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AN INVESTIGATION OF VICTIMS' PERSPECTIVES OF "UKUTHWALA" PRACTICE: A CASE STUDY OF MBIZANA LOCAL MUNICIPALITY.

BY

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DECLARATION

As the researcher in this dissertation, I respectfully submit this written declaration on the foundation that this research was conducted by me, submitted as it fulfils the requirements to complete the Master of Social Science (Criminology) Degree in the Faculty of Social Science and Humanities at the University of Fort Hare in 2017.

I, hereby declare that this thesis, *"An investigation of victims' perspectives of "Ukuthwala" Practice: A case study of Mbizana Local Municipality"* is my own original work. It has not been submitted before for any degree or examination at any university or institution. All the sources I have used or quoted have been indicated and acknowledged as complete references.

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Z. VOYI   Student Number   Date

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This study has been a long and yet productive journey. This study would not have been successfully accomplished without the unconditional support of other people. First, I would like to thank the Almighty God for granting me the wisdom, ability and potency to complete this dissertation.

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- Appreciate all my friends, for their encouragement and support;
- Thank Mbizana Local Municipality, for their time and participation during the interview process at the data collection stage;

DEDICATION

This dissertation is dedicated to:

- My parents, Thandekile and Nophumzile Voyi, who made me to be the person I am today.
- My siblings, family and friends for their love, encouragement, and support that they have always shown me.

ABSTRACT

This research was an investigation of victims' perspectives of ukuthwala practice in Mbizana Local Municipality. The aim of the study was to describe the consequences and experiences of ukuthwala practice relating to infringement of Human Rights, to identify the modus operandi men use to abduct (thwala) these victims, to investigate the reasons that hinder victims from reporting the practice to the police officials and to investigate programs that can be implemented to prevent the ukuthwala practice. This study focused on victims' perspectives of ukuthwala practice, which seemed to be on the rise in Mbizana Local Municipality. The study used the feminist theory and the social exchange theory.

The study is qualitative in nature and it employed the exploratory research design. The study collected data from married and divorced females aged between 16 and 45 years, who were residing in Mbizana Local Municipality at the time of the study and who were also victims of ukuthwala practice. The study used snowball non-probability sampling. In non-probability sampling, the chances of selecting a particular individual are not known. The study collected data using semi-structured in-depth interviews. Thematic analysis was used to analyze the data.

The research findings show that there are a number of women and girls in Mbizana Local municipality who are in forced marriages. The study also found that the practice of ukuthwala (forced marriage) is still practiced in rural areas of Mbizana Local Municipality and victims face many challenges in these marriages. The findings reveal that girls as young as twelve years are forced to marry older men, in some cases with the consent of their parents or guardians. Most victims are unaware that the ukuthwala practice is illegal. Those who are aware are afraid to disappoint their families. The findings of the study also show that community members are keen help stop the ukuthwala practice. The study shows the important for the relevant government stakeholders to intervene. The study recommends that government departments and community members should work hand in hand in order to fight the issue of ukuthwala practice in the municipality.

Key words: Victim, Ukuthwala, Practice, Culture

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CHAPTER ONE

GENERAL OVERVIEW OF THE STUDY

1.1 INTRODUCTION

This chapter presents the general orientation of the study. It provides the background to the study and highlights the literature review of the study. The research problem, main questions and objectives of the study are also introduced in this chapter. This chapter further defines the primary terms employed in the study. The chapter also highlights the theoretical framework and methodology of the study.

1.2 BACKGROUND OF THE STUDY

According to Petkou and Nyoni (2011), there is a growing concern in South Africa that some cultural practices are harmful to women and children. Le Roux (2009) adds that some traditional practices and values act as root reasons for discrimination and violence against women and children. Although harmful cultural practices are common in some parts of South Africa than others, the Eastern Cape has been noted as having a high prevalence rate and occurrence frequency of harmful traditional practices (Petkou & Nyoni, 2011). Ngcobo-Mbere (2009) indicate that the ukuthwala practice create gender based violence. In the Eastern Cape, the practice of abduction and forced marriage is commonly referred to as "Ukuthwala". The tradition originated from the Xhosa culture where families make marriage preparations for their girl children without the girl's consent (Ngcobo-Mbere, 2009).

Ngcobo-Mbere (2009) further indicate that the Mpondo clan has also adopted "Ukuthwala" from other Xhosa clans such as the "Mfengus". Girls between the ages of

12 and 15 year are the most affected by the practice of ukuthwala. These girls are abducted and forced to marry adult males. Section 12 of the Children's Act no 38 of 2005 states that every child has the right not to be subjected to social, cultural and religious practices that are detrimental to his or her well-being. The *ukuthwala* practice directly and indirectly affects negatively the development of the girl child, resulting in social isolation, denial of the right to education, poor life skills, psycho social harm, early pregnancy and child birth and risk of exposure to HIV & AIDS.

Mwambene and Sloth-Nielsen (2011) assert that forced marriage is the most straightforward term to define *ukuthwala*. It relates to Article 16 (2) of the United Nations Declaration on Human Rights: "Marriage shall be entered into only with the free and full consent of the intending spouses". The Convention of the Elimination of all forms of Discrimination against Women (CEDAW), Article 16(1) (b), insists on men and women's "right to freely choose a spouse and to enter into marriage only with their free and full agreement". Forced marriage is a marriage in which one or both of the spouses did not give their free and full consent. According to a study conducted by Mwambene and Sloth-Nielsen (2011), the main aim of early and forced marriages is to force the girl's family to enter into negotiations for the conclusion of a customary marriage. Specialists in gender dynamics argue that *ukuthwala* is one of the most serious and dangerous traditional practices, as it normally terminates education, has negative effects on the health of the victims and their income-earning and decision making capacities (Jongizulu, 2012).

It is the researcher's personal observation that the state of ukuthwala practice has increased terrifyingly in Mbizana Local Municipality. Apparently, ukuthwala denies women and young girls their basic human rights. Forced marriage describes a marriage that takes place without the free or valid consent of one or both of the

partners and involves either physical or emotional pressure (Ngcobo-Mbere, 2009). Early marriage is related to forced marriage because minors are considered powerless of giving informed consent and *ukuthwala* is regarded as a serious human rights violations (Jongizulu, 2012).

1.3 PRELIMINARY LITERATURE REVIEW

This section of the study focused on the preliminary literature review, which is relevant to the study as a cornerstone of research. Kelly and Regan (2007) submit that early marriage is the marriage of girls below the age of sixteen years, in some cases before the girl reaches sexual maturity. Early and forced marriage take place all over the world, but have been found to be the most common in Sub- Saharan Africa and South Asia (UN, 2006). Kelly and Kegan (2007) state that forced marriage is that which happens without the consent of both parties and involves the use of coercion or force. The family of the woman or girl can be involved in her forced marriage. It is relevant to note that a clear difference exists between the concept of an arranged marriage and a forced marriage (Foreign & Commonwealth Office, 2004).

1.3.1 Causes of abduction (*ukuthwala*) in South Africa

Maluleke (2009) asserts that various reasons that differ according to social, cultural, economic, political and legal context explain the existence of planned and potential forced marriage. Excitingly, literature on *ukuthwala* in South Africa appears to suggest other reasons, particularly unique in the case of South Africa. Although tradition appears to be the main reason for 'Ukuthwala' amongst the Xhosa people, myth around HIV and disrespect for the law are equally contributing to the practice of

'Ukuthwala' in the country. Other reasons for forced marriage include the facts that because marriage is a social act and is a family affair, and the assumption that marriage saves family reputation. Further, forced marriages have been necessitated by the need and pressure to comply with religious principles.

1.3.2 Risk factors of early and forced marriages

Risk factors of early and forced marriages include poverty, living in the rural area experience of unstable social periods (UNICEF, 2005). Girls who marry before they are 18 are found to be less educated and have higher total fertility rate (Adhikari, 2003) and are married to men who are significantly older (UNICEF, 2005). They are also more likely to believe that it is acceptable for men to beat their wives (UNICEF, 2005).

1.3.3. The consequences of ukuthwala practice in South Africa

Petkou and Nyoni (2011) stipulate, "the consequences and effects of early and forced marriage are hash on both the victims and the communities". Lane (2011) has observed significant health concerns for young girls involved with early pregnancy and psychosocial impact for both girls and boys. Health consequences of early and forced marriage are wide ranging and can be severe. They include increased risk of domestic violence, increased mortality risk due to pregnancy-related causes, high levels of neonatal mortality, increased risk of infection with Sexual Transmitted Infections, such as Human Immuno Virus (HIV) and an increased risk of cervical cancer. The children of those who experience child or forced marriage also face a higher risk of both illness and death. Social consequences include lower literacy rates and fewer educational opportunities (Nuor, 2006).

1.3.4 Constitution of the Republic of South Africa (1996) on *Ukuthwala*

The Constitution of South Africa is the supreme law of the country of South Africa. It provides the legal foundation for the existence of the republic, sets out the rights and duties of its citizens, and defines the structure of the government. The current constitution, the country's fifth, was drawn up by the Parliament elected in 1994 in the first non-racial elections. It was promulgated by President Nelson Mandela on 18th December 1996 and came into effect on 4 February 1997, replacing the Interim Constitution of 1993. The following are the Acts that are against the *ukuthwala* practice:

1.2.4.1 The Promotion of Equality and Prevention of Unfair Discrimination (PEPUDA) Act, 2000.

The Promotion of Equality and Prevention of Unfair Discrimination Act (2000) Chapter 2 deals with the prevention, prohibition and elimination of unfair discrimination, hate speech and harassment on any of the prohibited grounds, as set out in the definition of 'prohibited grounds' (which is not a closed list, but all of the 17 prohibited grounds are contained in the Constitution).

Section 8 of PEPUDA provide that the following constitute unfair discrimination:
Section 8(d): any practice, including traditional, customary, or religious practice that impairs the dignity of women and undermines equality between women and men, including the undermining of the dignity and wellbeing of the girl child. This means that all practices, such as virginity testing, *Ukuthwala* and others that are dehumanising young girls, are regarded as unfair discrimination by PEPUDA 2000. The rights

stipulated in PEPUDA 2000 can be enforced in the courts; there are specialised courts called Equality Courts where the violation of all these rights can be reported (The Promotion of Equality and Prevention of Unfair Discrimination Act, 2000).

1.3.4.2 The Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007 (Sexual Offences Act).

Section 17 of the Sexual Offences Act no 32 (2007) prohibits the sexual exploitation of children by their parents and others, which create conflict between cultural practices and the constitutions on how to deal with parents, relatives or others who collude in, and assist in the *Ukuthwala* practice that is a violation of girls and sexual exploitation of children. These parents and relatives also face being charged with Trafficking in Persons, under section 71 of the Sexual Offences Act no 32 of 2007.

1.3.4.3 The Recognition of Customary Marriages Act 120 of 1998

According to the Recognition of Customary Marriages Act no 120 of 1998, both the bride and the bridegroom must consent to a marriage. The age of consent is 18.

1.3.4.4 The Prevention and Combating of Trafficking in Persons Bill [B7-2010]

The bill prohibits the recruitment, sale, supply, procurement, transportation, transfer, harbouring, disposal or receipt of persons by means of the use of threat, force, intimidation or other forms of coercion; or by abusing vulnerability, for the purpose of exploitation. Parents, relatives and others who hand over a child into a forced marriage for financial or any other type of gain can be prosecuted under section 4 of the Prevention and Combating of Trafficking in Persons Bill.

1.3.4.5 The Transkei penal code 9 of 1983

Ukuthwala of young girls was also prohibited in Transkei under the Transkei Penal Code 9 of 1983. The Penal Code 9 Act of 1983 criminalised the abduction (ukuthwala) and kidnapping of children under 18 years.

1.3.4.6 The Domestic Violence Act 116 of 1998

According to the Domestic Violence Act 116 (1998), victims of ukuthwala may apply for a protection order, under the Domestic Violence Act, against family members involved in their abduction (ukuthwala).

1.4 PROBLEM STATEMENT

With all traditional practices like virginity testing, initiation school and *ukuthwala* (abduction) that are practiced in the Eastern cape Province, the *ukuthwala* practice is the mostly performed practice in Mbizana Local Municipality. The Penal Code Act no 9 of 1983 criminalised the abduction (ukuthwala) and kidnapping of children under 18 years since it violates the rights of children and of women.*Ukuthwala* has been declared a crime in chapter 2(section 9) of the Children's Act 38 of 2005, which states that "A child's best interests are of paramount importance in every matter concerning the child (person below 18 years)". *Ukuthwala* cannot be in the best interests of the child. *Ukuthwala* particularly violates the right of a child to be cared for. This includes the right to be protected from maltreatment, neglect, abuse or degradation.

