of what sexual violence is in Malawi that is to blame for the many sexual violations against women.

Sexual cleansing, in some parts of Malawi, is seen as an act of purification; to cleanse a woman after the death of her husband, after the birth of a child, or after a miscarriage. This act is done to ward off evil spirits. Sexual cleansers who are referred to as ‘hyenas’ or kinsmen are hired to perform these sexual acts.

Another example of sexual cleansing is the ‘Fisi’ initiation tradition, which requires girls below the age of 14 years to have sex with an older man who is hired to perform in the ceremony to mark the end of the initiation, referred to as ‘Chinamwali’. This culture has survived over time, despite the fact that it is detrimental to the wellbeing of the girl child (Kamlongera, 2007).

Malawi has a predominantly patriarchal and chauvinistic society, where women and girls are subordinate to men. Therefore, this Fisi initiation teaches girls to please men sexually. It is so demeaning that, in some instances, girls are instructed to dance naked in front of the community, to display what they have learned before the ceremony. Moreover, “...the public is allowed to touch the girls and give them money, which is placed directly on the vaginal area” (Kamlongera, 2007, p.85).

The fact that there is a lot of secrecy surrounding the Fisi culture makes it very difficult for the affected girls to express their emotions about their experience. The authors of this paper only came across one source of the experiences of an affected victim. This is probably attributed to the fact that “for most Malawians, there is a preference not to discuss situations deemed embarrassing (like in this case of a man having sex with a child). They prefer to pretend the situation does not exist, and if one dares to mention anything, he or she is classified a pervert” (Kamlongera 2007, p.83). This tradition, therefore, promotes sexual violence against the girl child. Unfortunately, it appears that the majority of Malawians do not uphold children’s rights. This is despite the fact that Malawi has a good bill of rights, and it has signed the Convention on the Rights of Children. Moreover, Section 24 of the Constitution of Malawi (2010)(2) states that “any law that discriminates against women on the basis of gender or marital status shall be invalid and legislation shall be passed to eliminate customs and practices that discriminate against women, particularly practices such as - (a) sexual abuse, harassment and violence”. This is contrary to the prevailing cultural practices in Malawi.

In the Malawian context, the Fisi ceremony is not perceived as rape. The girls are made to believe that it is necessary for them to sleep with a man during the initiation process for cleansing purposes. “Many of the victims of the tradition are girls from rural areas, who may have little knowledge about sexual abuse” (Kamlongera 2007, p.86). Unfortunately, such acts are not reported in the news. The author argues that the lack of social workers in the country is one of the reasons why the Fisi practice prevails. This means that girls are psychologically and emotionally scarred, and take this distorted self-image into adulthood, where the male perpetrators continue to benefit. For example, in the Nkhota-kota district in Malawi, men are said to have sex as and when they please within marriage, regardless of whether or not the woman gives her consent. So, the concept of masculinity is intrinsically linked to cultural expectations (Kathewara-Banda, Gomile-Chidyaonga, Hendriks et al, 2005).

According to Kistner (2003), sexual violence could include unwanted touching or fondling, and any other acts which go against the sexual integrity and autonomy of women. Kathewara-Banda, Gomile-Chidyaonga, Hendriks et al (2005) take it further by stating that sexual violence includes the use of sex as a weapon of power. This therefore, implies that the girl child in Malawi is a weak vessel. “Therefore, sexual violence is a gender-based issue which reflects social, cultural, and economic inequalities between men and women,” (Gorden and Crehan 2003, p.4).

Another example of this is the ‘fish-for-sex’ practice in Nkhota-kota. The fish market is male-dominated. Women are put in a position where they have to exchange sex for fish. This then renders women that are involved vulnerable to HIV-AIDS (Kathewara-Banda, Gomile-Chidyaonga, Hendriks et al, 2005). It is argued that “this “fish-for-sex” industry is directly linked to high HIV transmission rates in Nkhota-kota” (Kathewara-Banda, Gomile-Chidyaonga, Hendriks et al 2005, p.653).

Yet another instance of condoned sexual violence in Malawi involves a process known as ‘dry sex’, where a woman is required to insert harmful drying agents into her vagina such as bleach, antiseptics, and herbs, to make her vagina tight and dry for the pleasure of the man during intercourse. This leaves women susceptible to friction, tearing, and lacerations in the genital area. The process of dry sex exposes women to HIV/AIDS, because it is unprotected (Day and Maleche, 2011).

3. EFFECTS OF CULTURAL PRACTICES

Cultural practices, such as Fisi, have psychological, emotional, socio-economic, and physical effects on girl children. A first-hand account of psychological and emotional trauma is given by a 34-year-old Malawian woman who experienced Fisi at the age of 11. This encounter left her nauseous, feeling cheated, angry, defeated, and alone (Kamlongera, 2007). At the tender age of 11, she vowed never to let her daughter go through the same thing, and this is why she had the courage to talk about it.