The Sexual Offences Act (32) of 2007 (Section 17) prohibits the sexual exploitation of children by their parents and others. Parents, relatives or others who collude in, and assist the *Ukuthwala* of a girl child commit the crime of sexual exploitation of the children. As indicated above, these parents and relatives also face being charged with Trafficking in Persons, under section 71 of the Sexual Offences Act no 32 of 2007. Ukuthwala of young girls was also prohibited in Transkei under the Transkei Penal Code 09 of 1983. The Penal Code criminalised the abduction (*ukuthwala*) and kidnapping of children under 18 years. Since ukuthwala practice was regarded a crime by the law, it came to the researchers' attention to conduct an investigation on victims of ukuthwala in order to get their (victims') perspectives regarding the *ukuthwala* practice since they are the ones who are affected by the *ukuthwala* practises.

This study focused on victims' perspectives of the *ukuthwala* practice, which seems to be on the rise in Mbizana Local Municipality in the Eastern Cape Province. The researcher recognized that the *ukuthwala* practise has wide ranging and severe effects on the affected parties. These include increased risk of domestic violence, increased mortality risk due to pregnancy-related complications, high level of neonatal mortality, increased risk of infection with STIs, such as HIV, and an increased risk of cervical cancer. Social consequences include lower literacy rates and fewer educational opportunities for women (Nuor, 2006). This necessitated the carrying of this study.

The researcher acknowledged that there were modes of operations that abductors used in order to abduct (thwala) these victims (girls and women) and victims were not aware of those modus operandis. An investigation into the *ukuthwala* practice was important in that it contributed to the holistic understanding of victims of *ukuthwala* as

well as the views and experiences of the *ukuthwala* victims in their abductors' homes. The study sought to make it possible to critically understand the issue of *ukuthwala*, with an aim to minimize effects of the practice.

1.5 OPERATIONAL CONCEPTS

1.5.1 **Ukuthwala**: is a form of abduction that involves the kidnapping of a girl or a young woman by a man and his friends or peers with the purpose of compelling the girl or young woman's family to agree to marriage (Department of Justice and Constitutional Development Gender Directorate, 2010).

1.5.2 **Victim**: is anyone who is subjected to any form of physical, sexual, emotional (including neglect) and financial abuse (Bezuidenhout, 2013).

1.5.3 **Crime: "**it is an intentional act in violation of the criminal law (statutory and case law), committed without defence or excuse and penalised by the state as felony and misdemeanour" (Brown, Esbensen & Geis, 2013).

1.6. RESEARCH QUESTIONS

The study sought to answer the following research questions:

- ➢ What are the lived experiences of the *ukuthwala* victims in the communities?
- ➢ What are the consequences of the *ukuthwala* practice in light of the Human Rights of the victims of the practice?
- ➢ What modus operandi do men use to abduct (thwala) girls and young women?

➢ What factors deter victims of the *ukuthwala* practice from reporting the practice to the police?

➢ What strategies/programmes can be implemented to prevent and combat the *ukuthwala* practice in the communities?

1.7. RESEARCH AIM AND OBJECTIVES

The aim of the study was to explore victims' perspectives of the ukuthwala practice in Mbizana Local Municipality.

The objectives of the study were:

➢ To ascertain the lived experiences of the victims of the *ukuthwala* practice in the communities;

➢ To describe the consequences of the *ukuthwala* practice in light of Human Rights of the victims of the practice;

➢ To establish the modus operandi used by men to abduct (thwala) girls and young women;

➢ To investigate factors deterring victims of the *ukuthwala* practice from reporting the practice to the police;

➢ To ascertain what strategies and programs can be implemented to prevent the *ukuthwala* practice in the communities.

1.8 THEORETICAL FRAMEWORK

The relevant theories for this study were feminist theory and social exchange theory. The study employed these theories because they suited the study, with the feminist theory stressing the role of violence in maintaining control over a female intimate partner. A feminist theory supports social inequality where males are dominant. In the study, women are the victims of the *ukuthwala* practice, meaning that they are controlled and dominated by men. The Social Exchange theory, on the other hand, was used because it is viewed as providing an economical metaphor to social relationships. The researcher observed that the ukuthwala practice was used as a way of getting something in exchange.

1.8.1 Feminist theory

According to Roberts (2002), the feminist theory, as applied to *ukuthwala*, emphasizes the role of violence in maintaining control over a female intimate partner. Roberts (2002) adds that this violence includes physical violence, emotional abuse, sexual violence, social isolation and withholding of financial resources to undermine a woman's autonomy and limit her power in the relationship. Roberts further indicates that the feminist theory posits that the social structure supports social inequities that lead to the perpetuation of male dominance. This theory, therefore, attempts to explain partner abuse because of traditional gender-role expectations and the historical imbalance of power between women and men in a patriarchal society (Roberts, 2002).

1.8.2 Social exchange theory

Jeriphans, Kudakwashe and Phinias (2004) state that the Social Exchange Theory may be viewed as providing an economic metaphor to social relationships. The theory's fundamental principle is that humans in social situations choose behaviours that maximize their likelihood of meeting self-interests in those situations. In taking such a view of human social interactions, the social exchange theory includes a number of key assumptions.

Jeriphans et al. (2004) found that, firstly, the social exchange theory operates on the assumption that individuals are generally rational and engage in calculations of costs and benefits in social exchanges. Second, the social exchange theory builds on the assumption that those engaged in interactions are rationally seeking to maximize the profits or benefits to be gained from those situations, especially in terms of meeting basic individual needs. Then, exchange processes that produce payoffs or rewards for individuals lead to patterning of social interactions. Because of the competitive nature of social systems, exchange processes lead to differentiation of power and privilege in social groups. As in any competitive situation, power in social exchanges lies with those individuals who possess greater resources that provide an advantage in the social exchange (Jeriphans et al., 2004).

The Social Exchange Theory emerges as the driving force in promoting *ukuthwala* in communities that uphold tradition, where the girls who come from poverty-stricken households are by far the victims of forced marriages (Jeriphanset al., 2004). Due to impoverished circumstances of families, research indicates that parents unwittingly send their children into forced marriages to settle family debts and as compensation (Hanzi, 2006). Although the rewards outweigh the costs, in a relationship

characterized by social exchange theory (i.e. gifts for sex) forced adolescent females may feel less able to refuse sexual advances from their financially powerful sexual partners compared to those adolescents who do not practice social exchange because they are financially dependent (Baumeister & Vohs, 2004).

1.9 RESEARCH METHODOLOGY

This section describes in detail the research methods that were used in the study; the research design, units of analysis, sampling methods, data collection methods and data analysis method.

1.9.1 Research design

The study used a qualitative research method. According to Battacharrya (2009), qualitative methods provide an in-depth understanding of research issues that hold the viewpoints of the study population and the situation in which they live. Qualitative methods explore the understanding of complex issues, explain people's beliefs and behaviour and identify social and cultural norms of a society. They also assume a naturalistic approach to the world (Denzin & Lincoln, 2000; Patton, 2002). This study employed an exploratory research design in order to gather relevant information. Bhattacharyya (2009) asserts that exploratory designs are valuable means of finding out what is happening, to seek insights, to ask questions and to assess phenomena in a new light. An exploratory design is particularly useful if the researcher wishes to clarify the understanding of a problem. In this case, the study sought to establish victims' perspectives of the *ukuthwala* practice in Mbizana Local Municipality.

1.9.2 Units of analysis

According to Bless, Higson-Smith and Kagee (2006), units of analysis is the person or object from whom the social researcher gathers information. The data from such a unit can only describe that unit, but when combined with similar data collected from a group of similar units, the data provides a correct picture of the group to which that unit belongs. Individuals are the most common unit of analysis. The researcher collected data from married and divorced females aged between 16 and 45 years, who were residing in the Mbizana Local Municipality and who were victims of ukuthwala practice. These units of analysis were selected because they were inhabitants of the area of study, they represented females of a specific age group and they had been married through the *ukuthwala* practice.

1.9.3 Sampling method

Sampling means taking a portion or a smaller number of units as representatives of a population (Densombe, 2008), which population is the total objects about which a sample makes inferences and generalisations. For this study, the study used non-probability sampling because in non-probability sampling the chances of selecting a particular individual are not known. The researcher does not know the population size or the members of the population (Gravetter & Forzano, 2011). For this reason snowball, sampling was employed. According to Alston and Bowles (2003), snowball sampling is often used when there is no data of the sampling frame and there is limited access to applicable or correct participants for the planned study. The researcher approached the single phenomenon to be investigated in order to gain information. This one person was asked to refer the researcher to another similar case or more

than one people until the researcher reached the sample size of 15 female participants. A total of 15 is the acceptable minimum sample size in qualitative research (Guest et al, 2006:16).

1.9.4 Data Collection Method

Data was collected by means of in-depth interviews, the researcher interviewed participants individually. The researcher prepared main questions that guided the interview before the interviews took place. As participants gave their responses during the interviews, the researcher probed to follow up on their responses or answers in order to get more information on the "Ukuthwala" practice. The researcher employed semi structured interviews as a method of data collection. With semi-structured interviews, a researcher obtains information through direct interchange with individuals that are known or are expected to possess the knowledge being sought.

Open-ended questions are the types of questions that were asked during the interviews with participants. Semi structured interviews were chosen because of their cost effectiveness and ability to collect large quantities of data in a short space of time (Scott & Mazhindu, 2005). The researcher used an audio recorder. The researcher first asked permission from each participant to use the audio recorder and it was used only with the consent of the participants. By using the audio recorder, the researcher intended to keep the information as accurate as possible.

1.9.5 Data analysis

In a qualitative study, there is a wide variety of methods that can be used for analysis, such as content, thematic or discourse analysis. This study used thematic analysis. In thematic analysis, transcribed texts are broken down into units of meaning that are placed into categories; themes are systematically identified and give insight into the issue being studied (Siu & Comerasamy, 2013).

1.10 SIGNIFICANCE OF THE STUDY

The study on the investigation of victims' perspectives of *ukuthwala* practice increases awareness of ukuthwala and the practicality of the situation in the community. This study raises awareness to social workers, police and other stakeholders working with victims of *ukuthwala* on the reality on the ground and all attendant impacts and effects. The study contributes to the creation of new information on the ukuthwala practice, which seems to be a serious problem in the Municipality. It also contributes to research conducted by other researchers on the same issue elsewhere. The outcomes of this study significantly add to an understanding of many issues relating to the *ukuthwala* practice. The study makes it possible to understand the issue of the *ukuthwala* practice, with an aim to minimize, its various causes and outcomes. The information on *ukuthwala* practice in this study serves as a starting point for other researchers who might be concerned with carrying out future studies on victims of the *ukuthwala* practice.

1.11   ETHICAL CONSIDERATIONS

Ethical clearance was sought from the University of Fort Hare in order to collect data. Further, the researcher submitted a written request to the community leader for permission to collect data within the Municipality and the community. The study was guided by the following ethical considerations during the data collection process: Informed consent, Voluntary participation, Confidentiality and avoidance of harm.

1.11.1 Informed consent

According to Grinnell and Unrau (2008), respect for persons requires that participants be given the opportunity to choose what does or does not happen to them. Obtaining informed consent implies that all possible information on the goal of the investigation, the expected duration of the participants' involvement, the procedures that will be followed during the investigation be rendered to potential participants (Royse, 2004). During the study, the participants were informed that they had the right to know what the study was all about, how it would help them, how it would affect them, and they were also informed about their right to decline at any time in the research process if they so decided.

1.11.2 Voluntary participation

According to Rubin and Babbie (2005), research should at all times be voluntary and no one should be forced to participate in a project. Participation during research was voluntary; no participants were coerced to be part of the research. Participants were

encouraged by the researcher to talk about their stories, only to help raise awareness on the issue and to help combat it.

1.11.3 Confidentiality and anonymity

According to Babbie (2001), confidentiality implies that only the researcher, and possibly a few members of his or her staff, should be aware of the identity of participants and that the staff should have made a commitment with regard to confidentiality. Anonymity on the other hand means that no one, including the researcher, should be able to identify any subject afterwards (Babbie, 2001). Participants were not required to write names and identifying information and they were assured by the researcher that their information would be fully anonymous to the researcher.

1.11.4 Avoidance of harm

Avoidance of harm means that the participants should not be harmed in any way during the research process (Babbie, 2001). The researcher ensured that participants would not be subjected to any harm. In order to avoid harm in any form, the researcher was sensitive to the feelings of the participants by showing a non-judgemental attitude and ensuring that the environment was safe.

1.12 SCOPE OF THE STUDY

The study was limited to victims of ukuthwala in the Mbizana Local Municipality in 2017.

1.13 LIMITATIONS OF THE STUDY

For this study, it took a long time for the researcher to get participants from the community. Some victims were reluctant to discuss the issue of *ukuthwala* as they regarded it as a private matter. The researcher had limited period to conduct the study. Some of the participants were illiterate, it took time to answer some questions, the researcher was required to give them explanations, and that was time consuming.

1.13.1 To address these problems the researcher did the following:

Before interviewing participants, the researcher explained the reasons behind the conducting and reassured them of confidentiality, anonymity and avoidance of harm. The participants who said they were illiterate were assured that every question that would be asked during the interview was to be explained thoroughly whenever there was need to do so. The researcher used the time allocated for data collection in the Mbizana Local Municipality so that she could be able to interview more people and finish within the stipulated time.

1.14 SYNOPSIS OF THE RESEARCH

This research project was constituted as follows:

Chapter one: Introduction and background of the study

Chapter one provided a broad overview of the topic, presented the background to the study as well as a preliminary literature review. The problem statement and various attendant concepts were also defined. The chapter also presented the research questions, research aim and objectives, the theories that were employed in this study

to analyze the research project. Also covered in this chapter were research methods, sampling technique and sample size as well as data analysis and significance of the study and ethical issues.

Chapter Two: Literature Review

Chapter two reviews the literature relevant to the objectives of the study. The *ukuthwala* practice in other countries and in south African context, causes and reasons for ukuthwala practice, effects and consequences of the *ukuthwala* practice, the procedure of abduction (ukuthwala) and Measures and Rights entitled to Victims of 'ukuthwala' practice are also outlined in this chapter.

Chapter Three: Theoritical Framework

In this chapter the theoretical framework is explained and linked to the present study. The theories are outlined as they relate to this research project. The theories discussed are the Feminist Theory and the Social Exchange Theory.

Chapter Four: Research Methodology

The fourth chapter covers research methods that were used in the research. It includes an explanation of the detailed instruments that were employed to collect the data.

Chapter Five: Data Presentation and the Analysis

This chapter presents and analyses data collected from the study. It illustrates the interpreted findings of the study. However, a theme approach is utilized to outline the findings of the research. These themes are discussed by exploring whether they are related to theories and concepts within the literature or not.

Chapter Six: Conclusion and Recommendations

This chapter constitutes the conclusion of the study by summarising the themes. Recommendations by the researcher, based on the findings from the data gathered and analyzed were also presented to the reader.

1.15 PROFILE OF THE STUDY AREA

Map2.10.1: Alfred Nzo District municipality Description

The Mbizana Local Municipality is a Category B municipality situated within the Alfred Nzo District in the Eastern Cape Province. It is one of four municipalities in the district. Mbizana Local Municipality is located on the R61 road connecting the Kwazulu-Natal South Coastal Boundary to the N2 highway. A female-dominated society, the municipality makes efforts to integrate and incorporate women in key decision-making roles within the institution to reflect this demography. The majority of households in the Mbizana Local Municipality are of a rural nature. This results in natural resources, providing a strong base for basic

survival as those living in rural areas like the Municipality turn to subsistence farming for their livelihoods.

The Mbizana Local Municipality prides itself in cultural diversity that includes a variety of tribes such as the Xhosas, Mpondos, Sothos and Ngunis. However, the population is dominated by the Mpondo tribe, which has its own unique language, called isiMpondo, a soft mixture of two isiXhosa and isiZulu languages. The Municipality stretches between the Umtamvuna and Mtentu Rivers, with pristine beaches and scenic estuaries. This coastline is part of the famous Wild Coast and Pondol centre, which boasts valuable flora and fauna found nowhere else in the world. It is also home to one of the greatest sons of Africa, Oliver Reginald Tambo, who was a revolutionary leader and the longest-serving ANC president.

CHAPTER TWO

LITERATURE REVIEW

2.1 INTRODUCTION

This chapter focuses on the existing literature on the *ukuthwala* practice. Bless and Higson-Smith (2006) state that it is important that the researcher provides background information in order to conceive the research topic in a way that permits a clear formulation of the problem. This was obtained by reading and reviewing everything that has been published and appears to be relevant to the research, a process called literature review. According to Bless and Higson-Smith (2006), the purpose of the literature review is to sharpen and deepen the theoretical framework of the research. Bless and Higson-Smith (2006) further state that it is also to familiarize the researcher with the latest developments in the area of research as well as related areas.

Every single social grouping in the world has its own cultural practices and beliefs that guide its members on how they should live or behave. Wadesango, Rembe and Chabaya (2011) state that culture is like a fabric that is woven together with numerous colors, with each color representing aspects such as customs, practices and beliefs. The attributes of culture are greatly held and valued by the community (Wadesango et al., 2011). The practice of *ukuthwala* in South Africa has recently received negative publicity, with numerous complaints being recorded (Mwambene & Sloth-Nielsen, 2011).

In a study that was conducted by the Department of Justice and Constitutional Development Gender Directorate (2010) it was stated that *ukuthwala* is a form of abduction that involves kidnapping a girl or a young woman by a man and his friends

or peers with the purpose of convincing the girl or young woman's family to approve marriage negotiations. In ancient Africa, particularly among the Nguni, *ukuthwala* was a condoned, even though strange, path to marriage targeted at certain girls or women of suitable age, but it did not involve raping or having consensual sex with the girl until marriage requirements had been concluded (Department of Justice and Constitutional, Development Gender Directorate, 2010).

According to Kelly and Regan (2007), early marriage is the marriage of girls below the age of sixteen years, in some cases before the girl reaches sexual maturity. Early and forced marriages take place all over the world, but have been found to be most common in Sub- Saharan Africa and South Asia (UN, 2006). In the study that was conducted by Kelly and Regan (2007) it was highlighted that forced marriage is that marriage without consent of both parties and involves the use of coercion or force. The family of the women or girl can be involved in her forced marriage (Foreign & Commonwealth office, 2004).

Wadesango et al. (2011) assert that 'Ukuthwala' violates the rights of the girl child in the sense that in most cases, the girl is forced into marriage without her consent and she is forcibly separated from her family by a group of people, one of them being the future husband. Wadesango et al. (2011) further submit that to kidnap a young woman for marital purposes is technically against the law in most countries, but these laws are often not enforced.

2.2. AFRICAN PERSPECTIVES ON FORCED MARRIAGE (ETHIOPIA)

According to Ababa (2006), marriage is a societal institution that unites people in a special form of mutual dependence for the purpose of founding and maintaining a family. Many societies have norms that limit the age of young girls to enter into marriage, but in some cases the age limit does not take into consideration their physiological readiness for childbearing. A study that was conducted by Jongizulu (2012) also adds that the Amhara region of Ethiopia is one of the African countries that are severely affected by early marriage.

Similarly, in South Africa the law stipulates that marriage for girls younger than eighteen years is unlawful but knowledge and respect of law is very limited. It is argued that early marriage is one of the most serious harmful traditional practices as it tends to terminate the education of girls and it has very serious health consequences, prospects of better income and decision making capabilities. In 2006 Pathfinder International conducted a cross sectional community-based study of incidence, reasons, personal and social consequences of early marriage in the region of Amhara. Comparative studies that were conducted in 2001 had identified Amhara region to be having a higher prevalence of girls marrying before they were eighteen years old. The Amhara case is discussed below.

2.2.1 Causes of Early Marriage in Amhara Region

According to Jongizulu (2012), despite the legal sanctions against marriage before the age of 18 and a growing awareness among leaders and educators that early marriage is harmful to girls and their families, parents continue to insist upon marrying off their

daughters in their mid-teens and will go to some lengths to prevent all opposition. The following are the causes of early marriage in the Amhara region of Ethiopia.

(a) Gender Inequality

According to Jongizulu (2012) throughout the world women and girls continue to occupy a lower status in society as a result of social and cultural traditions, attitudes and beliefs that deny them their rights and suppress their ability to play an equal role in their homes and communities. In many societies a young woman's place is seen as the home. Jongizulu (2012) further stresses that this inevitably contributes to the view that a 'good marriage' is the most important way to secure a girl's wellbeing. Gender inequalities also contribute to early marriage through their impact on formal legal systems.

(b) Poverty

According to Jongizulu (2012), a chronic lack of income severely impacts on household decision-making and may result in girls being viewed as an economic burden in the Amhara Region in Ethiopia. The high costs of raising children and the perception of girls' potential to earn an income as comparatively poor, pushes girls out of their homes and into marriage. Myers and Havey's (2011) study also found that for families that are facing chronic poverty, marriage regularly seems like the best way to safeguard girls' futures and lighten their economic burden and to increase the family's social status. Parents often feel they have no other option than to see their daughters marry and these ideas are communicated to their children. However, according to the results of the qualitative assessment that was conducted by Ababa (2006), it was found that poverty is not a major cause of early marriage in the region, if it is a cause

at all. For one thing, according to Ababa (2006), many of those who approve or practice it are relatively well to do. Moreover, for most families there is no significant economic benefit to be realized from the early marriage of their daughters.

(c) Tradition or cultural Values

Jongizulu (2012) asserts that social and religious norms perpetuate and can help to justify early and forced marriages in the Amhara region. For numerous cultural, religious and practical reasons, in many countries the importance of preserving family 'honor' and girls' virginity is such that parents push their daughters into marriage well before they are ready. Girls may also be married early to older men in the belief that a husband will safeguard against 'immoral' or 'inappropriate' behaviour. Ababa (2006) also indicates that the major explanations for the approval and actual practice of earlymarriage include the desire or need to maintain the family's good name and social standing. There is also a personal interest, commonly between fathers, to create bonds or relationships with families of choice. These customs, combined with a fear that the girl might become unmarriageable later in life, and the need to ensure virginity of the girls at the time of marriage, are the driving causes of early marriage.

Ababa (2006) further prefers that in some cases, community members could not imagine marriage beyond younger ages. An older unmarried daughter can become a disgrace to the family, prompting community rejection of the family and victimization of the girl through verbal attacks and gossip, which the family simply cannot afford to risk. Myers and Harvey (2011) state that a number of 'traditional' practices surrounding early and forced marriages are essentially a means of consolidating relations between

families or a way of settling disputes or sealing deals over land and property. Jongizulu (2012), in a study in the Amhara Region in Ethiopia, states that the strongest reason for early marriage is the desire or need to maintain the family's good name and social standing.

(d) Failure to Enforce Law

Myers and Harvey (2011) assert that failure to enforce legislation means that in some areas families are not even aware that in marrying off their daughters they are breaking the law. Girls themselves may also not be aware of their rights and legal status. On the other hand, Ababa (2006) affirms that another important reason for the continuity of the practice of early marriage in the Amhara Region in spite of the legal provisions is the impression among parents that the laws and their consequences pose little real threat. This is mainly due to the fact that some community members are not aware of the newly adopted criminal code, which criminalizes and penalizes the practice (Myers & Harvey 2011).

(e) Historical Explanation

According to Ababa (2006), the practice of early marriage has its own historical background. Decades of feudalism in the country contributed significantly to the institutionalization of the practice. In this period, elites used marriage as a means to establish or strengthen relationships with the bride's or bridegroom's family to ensure social, economic or political benefits. At times, marriage was also used to ease tensions between two quarrelling families. Ababa (2006) further states that this practice established a very early marriage age as a norm in many parts of the African country. The exact age of entrance into marriage depends on locally established

norms and values, and varies from place to place. Jongizulu (2012) adds that for hundreds of years, marriage was a means of establishing political and social bonds, strengthening a family or clan, and often smoothing a quarrel or resolving a conflict. As a result, marrying off girls at a young age was firmly established as a desirable move, and their availability for such transactions added to their value as children.

2.3 SOUTH AFRICAN PERSPECTIVES ON FORCED MARRIAGE (UKUTHWALA)

According to Maluleke (2009), early and forced marriage and abduction are common traditional practices in South Africa, mostly in the Northern Cape, Eastern Cape and KwaZulu-Natal Provinces. In South Africa, this practice is known as 'ukuthwala', which in practice is a form of abduction that involves the kidnapping of a girl or a young woman by a man and his friends or peers with the purpose of convincing the girl or young woman's family to approve marriage negotiations (Maluleke, 2009; Bekker & Koyana, 2007). The girl, more regularly, is forced to marry older men who are often three or four times their age and who, often, would have chosen the girl long before puberty (Monekosso, 2001).

In South Africa, the history of '*ukuthwala'* has been traced to the very old Nguni communities, and it was unnoticed, even though an irregular path to marriage targeting young girls and women of marriageable age (Maluleke, 2009). In some cases, the girl would be abducted unaware, but in many instances she would be caught according to plans and arrangements made between her parents and the groom's parents. On the same day of the *ukuthwala* , those who executed the practice would inform the parents or guardians of the girl not to be worried as the girl was safe with them.

Maluleke (2009) further stresses that the two families, at this stage, would agree on the number of cattle to be paid as compensation and when the payment would take place. On reaching such an agreement, eventually some cattle would be paid to the girl's father as the bride price, commonly called "lobola". In cases where the marriage agreement could not be reached, a fine of one beast known as 'ukubopha' would be imposed in accordance to custom and the girl would be immediately returned to her parents.

It was against customary law to have sexual contact with the abducted girl (Maluleke, 2009). If sexual contact had taken place, the girl would be placed in the care of the women folk and was treated with the greatest kindness and respect. Such kindness and respect was a kind of encouragement for her to go ahead with the marriage and be part of the caring family that abducted her (Maluleke, 2009).

Jongizulu (2012) states that the practice of Ukuthwala was used for a number of purposes, which include: to force the girl's father to give permission, to hurry matters if the woman was pregnant, to persuade the woman of the seriousness of the intent to marry, to avoid the expenses of the wedding and to avoid the payment of 'lobola'. Sadly enough, this is not how the custom of 'Ukuthwala' is currently practiced. The practice has had adverse effects on the enjoyment of human rights by girls and young women (Mafhala, 2016).