Poverty is another direct consequence of harmful cultural practices, namely, early and forced marriages. In Malawi, 50% of women aged between 20 and 24 are said to have been married by the age of 18. Rafferty (2013) asserts that “at the onset of puberty or even before, some girls are pulled out of school and forced into early marriage and high-risk pregnancy” (Rafferty 2013, p.1). This may trap them in abusive relationships due to economic dependency.

There has been an observation from international organisations that female genital mutilation (FGM), which is performed in many African countries, Malawi included, seriously affects the physical and psychological wellbeing of girls. The effects include tearing during septic shock, child delivery, adverse obstetric and prenatal outcomes, tetanus, keloid formation, and long-term complications such as menstrual and urinary difficulties (Rafferty, 2013). This unfairly robs the girl child of living a healthy, meaningful life.

Such early and forced marriages trap girl children “into relationships that rob them of their basic human rights, terminate their opportunities for school and education, restrict their freedom, increase their risk of violence within the household, curb their economic autonomy/opportunities, and place them at higher risk for adverse physical, intellectual, psychological, and emotional outcomes” (Chowdury, 2004; Hervish & Feldman-Jacobs, 2011; International Planned Parenthood Federation and the Forum on Marriage, and the Rights of Women and Girls [IPPF], 2006; Malhotra, Warner, McGonagle, & Lee-Rife, 2011; Oladeji, 2010; UN, 2006, UNFPA, 2012, UNICEF, 2012; as cited by Rafferty, 2013 p. 5).

4. LEGISLATION AND INTERVENTIONS

Various ethnic groups in Malawi have come up with a code of conduct on sexual relations between men and women. Prior to the 20th century, Malawi developed a traditional set of laws to regulate sexual interactions and other religious contraventions, which may lead to bodily injury or affect

public peace (Rangeley 1948, as cited by Liwewe, Kalipeni, and Matinga, 2009). Nonetheless, some of the regulations perpetuate gender inequalities. For instance, the Chewa tradition in Malawi does not perceive rape in the same context Europeans do; “The rape of an unmarried or nubile girl was simply considered insolence, and the man could be forced to marry the girl” (Liwewe, Kalipeni, and Malinga, 2009, p.2).

Moreover, the Malawi Penal Code lacks a definition of consent in sexual offences. This results in courts determining consent by looking at the circumstances of individual cases. “In most cases, the court looks for evidence of physical struggle between the complainant and her assailant, without which it will be doubtful that the woman or girl did not consent.” (Kamyongolo and Malunga, 2011 p.4). This is not always successful given the controversy surrounding rape, as the prosecution seems to be burdened to look for physical signs of rape, whilst the victim is subjected to indignity.

However, there are instances where a child can be incapable of consenting to the sexual intercourse, especially when she happens to be unaware of what is happening, as in the case of the tradition of Fisi (Kamyongolo and Malunga, 2011). Another case is “where a woman or a girl is led to have sexual intercourse with a man under false representation. She would not be said to have consented and the man would be guilty of rape” (Kamyongolo and Malunga, 2011 p.7).

Nevertheless, the fact that there is provision in this code to consider physical evidence, such as scratches, torn clothes, bruises, or a report which the victim may give, implies that most of the girl children at a tender age may not have courage to voice their trauma, because they don’t have the necessary criteria which constitutes rape (Kamyongolo and Malunga, 2011). Additionally, reporting sexual assault disguised as an initiation ceremony is seen as taboo.

There are instances where customary law permits sexual intercourse to take place without the consent of the girl child, as long as the caretaker consents. This normally happens during initiation and ritual cleansing ceremonies. Having said this, it should be noted that the same customary law prohibits sexual intercourse with a girl without consent (Kamyongolo and Malunga, 2011).

The Malawian culture is shrouded in myths and stereotypes relating to consent. For instance, there is a myth that women say ‘No’ when they really mean ‘Yes’ to sexual advances. Although Kamyongolo and Malunga (2011) noted that these myths are not part of Malawian customary law, they bear much weight, to the point where court cases have been dismissed on this basis. In the words of one Malawian high court judge: “I do not wish to be duped by the talk that she was forced down. Who does not know that women are generally difficult and pretentious when sex demands are in force? She may have wanted it at the house, and in meeting that resistance, he applied the pressure” (Kamyongolo and Malunga, 2011 p. 11, as cited by Kasambara, 1989-90). This, therefore, accentuates the plight of the girl child in Malawi. At home, the people who are supposed to be taking care of her are promoting her sexual defilement under the guise of tradition, whilst the court which is supposed to promote justice is condoning and perpetuating sexual violence through the lens of masochism.