The Mail and Guardian of 13 April (2011) reported that over the years the practice had changed dramatically. It was against customary law for the young man who practiced 'ukuthwala' to have intercourse with the girl and the practice was never intended for

youths (Koyana & Bekker, 2007). The *ukuthwala* practice was traditionally intended for people of the same age group who, in the customary course of events, would have been expected to marry each other. Maluleke (2009) observed that the practice then did not involve raping or having consensual sex with the girl until marriage requirements had been concluded. Today, the practice has slowly changed into statutory rape (Nzimande, 2016). Maluleke (2009) indicates that in the Eastern Cape the practice more and more involves the kidnapping, rape and forced marriage of minor girls as young as twelve years by grown men who, in some instances, are old enough to be their grand-fathers.

A 3rd Degree report of November (2010) specified that young girls who wished to be in school and to pursue a career one day were abducted in Lusikisiki to accomplish the sexual fantasies of their abductors. A City Press report (2011) reported a school principal complaining about children who were scared of going to school because of the *ukuthwala* practice. According to the Herald newspaper (2009), in the Eastern Cape, more than 20 school girls were forced to drop out of school every month to follow the traditional practice of *ukuthwala*. Marriage negotiations outside parental consent of both families, cohabitation by force, and marriage to an immature person are illegal practices that are prohibited in South Africa.

2.3.1 The Causes of Forced Marriage (*ukuthwala*) in South Africa

In order to carefully investigate the victims' perspectives of the "ukuthwala" practice in the Mbizana Local Municipality, there are various forms and causes of "ukuthwala" that need to be concisely visited. This highlights the conditions that force women and children into these marriages in South Africa. Malhotra (2010) posits that forced

marriage continues to be a reality for many of the world's girls because of a variety of factors. These include poverty, lack of education and job opportunities, insecurity in the face of war and conflict, and the force of custom and tradition. Maluleke (2009) argues that various reasons that differ according to social, cultural, economic, political and legal context explain the existence of planned and potential forced marriage. Excitingly, literature by Maluleke (2009) on *ukuthwala* in South Africa appears to suggest other reasons particularly unique in the case of South Africa. Although tradition appears to be the main reason for 'ukuthwala' amongst the Xhosa people, according to Maluleke (2009), virginity myth around HIV and disrespect for the law are equally contributing to the practice in the country.

(a) Poverty

Poverty has been fingered by many studies, including the South African Law Reform Commission (2015), as one of the causes of *ukuthwala* and early and forced marriage. The International Centre for Research on Women (ICRW) (2007) asserts that for many poor families in South Africa, marrying off their daughter at an early age is a strategy for economic survival. Poor families marry off their daughters because when they get married it means one less person to feed, clothe and educate.

Research conducted by ICRW (2007) highlights that worldwide, forced child marriage is much more common in poorer countries and regions within those countries, and it tends to be concentrated among the poorest households. In South Africa, parents sometimes arrange a marriage for their daughter to a man as payment for a debt that the family is unable to pay back. In order to repay back the debt the parent finds that the only way out is to use their daughters to repay the debt.

(b) Limited education and economic options

The International Centre for Research on Women (2003) states that little or no schooling is strongly associated with being married at a young age. On the other hand, attending school and having higher levels of education guard girls from the likelihood of early marriage. Education should, therefore, at the centre of efforts to deal with the practice (van der Watt and Ovens, 2012). In many countries, educating girls often is less of a priority than educating boys. The ICRW (2003) further states that when a woman's most important role is considered to be that of a wife, mother and homemaker, schooling girls and preparing them for the jobs may be given a short shrift, and even when poor families want to send their daughters to school, they often lack access to nearby, quality schools and the ability to pay school fees. Furthermore, it is usually safer and economically more rewarding to spend the limited resources on educating sons than daughters, which boxes families into early marriage as the only viable option for girls (ICRW, 2003).

(c) Tradition and Religion

Recent research conducted by the IRIN News (2013) posits that like in many societies, South Africa is one of the countries where parents are under pressure to send their daughters to marriages at an early stage in order to prevent them from becoming sexually active before marriage; a woman who does so brings dishonour to her family and community. Since marriage regularly concludes a woman's significance in many societies, parents also worry that if they do not marry off their daughters according to community expectations, they will be unable to marry them at all. Furthermore, forced child marriage is also considered a way of strengthening family, clan and tribal connections.

Herbst and du Plessis (2008) are of the view that some Muslim families mistakenly believe that marrying off their children, even without their consent, is a religious principle. Because of an accurate reading and rigid understanding of the Koran and the Hadith, certain sections of the Muslim population consider arranged and forced marriage a religious duty, thereby betraying the very spirit of the message. That belief arises out of their confusion of cultural practices with religious principles. Herbst and Plessis (2008) further states that this confusion relatively explains the fact that forced marriage is generally associated with Islam in Western public opinion, but the survey responses show that it also exists in families belonging to other religions. Young girls and women from Hindu, Jewish and Christian Catholic, Protestant or Orthodox families who participated in that study were also facing forced marriage (Herbst & Plessis, 2008).

(d) Virginity and HIV/AIDS Myth

According to the Mail and Guardian newspaper of April (2011) Linda Mafuthe African Regional Coordinator for World Aids Campaign (WAC) has stated that: "There are many myths around HIV, one of which is that if you sleep with a virgin, you will be cured of HIV". According to the regional coordinator, this fairy tale forms part of the reason why older men, many of whom are already widowed due to HIV, are kidnapping and coercing girls as young as 12 years into marriage. Monekosso (2001) notes correspondingly, that men think virgins will minimize the likelihood of them taking HIV/Aids to the big polygamous family. Various analysts have recognized this myth and have connected it to the rising rate of the rape of young girls in South Africa.

Loosli (2004) observes that each year twenty thousand in every one million rapes committed in South Africa are against young people. The ukuthwala practice increases chances of rape within the 'marriage' (Curran and Bonthuys, 2005). Monekosso (2001) also notes in a BBC news report that older men are frightened that educated girls will argue with them, and desire more power over their lives. For that reason, to get wives who will not argue with them is to abduct young virgins from junior schools. It was further noted by Monekosso (2001) that in South Africa parents believe that if a girl does not marry at an early age, she will sleep with many men, and nobody will want to marry her later. Early marriage is then seen as a way of keeping girls from sexual adventures and strengthens clan relationships and honors their tradition (Monekosso, 2001).

(e) Disrespect for the Law

Recent research conducted by Myers and Havey (2011) found that the *ukuthwala* practice, forced and early marriage are in argument with the law in South Africa, and most families are unaware of the legal consequences of the practice. Payment of bride-price (lobola) is a customary practice which should be respected. Nevertheless, when families cannot attract the wives and daughters-in-law they want, either because they lack sufficient social standing or are unable to afford lobola, they resort to abduction (Myers & Havey, 2011). This is obviously nothing less than disrespect for the law. According to Poku (2009), Chief Pathekile Holomisa of the Congress of Traditional Leaders of South Africa wants more done to prevent 'ukuthwala', and the police and child welfare agencies have tried to stop the practice to no avail.

Poku (2009) states that stopping the practice will be difficult because the communities in which the practice is strong protect one another from being arrested. The suggestion is that community members are aware of the illegal nature of the practice but continue in its execution. For some communities, *ukuthwala* is culture and tradition that has been practiced over the years but have argued that the evolving nature of customary law and the fact that it is spoken makes it difficult to find out the true customary law as practiced in the community. On the other hand, South Africa is a statutory state with laws that must be respected and upheld (Herbst & du Plessis, 2008).

According to 3rd Degree (2010), although it is difficult to draw the line between customary and civil law in a statutory state like South Africa, constitutional expert Prof. Shadrack Gutto states that: "when customary law is in conflict with Western law, Western law should take precedence" (3rd Degree, 2010). Certain cases in the country have actually established the legal position of the woman irrespective of the cultural attachment to the issue. This is obviously nothing less than disrespect for the law.

(f) To save family honour

According to 3rd degree (2010), marriage that is endogamous, in religious or cultural terms, is practised by families in exile as an extension of their country of origin. This model is based on the protection of the bonds within a related group beyond geographic borders. Marital associations are what keep the discrete family alive, and endogamous unions are based on networks of ongoing contacts with members who remained in the country of origin or who have settled in other immigrant societies (3rd degree, 2010).

2.4 THE PROCEDURE OF FORCED MARRIAGES (UKUTHWALA) IN SOUTH AFRICA

Wadesango et al., (2011) assert that the process of ukuthwala is done in specific ways. The planning husband, with one or two friends approach the intended bride in the neighbourhood of her own home, quite often late in the day, towards sunset, and they "forcibly" take her to the young man's home. On the same day as the *ukuthwala* or early the following day, those who have performed an *ukuthwala* are required to make a report at the girl's home, to tell the abducted girl's family not to be worried because the girl is safe with them. They then indicate what cattle they propose to pay and how soon that can be done. A friendly relationship is therefore established between the two families, and the status of the girl is immediately raised to that of a young wife. Sooner or later some cattle will be paid to the girl's father as lobola (bride price) (Wadesango et al., 2011).

The practice of ukuthwala is prevalent in the Eastern Cape in South Africa (Wadesango et al., 2011). Tshabalala-Msimang said that, it had come to the attention of the government that girls between the ages of 12 and 15 years were being targeted for this practice called "Ukuthwala", meaning that when a man wants to marry a woman that he never proposed love to. Seemingly, these abductions often happen when the girls are on their way to fetch water or firewood (Wadesango, et al., 2011).

An article 'Forcing the Issue' published in the Mail and Guardian of 13 April (2011) highlights the nature of force in 'ukuthwala'. According to the report, a girl living in Lusikisiki was told by her abductors that if she refused to get married they would take her by force and beat her up. The article further states how the girl's neighbors, the

following night, convinced her to go to the river where seven men were waiting and forcefully took her to the house of her unknown husband. In the room of this unknown husband was an old man who told the girl that: "I paid cattle for you and whether you like it or not, you are my wife". At that point the man forced the girl on the bed, undressed her and had intercourse without her consent. According to the girl, "I fought him but he pushed me down and forced my legs open. That's when he slept with me". This example is not unusual; ukuthwala is widely practiced in the Eastern Cape and Kwa-Zulu Natal Provinces (Mail and Guardian, 2011).

2.5 CONSEQUENCES OF FORCED MARRIAGE (UKUTHWALA) IN SOUTH AFRICA

Kelly and Regan (2007) are of the view that early marriage is the marriage of girls below the age of sixteen years, in some cases before the girl reaches sexual maturity. In the Kelly and Regan (2007) study, it is highlighted that forced marriage is that marriage without consent of both parties and early or forced marriage involves the use of coercion or force. The family of the woman or girl can be involved in her forced marriage (Foreign & Commonwealth Office, 2004).

According to Petkou and Nyoni (2011), "the consequences and effects of early and forced marriage are hash on both the victims and the communities". Lane (2011) has observed the significant health concerns for young girls involved with early pregnancy and psychosocial impact for both girls and boys. Health consequences of early and forced marriage in South Africa are wide ranging and can be severe. The researcher observed that the consequences of ukuthwala include greater risk of domestic violence, increased mortality risk due to pregnancy-related causes, high level of neonatal mortality, increased risk of infection with STIs, such as HIV and an increased

risk of cervical cancer, deprivation of childhood and future and high drop-out from school. Social consequences include lower literacy rates and fewer educational opportunities (Nuor, 2006). The effect and consequences of the *ukuthwala* practice are discussed in detail below.

(a) Increased maternal and infant health risks

Research conducted by UNICEF (2007) found that girls who get married and give birth before their bodies are fully developed are more at risk of death or terrible injury and illness in childbirth. In 2007, UNICEF reported that a girl under the age of 15 is five times more likely to die during pregnancy and childbirth than a woman in her 20s.UNICEF (2007) submits that risks extend to infants too, if a mother is under the age of 18, her baby's chance of dying in the first year of life is 60 percent greater than that of a baby born to a mother older than 19 (UNICEF, 2007). In addition to death, it is the researcher's observation that young girls face great health risks in childbirth, including a serious condition known as obstetric fistula. Child brides also are at far greater risk of contracting HIV than their counterparts who marry later. Often they are married to older, more sexually experienced men with whom it is complicated to negotiate safe sexual behaviours, especially when under pressure to bear children (Clark, 2004).

(b) Greater exposure to domestic and sexual violence

According to the ICRW (2005), girls who are married early are more likely to be abused sexually, physically and emotionally.

(c) Deprivation of childhood and a future

Recent research conducted by Malhotra (2010) established that early marriage denies girls their childhood. They are pushed into the full burden of domestic responsibility, motherhood and sexual relations rather than playing with friends, dreaming about a career or worrying about a school exam. Malhotra (2010) further states that in many countries, young married girls move away from their parents' home to live with their husband and his family, where they have no friends, no support, and little say in their own lives or in household matters. According to Malhotra (2010), young married girls often are isolated and powerless. They are unable to negotiate or obtain support for issues in their own interest and they are often exposed to violence and threats of abandonment and divorce.

Furthermore, outside the family, the doors to schooling are typically closed to young married girls in most countries. This means that they have little chance to prosper later in jobs or as entrepreneurs. Often dependent and with little knowledge and income to support or invest in their children, child brides also end up raising daughters who face the same challenges as their mothers (Malhotra, 2010). Maluleke (2009) expressly warns that 'ukuthwala' steals childhood and causes anabrupt end to a girl's childhood. Maluleke (2009) notes: *"Suddenly the little girl is a wife witha husband and in most instances, children and in-laws to serve or look after".* Maluleke (2009) further notes that the social development of the child is also stunted as early marriage and fast tracking into the adult world skips organic developmental phases.

(d) High drop from school

Jongizulu (2012) critically analysed the problem of forced marriages and found that young girls attending school live in fear and hesitation of their future mainly because of the fear that at any point in time they can be kidnapped or raped simply to force them to become someone's spouse or wife. Maluleke (2009) adds that 'ukuthwala' steals childhood and causes a sudden end to a girl's childhood. According to 3rd Degree (November 10, 2010) the notable consequences of the practice like high dropout of girl pupils from schools have been noted.

In Lusikisiki for example, schools have reported a dropout rate of up to 46%, largely because of 'ukuthwala' practice. Young girls still attending school live in fear and uncertainty for their future especially because of the fear that at any point in time they can be abducted or raped simply to force them to become someone's wife (The New Age, August 30 2011). Like elsewhere, early and forced marriage implies an abrupt removal from school, and prevents opportunities for further education, skills and human development (Maluleke, 2009).

(e) Sexually Transmitted Infections and HIV/AIDS

In the study that was conducted by Wadesango et al. (2011) and Walker, (2012), it was highlighted that even though child and forced marriage is at times believed to be a defending tool from the spread of HIV/AIDS, the fact is that early marriage can escalate young girls' risks of HIV and AIDS and other sexually transmitted infections (STIs). The girl may not enjoy sex nor discuss the use of condoms to prevent STIs

such as gonorrhoea, syphilis including HIV/AIDS because it is against her will to engage in sexual intercourse (Wadesango et al., 2011; Walker, 2012).

According to Comer (2013), the psychological outcome of lacking interest in sex is called hypoactive sexual desire disorder. Drawing from the Bill of Rights of RSA, 1996 chapter 2, section 12 (2), everyone has the right to bodily psychological integrity, which includes to make decisions concerning reproduction. But in this case, these girls are subject to physical pain and emotional trauma because they are being objectified (Comer, 2013).

(f) Post-traumatic stress disorder

Comer (2013) and Swartz, de la Rey, Duncan, Townsend and O'Neil (2011) concur that one of the psychological effects of kidnapping on girls and young women is called Post Traumatic Stress Disorder (PTSD). Post-traumatic stress disorder is an anxiety disorder that grows up after experiencing a frightening event or ordeal in which grave physical harm occurred or was threatened. These traumatic events include violent personal assault, such as sexual abuse. According to Thomas (2012), physical and sexual abuse of girls is on the increase and often unreported to the police.

Physical abuse is characterized by punching, kicking and punishing to inflict pain on the abducted (thwala'd) individual. Some of the symptoms of the PTSD in forced marriages are insomnia, suicidal ideation, irregular menstrual periods and eating disorders (Sikkema, Hanse, Kochman, Tarakeshwar, Neufeld, Meade & Fox, 2006). To cope with their negative moods, adolescent females may be extroverts and promote risky sexual behaviour to enhance positive moods (Wiebe, Drew & Croom,

2010). Moreover, they may resort to drugs and alcohol abuse, which further put their lives at heightened risk of being raped (Thomas, 2012).

(g) Social Stigma

According to Thomas (2009), even when the abducted girl considers escaping, her virginity will always be questioned. To avoid exclusion and social stigma, she decides to stay because even her family may treat her with contempt since she would have diregarded culture. In most cases, the abducted girls are raped soon after they have been taken to the abductors' houses and that contributes to avoidance of returning to the parents' homes (Thomas, 2009). Wadesango et al. (2011) found that in some cases, girls stay in these empty and unfulfilling forced marriages because they have been threatened; that they will experience misfortune should they run away.

Supporting the above is Maphanga (2011), who quoted a young man she interviewed regarding *ukuthwala* in South Africa saying:

> *As long as I have broken her virginity she will learn to love me, if she does not, I will force her to love me. Any way she will be damaged hence she will no longer be a virgin and with no dignity and self-esteem.*

Comparatively, female survivors of sexual violence were found to be experiencing gastrointestinal symptoms and susceptible to reporting symptoms such as nausea, vomiting, abdominal pain and diarrhoea (Jina& Thomas, 2013).

2.6. LEGISLATIVE FRAMEWORK ON UKUTHWALA PRACTICE

According to Jongizulu (2012), child and forced marriage (*ukuthwala*) as currently practiced is an obvious infringement of the rights of the child and those of women as stipulated in the UN Convention on the Rights of the Child (CRC), of which South Africa is a signatory. South Africa is also a signatory to other international conventions like CRWAC, CEDAW and WAC. In most of these conventions, the best interests of women and, particularly of the child, prevail. Furthermore, Jongizulu (2012) states that the acts of abduction, child marriage and forced sexual relations break international and national laws and are not in the best interest of the child. As a signatory of the above conventions, South Africa is required by international law to protect and prevent the harms consequential from the practice of 'ukuthwala'.

It is against this background that various laws have been enacted with the backing of the constitution to protect women and children from harmful traditional practices like 'ukuthwala'. The Bill of Rights section 28, subsection 2 states that:

> *A child's best interests are of paramount importance in every matter concerning the child* (The South African Constitution, 1996).

Ukuthwala violates the constitutional rights of victims of the practice, because dropping out of school to be forcefully married, forced sexual relations to keep girls as wives, rape, abduction and household duties that amount to child labour are not in the best interest of the child.

2.6.1 Measures and Rights entitled to victims of 'ukuthwala' practice

Different structures and services have been established to combat the practice of *ukuthwala* and support its victims. Maluleke (2009) observes certain entitlements to victims of 'ukuthwala', listed below as:

(a) The Constitution ofSouth Africa (1996)

The Constitution of South African (1996) states:

> *A child's best interests are of paramount importance in every matter*
>
> *concerning the child (person below 18 years).*

Ukuthwala cannot be in the best interests of the child. *Ukuthwala* specifically violates the right of a child to be cared for. This includes the right to be protected from maltreatment, neglect, abuse or degradation. It also includes not subjecting children to work or services that "place at risk the child's wellbeing, education, physical or mental health or spiritual or social development." Instead, little girls are turned into instant wives, with all the burdens of wives in a gender unequal society, exacerbated by age, rural poverty and the burden of care attendant to HIV and AIDS.

(b) Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000

By perpetuating the oppression of girls and young women, *uUkuthwala* violates the prohibition of gender discrimination in the Equality Act of 2000. In addition, *ukuthwala,* rape and early marriage involved in *ukuthwala* violate the provisions of Section 8 of the Equality Act of 2000, which include gender based violence, and any practice,

including traditional customary or religious practice, which impairs the dignity of women and undermines equality between women and men, including the undermining of the dignity and well-being of the girl child.

(c) Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007

Having sex with a child without her consent, following her kidnapping and abduction (*ukuthwala*), constitutes rape in violation of the Criminal Law (Sexual Offences) Amendment Act, 2007 (Section 15). This Act, which is known as the Sexual Offences Amendment Act, 2007, prohibits sex with a person without their consent. Regarding a child, the age of consent is 16, meaning that sex with an under 16 year old is statutory rape. Sex with a child that is 12 and below is rape as a child of that age is legally incapable of consent. The Act also prohibits other sexual activities with children (sections 16 and 17), including sexual grooming (Section18). Section 17 of the Sexual Offences Amendment Act, 2007 prohibits the sexual exploitation of children by parents and others. Parents or relatives and others who collude in or aid and abet the *ukuthwala* of a girl-child commit the crime of sexual exploitation of children. These parents and relatives also face being charged with Trafficking in Persons under Section 71 of the Sexual Offences Act.

(d) Recognition of Customary Marriages Act 120 of 1998

According to the Recognition of Customary Marriages Act, 1998, both the bride and the bridegroom must consent to marriage. The age of consent is 18 years of age. If one of the parties is under 18 years of age, parental consent is an additional

requirement for a valid marriage. If this cannot be obtained, the permission of a Commissioner, a Judge of the High Court or the Minister of Home Affairs must be sought. However, this is subject to the provisions of the Sexual Offences Amendment Act, 2007, which sets the age of consent to sex at 16.

(e) Prevention and Combating of Trafficking in Persons Bill of 2009

Parents and relatives that hand over a child into forced marriage for financial or other gain can potentially be prosecuted under Section 4, read with Section 1 of the Prevention and Combating of Trafficking in Persons Bill. The Bill prohibits the recruitment, sale, supply, procurement, transportation, transfer, harbouring, disposal or receipt of persons by means of the use of threat, force, intimidation or other forms of coercion; or by abusing vulnerability, for the purpose of exploitation.

(f) Transkei Penal Code

Ukuthwala of young girls is also prohibited in Transkei under the Transkei Penal Code. The Penal Code criminalizes the abduction and kidnapping of children under 18 years.

(g) The Domestic Violence Act 116 of 1998

Victims of *ukuthwala* may apply for a protection order under the domestic violence Act against family members involved in their abduction (ukuthwala).

(h) Family law

A girl or woman who has been subjected to '*ukuthwala'* has a right to have the marriage annulled and, where applicable, claim maintenance.

(i) Civil Remedies

A girl or woman may also claim damages for all harmful consequences of the '*ukuthwala'* practice. This may include pain and suffering, missed educational opportunities, and long term medical needs.

(j) Other structures

According to Maluleke (2009), other support structures intended at eradicating the practice and to bring to law offenders of the practice include the South African Police Services (SAPS), which is authorized to arrest people guilty of 'ukuthwala', social workers and school teachers authorized to investigate and report to the police suspected child abuse cases including 'ukuthwala'. Maluleke (2009) adds that prosecutors are also mandated to prosecute in accordance with the law all 'ukuthwala' cases involving children below 18 years. The Department of Home Affairs is also mandated to assist victims of the practice to secure the necessary documents regarding their statuses and those of their children to facilitate access to appropriate social services. All persons exercising public power, including traditional leaders, are also mandated to prevent child abuse within their spheres of control (Maluleke, 2009).

2.7 SUMMARY

This chapter focused on the literature that is available on the *ukuthwala* practice. The researcher provided background information in order to conceive the research topic in a way that permits a clear formulation of the problem. The researcher focused only on the African and South African perspectives on forced marriage. This was obtained by reviewing whatever has been published in relation to the subject the research is preoccupied with.

CHAPTER THREE

THEORETICAL FRAMEWORK

3.1 INTRODUCTION

This chapter focuses on theoretical framework literature on the *ukuthwala* practice. In this chapter, the theoretical framework is explained and linked to the present study, which focuses on the investigation of victims' perspectives of the *ukuthwala* practice in the Mbizana Local Municipality. The study relied on two theories; the feminist theory and the social exchange theory. A theory is a coherent and systematic ordering of ideas, concepts and models, with the point of building meaning to explain, interpret and shape practice (Moore, 1973).

The Feminist Theory stresses the role of violence in maintaining control over a female intimate partner (Roberts, 2002). In this study, women are the victims of the *ukuthwala* practice, meaning they are controlled and dominated by men. The social exchange theory on the other hand was used because it was viewed as providing an economical metaphor to social relationships. The study observes that the *ukuthwala* practice is used as the way of getting something in exchange.

3.2 CONTEXTUALISATION OFFEMINIST THEORY

According to Khanademy (2014), the feminist theory is a current approach of looking at the world from a macro perspective. It was established from the social movement feminism, originating from conflict perspective, by focusing on the stratification of, and inequalities in, society. It examines women's social roles and experiences in a variety of fields like education, family and the workforce. The Feminist theory looks beyond the more common male-based perspective to focus on the gender inequalities in

society, specifically towards women. Khanademy (2014) further states that there is objectification, which is when someone is regarded as an object, and can then be treatet as less important.

There are different strands of the feminist theory. One focuses on the socially constructed gender differences that are created through the process of socialization. Each society creates and passes down norms, customs and expectations from generation to generation, which includes expectations for gender and a system that rewards and punishes those expectations. This perspective examines how women's experiences and positions in social situations differ from men's (Khanademy, 2014).

According to Khanademy (2014), a second strand of the feminist theory focuses on gender inequality. Our society is patriarchal, which means that men constitute the governing body as the heads of families and communities. Women are expected to focus on the private sphere at home and have less influence in the public sphere. There is even a gender division of labor, men usually occupy the higher paying, more prestigious positions.

A third starnd of the feminist theory focuses on gender oppression. According to this perspective, women are not only different from men, they are actually oppressed, surbodinated and even abused. The fourth type of feminist theory focuses on structural oppression, which states that women's oppression and inequality are due to capilism, patriarch and racism. It is a different perspective of society; the inequalities that exist between men and women because of the institutions in our society (Khanademy, 2014).