5. CONCLUSION

The position of the girl child in the Malawian society is dictated by tradition, which is demeaning to girls and women. This, therefore, renders the girl child an object of sexual assault, powerless in the face of customs which dehumanise girls and women in general. Due to cultural prejudices,

myths, and beliefs designed to instil fear and humiliation in girls and women for speaking up against sexual assault veiled as tradition, girls grow up emotionally bruised, economically disadvantaged, and psychologically programmed to see themselves as inferior and helpless. These practices are perpetuated in spite of the Constitution of the Republic of Malawi.

6. RECOMMENDATIONS

The girl child in Malawi should be protected against harmful cultural and traditional practices. Such practices should be formally criminalised as acts against human rights and against the Constitution. We recommend that policies and laws by regional and international bodies be enacted to prevent abuse against girls and women in Malawi. In order for change to come about, some kind of intervention through lobbying traditional and government leaders should take place. This should happen through Non-Governmental Organisations (NGOs) and women and girls' societies to stimulate efforts that will ensure that their rights are protected. That is the only way the voices of the voiceless can be heard. In addition, awareness should be raised from grass root level in the community about the rights of girl children. Many parents of these girl children are ignorant of the effects these practices have on their children. Affected women are also oblivious of their rights, and are, therefore, unaware that they can take a stand. Therefore, peer educators and social workers must be mobilised to educate parents, caretakers, and most importantly, women.

Social media and publicity are powerful tools in spreading awareness of harmful customs. Female youth groups can utilise social media to draw regional and international attention that can lead to effective intervention.

REFERENCES

- Day, E. & Maleche, A. (2011). Traditional Cultural Practices & HIV: Reconciling Culture and Human Rights. Working paper for the Third Meeting of the Technical and Advisory Group of the Global Commission on HIV and Law, 7-9 July, 2011.
- Gordon, P., & Crehan, K. (2003). Dying of sadness, gender, sexual violence and the HIV epidemic. Retrieved from <http://www.genderandaids.org>
- Hasheela, V. (2008). An African woman: Poem by a young Namibia. In O. C. Ruppel, (Ed.) (2008). *Women and custom in Namibia: Cultural Practice Verses Gender Equality?* (p. 5). Windhoek, Macmillan Education Namibia.
- Kamlongera, A. (2007). What becomes of 'Her'? A Look at the Malawian Fisi Culture and Its Effects. No. 74, Rape: Gender Based Violence Trilogy, 1, 3 (2007), pp. 81-87.
- Kamyongolo, N., R., and Malunga, B. (2011). The Treatment of Consent in Sexual Assault Law in Malawi. *The Equality Effect*, May 2011. Retrieved from <http://theequalityeffect.org/wp-content/uploads/2013/04/consent-paper-Malawi-NK.pdf>
- Kathewera- Banda, M., Gomile-Chidyaonga, F. Hendriks, S. Kachika, T., Mitole, Z., and White., S., (2005). Sexual violence and women's vulnerability to HIV transmission in Malawi: a rights issue. *ISSJ, UNESCO*. Oxford: Blackwell Publishing ltd.

- Kistner, U. (2003). *Gender Based Violence and HIV in South Africa: a Literature review*. Johannesburg: Centre for AIDS Development, Research and Evaluation (CADRE).
- Liwewe, O. M., Kalipeni, E., and Matinga, P. U. (2009). The Cultural Context of Women's and Girls' Vulnerability to HIV/AIDS Infection in Thyolo and Mulanje Districts in Malawi. In Kalipeni, E., et al (Eds), *Strong Women, Dangerous Times (HIV/AIDS In Africa)* (pp. 53-72). Retrieved from https://www.researchgate.net/publication/287766093_The_cultural_context_of_women's_and_girls'_vulnerability_to_HIVAIDS_infection_in_Thyolo_and_Mulanje_districts_in_Malawi
- Maleche, A. & Day, E. (2011). Traditional Cultural Practices & HIV: Reconciling Culture and Human Rights. Working Paper for the Third Meeting of the Technical Advisory Group of the Global Commission of HIV and the Law, 7-9 July, 2011.
- Rafferty, Y. (2013). International Dimensions of Discrimination and Violence against Girls: A Human Rights Perspective. *Journal of International Women's Studies*, 14 (1): 1-23.
- Rashid Hussein James vs. R* in Kasambara R. *The law of rape: A critical Appraisal*; Staff/ Students Law Seminar Paper No.3 of 1989-90 Academic Year; Chancellor College, Zomba.
- The Constitution of the Republic of Malawi (11 of 2010, amended).