According to Roberts (2002), violence is used to maintain control over women and this violence includes physical violence, emotional abuse, sexual violence, social isolation

and withholding of financial resources to undermine a woman's independence and limit her power in the relationship. The Feminist theory also posits that the social structure supports social inequities that lead to the continuation of male dominance. Roberts (2002) further states that this theory attempts to explain partner abuse on the basis of traditional gender-role expectations and the historical imbalance of power between women and men in a patriarchal society.

A different perspective is demonstrated by Denscombe (2012) when he asserts that the feminist perspective is a "sociological-structural" approach to understanding domestic violence. According to Descombe (2012), the male perpetrator is to be held responsible for the violence and the women are not likely to leave because they lack economic and political power. These perspectives would discourage arranged and forced marriages, as they usually ensure that traditional roles are being followed and that the man has more financial responsibility than the woman (Denscombe, 2012).

Peacok (2013) states that according to the socio-cultural or the feminist perspective, victimization is happening because of the historical treatment of women and the present patriarchal make up of society. Doerner and Lab (2002) support Descombe's views that the focus of this perspective is on the traditional roles of males and females in society. Throughout history, women have been seen as the property of the father or husband, subject to have power over and discipline. Since today's society remains patriarchal to a great extent (Doerner & Lab, 2002), victimization is explained as a means of showing and promoting male domination in society.

Pollock (1999) argues that from a Liberal feminist viewpoint, women are victimised because of their limited socialised responsibilities in the society as well as their limited opportunities, whereas radical feminism attributes female victimisation to factors such as male dominance or patriarchy. Marxist and socialist feminism maintain that women are vulnerable in capitalist society because of the capitalistic system as well inequalities and the division of labour in terms of the class system. Black feminism adds another dimension and highlights the fact that black women are not only vulnerable because of cultural factors, but also because of racial discrimination (Pollock, 1999).

In the case of sexual abuse of women and children, the concept of "*chattel property*" or the norm that men have ownership of their wives, and parents have ownership of their children is often used to explain abuse (Struve, 1990). The institutionalised norm provides moral justification for controlling a wife or a child and women and children are often socialised to be passive and subordinate, thus increasing their risk of victimization.

3.2.1 Contribution to knowledge and Relevance of the theory to this study

The Feminist theory is a perspective propounded in 1837 by the radical French Philosopher Charles Fourier. The theory lays foundation by putting much emphasis on victimization of women by offenders and adult males. The theory seems to put forward an explanation as to why certain women or females become victims of the *ukuthwala* practice. The relevance of this theory is in the victimization of women with specific reference to the study area (Mbizana Local municipality).

The Feminist theory shows that women who were forced into marriages are controlled by their partners as they are not free to do as like. According to the feminist theory, the rights of these women who are forced into marriages are violated. The Feminist theory reveals that the *ukuthwala* born marriages are characterised by all forms of abuse. Most of the victims of *ukuthwala* marriages lack power to fight for themselves. These victims get married to men who are old enough to be their fathers and who control everything they do. These victims are mostly between the ages of 12 and 18 years and at that age they are supposed to be at school. A feminist theory deals with social inequality where males are dominant. In this study women are victims of the *ukuthwala* practice, meaning they are controlled and dominated by men.

As Peacok (2013) states that according to the socio-cultural or feminist perspective, victimization is a result of the historical treatment of women and the present patriarchal make up of society, women victims of the *ukuthwala* practice are oppressed because the rules of the society demands that they respect their husbands and obey their rules. The focus of this perspective is on the traditional roles of males and females in society. Throughout history, women have been seen as the property of the father or husband, subject to have power over and discipline. Since today's society remains patriarchal to a great extent (Doerner& Lab, 2002), victimization is explained as a means of showing and promoting male domination in society.

3.3 CONTEXTUALISATION OF SOCIAL EXCHANGE THEORY

The Social Exchange Framework was formally advanced in the late 1950's and early 1960's in the work of the sociologists Homans (1961) and Blau (1964) and the work of social   psychologists Thibaut and Kelley   (1959).   The   Social   exchange theory

advances that social behaviour is the result of an exchange process. The purpose of this exchange is to maximize benefits and minimize costs. According to this theory, people consider the potential benefits and risks of social relationships.

Jeriphans, Kudakwashe and Phinias (2004) state that the Social Exchange Theory may be viewed as providing an economic metaphor to social relationships. The theory's fundamental principle is that humans in social situations choose behaviours that maximize their likelihood of meeting self-interests in those situations. In taking such a view of human social interactions, the Social Exchange Theory includes a number of key assumptions.

First, the Social Exchange Theory operates on the assumption that individuals are usually rational and engage in calculations of costs and benefits in social exchanges. Secondly, the theory builds on the assumption that those engaged in interactions are rationally seeking to maximize the profits or benefits to be gained from those situations, especially in terms of meeting basic individual needs. Thirdly, exchange processes that produce payoffs or rewards for individuals lead to patterning of social interactions. Because of the competitive nature of social systems, exchange processes lead to differentiation of power and privilege in social groups. As in any competitive situation, power in social exchanges lies with those individuals who possess greater resources that provide an advantage in the social exchange (Jeriphans et al., 2004).

The concept of emerges as the driving force in promoting *ukuthwala* practice in communities that uphold tradition where the girls who come from poverty stricken households are by far the victims of the ukuthwala *practice*. Due to impoverished circumstances of families, studies indicate that parents unwittingly send their children

into forced marriages to settle family debts and as compensation. Although the rewards outweigh the costs, in a relationship characterized by social exchange (i.e. gifts for sex) forced females may feel less able to refuse sexual advances from their financial powerful sexual partners compared to those adolescents who do not practice social exchange because they are financially dependent (Baumeister & Vohs, 2004).

3.3.1 Contribution to knowledge and Relevance of the theory to this study

The Social Exchange Theory in this study is used because it is viewed as providing an economical metaphor to social relationships. The study observes that the *ukuthwala* practice is used as the way of getting something in exchange. In the *ukuthwaka* practice, parents arrange marriage on behalf of their children with the intention of getting money without considering the consequences of such a practice. The purpose of this exchange is to maximize benefits and minimize costs.

Social exchange comes out as the driving force in promoting the *ukuthwala* practice in the study area where young females who come from poverty-stricken households are by far the victims of the practice (Jeriphans et al., 2004). Due to impoverished circumstances of families, a study conducted by Jeriphans et al. (2004) indicates that parents end their children into forced marriages to settle family debts and as compensation.

3.4 SUMMARY

In this chapter, the theoretical framework was explained and linked to the present study. The Feminist Theory and the Social Exchange Theory were outlined and their relevance to the study was explained in detail. They are applicable to the study, with the Feminist Theory stressing the role of violence in maintaining control over a female intimate partner and the Social Exchange Theory insisting that individual actions are influenced by what they get in social exchange.

CHAPTER FOUR

RESEARCH METHODOLOGY

4.1 INTRODUCTION

This chapter presents the methods and research paradigms that were used in this study. The chapter provides an explanation on how the research was conducted. The chapter further examines the population sampling techniques, methods of data collection and data analysis. It also provides an explanation for using specific data collection methods, sampling techniques, and the systematic analyses of the data obtained. Ethical considerations and obligations for researchers interacting with human subjects are addressed in detail. These include elements such as confidentiality, avoidance of harm, anonymity, informed consent and privacy.

Mouton and Marais (1996) refers to the research methodology as a way of obtaining, organizing and analysing data. Methodology decision depends on the nature of research questions. According to Flick (2011);

> *Research methodology is the systematic analysis of the methods used in conducting research. It does not, however, set out to provide solutions so it is not the same thing as a method but sets out to offer the theoretical foundation for understanding which method should be applied to specific cases.*

The general research strategy outlines the way in which a research project is to be undertaken.

4.2 RESEARCH APPROACH

The researcher used a qualitative approach. Qualitative methods involve words and it is inductive. Richards (2006) asserts that a qualitative research design aims at creating understanding from data as the analysis proceeds. Miles and Hurberman (1994), add that the aim of a qualitative design is a complete detailed description. A qualitative design, according to Kobus (2007), focuses on how individuals and groups view the world and constructs the meaning out of the experience. De Vos, Strydom, Fouche and Delport (2011) argue that, qualitative research design is concerned with the understanding rather than the explanation, meaning that the study as to understand the phenomena before the population explains the problem being researched.

De Vos et al. (2011) further argues that qualitative research is concerned with naturalistic observation rather than controlled measure, with the subjective exploration of reality from the perspective of an insider as opposed to that of an outsider predominant in the qualitative. This approach was chosen because it was helpful, allowed better understanding and access to more complex information on the proposed study. Many researchers view qualitative data as more time consuming and is less able to be generalised (Miles & Huberman, 1994). Following Gerber (2010), the reason the researcher chose qualitative research is to take and interpretive natural approach to the subjects in their natural setting. It is also used in order to understand the view of the world from the point of the subjects. The adoption of this approach for this study enabled the researcher to obtain deeper understanding into how these young women describe, make sense, interpret and give meaning to their experiences.

4.3 RESEARCH DESIGN

Creswell and Plano (2007) define the research design concept as the procedure for collecting, analysing or reporting results that the researcher uses to carry out research. Research design involves determining how the chosen method will be applied to answer research questions. Burns and Grove (2003) define research design as a blueprint for conducting a study with maximum control over factors that may get in the way of the validity of the findings. The study used exploratory research in order to gain insight into the situation, phenomenon, community or individual. Bhattacharyya (2009) asserts that an exploratory design is a valuable means of finding out what is happening, to seek insights, to ask questions and to assess phenomena in a new light. This is where a researcher had an idea or has observed something and seeks to understand more about it. It was useful to this study and clarified the understanding of the research problem. The study was focused on the investigation of victims' perspectives of the *ukuthwala* practice in the Mbizana Local Municipality.

4.4 UNITS OF ANALYSIS

Units of analysis are those strands researchers examine in order to create summary descriptions of all such units and to explain differences among them. Bless and Higson (2007) define unit of analysis as the person, object or event from which data is collected and about which conclusions can be drawn. Individuals are the most common unit of analysis in many studies; therefore, this study used individuals as the units of analysis. When a participant is used as a unit of analysis, the participants are chosen because they belong to a particular group. The study collected data from *ukuthwala* practice victims who were married and divorced female aged between 16

to 45 years. These units of analysis were selected because they were the inhabitants of the area of study and they were victims of the *ukuthwala* practice. The unit of this investigation focused on victims of *ukuthwala* as indicated above. During the interviews respondents were interviewed by the researcher individually in order to get their views about their experiences.

4.5 SAMPLING METHOD

According to O'Leary (2004), "sampling is a process that is always strategic and sometimes mathematical, which involves using the most practical procedures possible for gathering a sample that best 'represents' a larger population". Sampling method is the use of a subset of the population to represent the whole population. According to Densombe (2008), sampling means taking a portion or a smaller number of units of a population as representatives.

4.5.1 Non-probability sampling

The purpose of the study was to investigate victims' perspectives of the *ukuthwala* practice, their lives and the experiences they encountered in their thwala'd homes. In order to address or answer research questions, the study employed non-probability sampling. In non-probability sampling the chances of choosing a particular individual are not known and the researcher does not know the population size or the members of the population (Gravetter & Forzano, 2011). Unrau, Gabor and Grinnell (2007), add that:

> *In the non-probability paradigm each unit in a sampling frame*
>
> *does not have an equal chanceof being selected for a particular*
>
> *study.*

Denzin and Lincon (2000) found that qualitative researchers seek out individuals, groups and settings where the exact procedures being studied are most likely to happen.

4.5.1.1 Snowball Sampling

For the above reason, the study employed Snowball sampling. The researcher believed that making use of snowball sampling in the study would enable the researcher to get participants faster. According to Alston and Bowles (2003), snowball sampling is often used when there is no knowledge of the sampling frame and limited access to appropriate or correct participants for the planned study. Alston and Bowles (2003) further state that snowball sampling has a particular application value in qualitative research, since it is directed at the identification of hard-to reach individuals. It involves approaching a single case that is involved in the phenomenon to be investigated. According to Babbie (2007), information is then sought from this person that enables him or her to locate other members of that population. Grinnel and Unrau (2008) state that this one person refers the researcher to another similar case or preferably more than one.

During data collection in Mbizana Local Municipality, the researcher approached a single female who is a victim of the ukuthwala practice. The researcher explained the purpose of the study to the participant and the participant was keen to participate on

the study. After the interviews the researcher asked the participant about other women who were undergoing the same fate (Victims of ukuthwala practice). The participant referred the researcher to other victims of the *ukuthwala* practice. This then gave the researcher a ripple effect of gathering more and more subjects. This was done until the researcher reached the sample size of 15 participants. In the context of this study, only victims of *ukuthwala* were considered for participation. According to Sandelowski (2010), sample sizes in qualitative research should not be so large it is difficult to extract rich data. At the same time, the sample should not be so small it is difficult to achieve data saturation (Flick, 2007).

4.6 DATA COLLECTION METHODS

According to Whitney (1998), data collection is the process of gathering and measuring data on variables of interest in an established systematic fashion that allows one to answer specified research questions. A formal data collection process is necessary as it ensures that data gathered are both defined and accurate and the following decisions based on arguments embodied in the findings are valid (Whitney, 1998). Data collected in this way is most appropriate to the aim or aims of research, since data gathering is directed towards answering precisely the questions raised by the researcher.

According to Malhotra and Birks (2007), primary data is information that is collected by the researcher in an effort to address or resolve the specific problem they identified for the study. This study focused much on attitudes and opinions of participants of the study. Malhotra and Birks (2007) stipulate that an individual's views and preferences can be classified as attitudes, while opinions are the spoken expressions of those

attitudes. This study collected data about the perspectives and opinions of the sample group related to the *ukuthwala* practice.

The study made use of a semi-structured interview schedule as a method of data collection. Newman (2000) states that the interview schedule is the name of survey research questionnaire when a telephone or face to face interview is used. According to Teijlingen (2014), a semi-structured interview is a qualitative method of inquiry that combines a pre-determined set of open questions with the opportunity for the interviewer to explore particular themes or responses further. In a semi structured interview everyone gets the same key questions asked, but there is flexibility in how they are asked. Teijlingen (2014) further explainsd that a semi structured interview is useful for exploring the views of a person towards something. The participants were interviewed in their respective homes.

The researcher prepared main questions that guided the interviews before the interviews took place. During the interviews and as participants were giving their responses the researcher probed according to their responses or answers in order to get detailed information on the "ukuthwala" practice. It was an effective method of data collection in the Mbizana Local Municipality as the researcher got the chance to interview people with different opinions about the research topic. Open ended questions are the type of questions that were asked during the interviews with participants. Open-ended questions allowed respondents to give more information on feelings, attitudes and understanding of the subject. This assisted the researcher to better access the respondents' true feelings on the issue.

For the purposes of this study, the researcher used voice tape recorder when collecting the data. The researcher first asked permission from each participant to use the audio recorder during the interviews and it was used only to those participants who greed to be recorded. A few participants gave permission to be recorded and others refused saying that this it was a sensitive and as such they could not be recorded. By using the audio recorder the researcher intended to keep the information as precise as possible.

4.6.1 Advantages of semi structured interview schedule

Teijlingen (2014) states that a semi structured interview schedule is well suited for exploring attitudes, values, beliefs, and motives of participants. It could be good in sensitive areas. Semi-structured interviews facilitate getting every question answered. It was chosen because of its cost efficiency and ability to collect large quantities of data in a short space of time (Scott & Mazhindu, 2005). Interviews refer to the major mode of data or information collection in qualitative research (De Vos et al 2011).

4.7 METHODS OF DATA ANALYSIS

Bogdan and Biklen (2003) define qualitative data analysis as "*working with the data, organising them, breaking them into manageable units, coding them, synthesising them, and searching for patterns*". Cooper and Schindler (2008) also state that data analysis is a lessening of the volume of the collected data to a controllable size through which the researcher can start to identify trends and it allows for a process of summarising data. According to Schwardt (2007), "*data analysis is the process of bringing order, structure and meaning to the mass of collected data*". The aim of

analysis of qualitative data is to discover patterns, concepts, themes and meaning. Patton (2002) states that qualitative researchers have a responsibility to monitor and report the analytical procedures they use in their research projects. There are types of data analysis under qualitative research method, namely narrative analysis, discourse analysis, semiotic analysis and thematic analysis (Liamputtong, 2009; Kubayi, 2013). The study made use of thematic data analysis. Patton (2002) states that qualitative analysis transforms data into findings. Strauss and Corbin, (1990) affirm that the process of data analysis begins with the categorisation and organisation of data in search of patterns, themes and meanings that emerge from the data. Categorisation helps the researcher to make comparisons and contrasts between patterns and make sense of them.

In this study, individual responses were analysed, compared and categorised. Thematic analysis is a flexible method where the researcher needs to be clear about what is to be done and that this matches up with what is actually done. Thematic analysis is considered the most appropriate for any study that seeks to discover opinions and perceptions. Thematic analysis is used to analyse classifications and present themes that relate to the data. It illustrates the data in great detail and deals with diverse subjects via interpretations (Boyatzis, 1998). There are steps that were followed to perform the thematic analysis of the data in this study.

Firstly, the raw data was organised, sorted, classified and categorised. Categorising involved transcribing the interviews' data, typing the field notes and arranging the data into different general categories and themes and in terms of their levels of complexity just as Creswell (2009) puts it. The researcher went through the entire data in order to get a general sense of the ideas expressed by the participants. Verbal data that had been transcribed into the written form were read a number of times in order to conduct

a thematic analysis. Bird (2005) argues that this should be seen as "a key phase of data analysis within interpretative qualitative methodology".

According to Braun and Clarke (2006), analysis involves a constant moving back and forward between the entire data set, the coded extracts of data that you are analysing, and the analysis of the data that you are producing. The raw data was coded into groups. The coding was based on the purpose of the study. The process of coding is part of analysis (Miles & Huberman, 1994) and refers to "*the process of organising the material into chunks or segments of text before bringing meaning to information*" (Rossman& Rallis, 1998 in Creswell, 2009).

4.8 ETHICAL CONSIDERATIONS

According to Babbie (2007), ethics implies preferences that influence behaviour in human relations, conforming to a code of principles, the rules of conduct, and the responsibilities of the researcher and the standard of conduct of a given profession. Ethics are therefore very important in research as they protect the public from exploitation and physical and psychological harm.

The study was granted ethical clearance by the University of Fort Hare. The researcher also submitted a written request to the community leaders for permission to collect data within the Municipality and community and permission was granted to collect data in the Municipality.

The researcher ensured that people who were participants in this study were doing it voluntarily. The participants were provided with full information about their involvement in the research. The researcher also explained to the participants that the information

received from them would be treated with confidentiality and that their names would remain anonymous to anyone who would access the information and even to other researchers.

The researcher applied and observed the following ethics principles:

➢ Informed consent,

➢ Voluntary participation

➢ Confidentiality

4.8.1 Informed consent

According to Grinnell and Unrau (2008), respect for persons requires that participants be given opportunities to choose what would or would not happen to them. Obtaining informed consent implies that all possible information on the goal of the investigation, the expected duration of the participant's involvement, and the procedures to be followed during the investigation be rendered to potential participants (Royse, 2004).

During this study the participants were informed of the purpose of the study as they had a right to know what the research was all about, how it would help them, how it would affect them, and they were also informed about their right to opt out of the study at any time in the research process if they so decided. This was the study on the victims' perspectives of the *ukuthwala* practice in the Mbizana Local Municipality.

4.8.2 Voluntary participation

According to Rubin and Babbie (2005), research should at all times be voluntary and no one should be forced to participate in a project. Participation during research was voluntary; no participants were coerced to be part of the research. Participants were encouraged to talk about their stories, only to help raise awareness on the *ukuthwala* practice and to help combat it.

4.8.3 Confidentiality and anonymity

According to Babbie (2001), confidentiality implies that only the researcher and possibly a few members of his or her staff should be aware of the identity of participants and that the staff should also have made a commitment with regard to confidentiality. Anonymity on the other hand means that no one, including the researcher, should be able to identify any subject afterwards (Babbie, 2001).

The researcher did not struggle to maintain anonymity and confidentiality of the participants' identity throughout the study. Participants were not required to write names and their identifying information anywhere and they were told that their information was going to be fully anonymous to the researcher. The researcher's concern was to protect the interests and wellbeing of participants.

4.9 LIMITATIONS OF THE STUDY

Some problems were experienced during this study. It took a long time to get participants of the study from the communities within the municipality. Some victims

refused to participate in the study saying that they could get themselves into a trouble if they did. The interview had its own disadvantages; it was time consuming as respondents at times did not answer the question they were asked directly. Some participants were reluctant to discuss the issue of *ukuthwala* as they regarded it as a private matter. Other respondents skipped other questions.

4.9.1 To address these problems the researcher did the following:

Before interviewing respondents, the researcher explained the reasons behind conducting the study to the respondents and reassured the respondents of confidentiality, anonymity and avoidance of harm.

4.10 SUMMARY

This chapter outlined and discussed the research design and methodology used in the study. The chapter further examined the population from which the sample was drawn, the selection of sampling techniques to identify participants of the study and procedures of data collection. Data analysis approaches were also explained and discussed in detail. Finally, this chapter addressed the ethical considerations. The next chapter focuses on discussion of research findings and an analysis of the results

CHAPTER FIVE

DATA PRESENTATION AND ANALYSIS

5. 1 INTRODUCTION

This chapter entails qualitative data presentation and analysis of the data that was collected around Mbizana Local Municipality with regard to the *ukuthwala* practice. This chapter provides an overview of the responses of participants and interpretation of findings. Thematic content analysis was used to analyse data. The presentation and the analysis of the data were done by means of the generated themes and subthemes to categorize patterns in order to demonstrate the realisation of the aim and the objectives of the study. Thematic analyses were utilized to critically outline the findings of this research. Marshall and Rossman (1999) describe data analysis as:

The process of bringing order, structure and meaning to the mass of collected data. It is described as messy, ambiguous and time-consuming, but also as a creative and fascinating process.

Research conducted by Cohen, Manion and Morrison (2007) defines qualitative data analysis as the process of making sense from research participants' views and opinions of situations, corresponding patterns, themes, categories and similarities. As indicated in previous chapters, thematic analysis was chosen as the appropriate type of data analysis. Braun and Clarke (2006) suggest that thematic analysis is essentially a foundational qualitative technique that allows researchers to interrogate data by pattern analysis through identifying, analysing and reporting patterns (themes) within data. Thematic analysis is considered the most appropriate for any study that seeks

to discover opinions and perceptions. It is used to analyse classifications and present themes (patterns) that relate to the data.

The data interpreted by the study was drawn from the responses of fifteen (15) participants. The data was gathered with one set of research questions, namely the semi structured interview schedule. The interviews were carried out on married and divorced female victims of the *ukuthwala* practice. An interview guide was designed and utilized to obtain different perspectives regarding the ukuthwala practice. The interview guide was divided into two sections; section A contained biographical details of the participants who participated in the research project and section B sought perspectives, opinions and attitudes of the respondents about *ukuthwala* occurrences in their community. The collected data is presented in alignment with the objectives sketched in chapter one, namely:

➢ To ascertain the lived experiences of the victims of the *ukuthwala* practice in the communities;

➢ To describe the consequences of the *ukuthwala* practice in light of Human Rights of the victims of the practice;

➢ To establish the modus operandi used by men to abduct (thwala) girls and young women;

➢ To investigate factors detering victims of the *ukuthwala* practice from reporting the practice to the police;

➢ To ascertain what strategies and programs can be implemented to prevent the *ukuthwala* practice in the communities.

5.2 SECTION A: BIOGRAPHICAL INFORMATION OF THE PARTICIPANTS

Section A outlines biographical details of the participants who participated in the research study. According to Petersen (2000), demographic information refers to socio-economic characteristics of a population expressed statistically, such as age and gender.

Table 5.2.1: Representation of the ages of the participants

AGES CATEGORIES OF PARTICIPANTS

16-25 YEARS	4
26-35 YEARS	5
36- 45 YEAR	6

TOTAL NUMBER OF PARTICIPANTS=15

The above table illustrates age groups of the participants who participated in the study. The ages of the respondents were categorized into three groups. Group one ranged from 16-25 years, group two from 26-35 years, and group three from 36-45 years. From the 15 participants, 4 participants were between ages of 16-25 years, 5 were between ages of 26-36 years and 6participants were between ages of 36-45 years.

Table 5.2.2 Illustration of marital status of participants

MARITAL STATUS

MARRIED	11
DIVORCED	4

TOTAL NUMBER OF PARTICIPANTS =15

The above table elucidates marital statuses of the participants of the study. The marital status was categorized into two groups (married and divorced participants). Most (11) participants were married and a few (4) were divorced.

Table 5.2.3 Depiction of educational levels of participants

EDUCATIONAL LEVELS OF PARTICIPANTS

GRADE 4-7	7
GRADE 8-10	5
GRADE 11-12	3
TOTAL NUMBER OF PARTICIPANTS=15	

Out of 15 of the participants who participated in the study, most (7) participants obtained Grade 4 to 5 while 5 participants obtained grade 8-10 and only 3 participants ranged between grades 11-12.

Table 5.2.4 Elucidation of Vocations of the participants

VOCATION OF THE PARTICIPANTS

EMPLOYED	-
UNEMPLOYED	11
SELF-EMPLOYED	4
TOTAL NUMBER OF PARTICIPANTS =15	

The above table shows the vocations of participants who participated in the study. Most (11) participants were unemployed while 4 were self-employed. The study was interested in this information so that the researcher could be able to ascertain whether or not the respondents depended on husbands as breadwinners. The reason was that the victims of the *ukuthwala* practice were abducted at early age before they even thought of employment.

5.3 SECTION B: RESPONSES OF SEMI STRUCTURED INTERVIEW SCHEDULE

Section B outlines and describes the responses that the study obtained from the community members of the Mbizana Local Municipality. In this section, open-ended questions were analyzed using thematic analysis. The collected data was presented aligned with the objectives sketched in chapter one. All participants were presented through the following codes, P1 – participant number 1; P2- participant number 2 up to participants number 15.

5.3.1 THEME ONE: VIOLATION OF HUMAN RIGHTS

From the data that was collected, participants were asked about their views on the *ukuthwala* practice. The following are some of the responses for the participant:

> *Ukuthwala Practice is when a women is taken to be a wife without*
>
> *her consent. Young girls are the most targeted by the practice*
>
> *(P1).*

> *It is a practice where a girl gets married to a person they never met and who is older than the woman (P5).*

> *Ukuthwala practice is a practice where most of the times girls of 15 years of age are forced to marry men they do not know (P11).*

P3 and P9 respectively revealed that:

> *Most of the time ukuthwala is practiced by family members who want to take lobola (bride price) money to settle their debts.*

> *Ukuthwala practice is a practice where two/more people take decisions on behalf of a women for marriage purposes .*

Another participant added:

> *I am against the practice and the practice must be stopped because it infringes rights of women and those of children (P12).*

The majority of the participants' perceptions about *ukuthwala* indicate that ukuthwala is cultural practice that forces a girl child to get married to a person they do not know. They also revealed that they were forced to marry men who were old enough to be their fathers. All participants criticized the practice saying that it must be stopped because it was against the law and most victims were abused in their marriages because of this practice. These findings correspond with findings by Maluleke's (2012) study, where he concluded that:

> *Ukuthwala is a form of abduction that involves the kidnapping of a girl or a young woman by a man and his friends or peers with*

the intention of compelling the girl or young woman's family to

endorse marriage negotiations.

Participants were asked if they knew their rights in relation to the *ukuthwala*. Most participants indicated that they were aware but they were afraid to disillusion their families. Respondents stated:

I knew that my rights were being violated because I did not give

consent to the marriage, it was against my own will but my father

said the marriage was a good thing for both families (P2).

I knew that my rights were infringed although I was afraid to

disappoint my family (P7).

I *was aware my rights were being disrespected but I did not know*

what to do (P8).

My rights were of course being violated because I had to quit

school and focus on my marriage (P11).

Other participants submitted:

I was too young and unaware about my rights and when I asked

my mother she said they were doing what was best for me. I did

not think my rights were violated back then (P15).

I had no idea about rights back then because I was told that it is

my culture (P14).

Findings of the study show that most participants were aware of the infringement of their Human Rights but were afraid to disappoint their families. The participants stated

that they were deprived of their right to education. A few participants articulated that they had been unaware about their rights because they were too young and they did not think anything like that could happen to them.

In Poku's (2009) study on forced marriages it was revealed that some parents did not ask their children for their opinion when they considered it proper for them to get married. This is most often the case where young girls are concerned, but also sometimes with young men, because parents consider marriage a social act that is a matter for the nuclear or extended family and even the community, and they consider it their duty to have their children marry.

Sub-theme 1: Early School dropout

Participants were asked about the challenges of *ukuthwala* in their lives. This sub-theme was developed after all the 15 participants of the study mentioned early school dropout as one of the major consequences of the *ukuthwala* practice in their lives. Participant articulated that:

> *I wanted to study and to be a social worker but I was forced to*
>
> *quit school and focus on my forced marriage life* (P11).

> I *was in standard eight when I was abducted, my in-laws forced*
>
> *me quit school to do wife duties* (P9).

Therefore, victims of *ukuthwala* are deprived the opportunity to educate themselves and prospect for a better future ahead. According to 3rd Degree (November 10, 2010), the consequences of the *ukuthwala* practice, such as high dropout of girls from schools have been noted. In Lusikisiki for example, schools have reported a dropout rate of up

to 46%, largely because of 'ukuthwala'. Young girls who are still in schools live in fear for their future. They fear that they can be abducted or raped to force them to become someone's wife. Maluleke (2012) also states that the abducted child is removed from school, and dropping out of school deprives the child of education opportunities, including tertiary education and skills training. The rights that are infringed upon by this practice include right to human dignity, right to education and right to freedom and security.

Sub-theme 2: Denial of childhood

Data shows that most participants indicated they had been denid childhood, which is another on the grave consequences of *ukuthwala* on them. One participant who was thwala'd (forced into marriage) when she was 16 years old stated:

> *I was forced into a marriage when I was 16 years old. At that age I was supposed to be playing with my friends but I had to skip that stage and become a wife* (P8).

Another participant stated:

> *I knew nothing about some household chores except to wash dishes but I had to learn and be strong* (P4).

The findings of the study reveal that most victims of the ukuthwala practice were forced into marriage at the age when they were the ones to be taken care of instead of taking care of another person like a husband. That means that most participants were forced into those marriages when they were too young.

Malhotra (2010) established that early marriage denied girls of their childhood. Malhotra (2010) further states that young girls are pushed into the full burden of domestic responsibility, motherhood and sexual relations rather than playing with friends, dreaming about a career or worrying about a school exam. Maluleke (2012) adds that the social development of the child is usually stunted as they enter into early marriage and are fast tracked into the adult world, skipping organic developmental phases.

Sub-theme 3: Giving birth at an early age

When most participants detailed that due to early marriage, they had to give birth while they were still young. And they were told that in marriage they have to bear children for their husbands. Participants stated:

> *I was only 17 years old when I got pregnant and I was scared to give birth because I was a child myself* (P1).

> *I gave birth at an early stage because of the practice (P5).*

Research conducted by UNICEF (2007) found that girls who marry and give birth before their bodies are fully developed are more at risk of death or terrible injury and illness in childbirth. In 2007, UNICEF reported that a girl under the age of 15 was five times more likely to die during pregnancy and childbirth than a woman in her 20s.

5.3.2 THEME TWO: UKUTHWALA MARRIAGE EXPERIENCES

When participants were asked about their marriage experiences, different views emerged. Some participants uttered that:

> In *my marriage I am not happy because I depend on my husband who is working in the mines and does not come home sometimes* (P2).

> Sometimes *I feel like I am in prison because I am not allowed to visit my family, as if I will escape* (P5).

> *My husband sometimes shouts at me. When he is drunk e beats and says I am ugly* (P10).

> *I wanted to go back to school but my ex-husband refused. He said that he had paid lobola for me to be a wife not a student or learner* (P15).

> I *was miserable in my marriage I had no say in decisions* (14).

Another participant stated:

> *I am happy in my marriage, my husband and in-laws are good people they are supportive but they are old-fashioned people (3).*

while another said:

> *Now I am happy in my marriage because I decided to accept the situation because my parents are the one who sold me (P4).*

Most participants described their marriages as unhealthy because they were more dependent on their husbands. They stated that it was like they were in prison because they were not allowed to do as they pleased. A number of the participants revealed that they were abused, emotionally and physically in their marriages. Other participants stipulated that they were happy because they had decided to accept the situation and had told themselves that their parents did not care about them. Divorced participants were also asked to describe their marriages when were still married. They stated that they had been miserable in their marriages. They argued that that there was no freedom in *ukuthwala* marriages.

Sub-theme 1: Lack of respect and cheating

Most participants mentioned lack of respect from their husbands and their in-laws as the challenge that came with the practice. Participants revealed:

> The *only challenge that I have is that my husband always yells*
> *orshouts at me, even in presence of our children* (P1).

> *At times my husband does not sleep at home and when I ask*
> *about where he slept he just ignores me as if I do not exist in his*
> *life (P7).*

A very concerned and out spoken participant articulated that*:*

My husband was not showing any respect towards me (P12).

According to the South African Domestic Violence Act, 116 of 1998, psychological abuse refers to a pattern of degrading or humiliating conduct towards women. This

may include name-calling, to cause emotional pain, insults, integrity and security (Abrahams, Jewkes & Laubsher, 2010).

Sub-theme 2: Lack of financial support

Participants revealed that they had financial challenges in their marriages. A participant told the researcher that:

> *I am an unemployed mother of two children and my husband is the only one who is working at home. He hurts me because sometimes on his pay days he spends the money on alcohol and he expects me to do grocery with the child support grant* (P8).

> *In my marriage my husband does support me financially (P1).*

A very disappointed participant indicated:

> *My Husband is the only who is working, but sometimes he disappears with the money and comes back when it is finished (P11).*

> *I became a hawker to earn a living because my husband does not support me financially* (P15).

> *In the beginning I was against the marriage but as time went by I realised that my husband is a good person, we are happy just like other couples* (P3).

The above findings show that many victims' husbands are employed but sometimes do not support them financially. One respondent expressed that there were challenges

but she and her husband supported each other, she revealed that she was happy in her marriage. The divorced participants also mentioned lack of financial support as the other challenge they faced while they were still married. Other divorced participants mentioned that they had decided to open tuck shops to help themselves.

Sub-theme 3: Domestic violence

Participants mentioned domestic violence as one of the main challenge that they had in their marriages. One respondent revealed:

> *I was married to a 48 year old man who controlled everything every action I took; I had no say in my marriage I was told to respect my husband and follow his lead because he was head of the house* (P1).

Another emotional participant stated:

> *My husband sometimes when he is drunk beats me but when he is sober he is sweet (P6).*

According to these findings, participants agreed and revealed that domestic violence was escalating everyday. They revealed that they were controlled in their marriages. According to the ICRW (2005), girls who are married early are more likely to be abused sexually, physically and emotionally. Mesatywa (2012) submits that some victims of gender based violence may suffer physical injuries that may lead to post traumatic stress disorder. The researcher has the same opinion with the above researchers, because once a girl has been abducted and experiences all the physical harms, she loses control of herself and lives on carrying instructions from the perpetrator

(husband) and the in-laws. Victims of the *ukuthwala* practice are usually afraid of their husbands.

5.3.3 THEME THREE: ABDUCTION METHOD

Victims were asked a question about the modus operandi of *ukuthwala* (abduction), with the aim of establishing how girls were "thwala'd". Their responses were a bit similar. Participants provided extensive narratives of how they were abducted as indicated below:

> *It was on Wednesday evening around six o'clock when I was called by my neighbour to go and help her and I agreed to give her a hand. When I arrived, there were two men in my neighbour's house and I greeted them. My neighbour asked me to accompany her guests to the shop since they were not familiar with our area and I agreed. I did not think that was their plan to abduct me. On the way to the shop they grabbed me, closed my mouth with a "qhiya" (head wrap) so that I do not make any noise, I was confused I did not know what was happening. I cried but they carried me anyway. They put me in the car and drove off. On the way these two men told me that they were taking me as their wife. In the morning they went to tell my family and my parents were happy.My biological parents did not make any effort to fetch me (P5).*

Another emotional participant stated:

*It was Friday evening, I was from school when my friend asked
me to accompany her to the bus stop to wait for her mother from
town. On that day it was raining and there was a car at the bus
stop and she said let us go sit in the car with other people. I
agreed because she said she knew the people who were in the
car. There were three men in the car, we talked to them and after
a couple of minutes my friend went to check if her mother had
arrived and that was not a problem. The men just closed the car
and drove off. I was in shock and confused by what was
happening because they did not say anything. I cried but they
drove the car until we arrived at their home. They told me that
they were taking me as the bride for their son. They locked me in
a hut till the morning and that was when they went to tell my
family that I was married. I guess my parents were ecstatic
because they did not say anything, they just accepted bride price
(lobola).I was against this marriage arrangement and I tried to
express my feelings to my mother but she would not listen as she
said marriage as a blessing that I was supposed to embrace (P7).*

One participant was thwala'd when she was on the way from a family ceremony. This
is how she was thwala'd:

*It was Saturday evening when I was abducted. I was crossing a
river from my Grandmother's place where there was a family
ceremony. I noticed that there were three gentlemen under a*

certain tree but I did not pay attention to them. When I was about

to pass them they grabbed me and instructed me not to makee

any noise. I was abducted to another community, which is too far

from mine but still here in Mbizana. I was puzzled as this was

happening but when I arrived in this family I was informed that I

was now a wife. I did not know which of these men I was marrying

because no one even showed me (P1).

Data indicates that most of the participants were taken by people they did not know when they were on their way from school with their friends. On the other hand, others were sold by families who were assisted by their neighbours. All the participants interviewed maintained that they were forced to marry at young ages, and their marriages had happened to older men against their will.

According to Bekker, Rautenbach and Goolam (2006), the procedure for *ukuthwala* is as follows: The intending bridegroom, with the help of one or two friends, approach the intended wife in the neighborhood of her own home, quite often late in the day. They then 'forcibly' take her to the young man's home. Bekker et al. (2006) further state that *ukuthwala* can also takes place where families would agree on the union, but the girl is unaware of such an agreement. The above finding is consistent with Monyane (2013) who revealed that the woman or girl is forcibly taken for marriage without her consent or knowledge.

Participants were asked if they had knowledge of their husbands before getting married to them. Participants said:

I did not know my husband before getting married to him because

we are from different towns (P14).

I had no knowledge of my husband (P9).

The findings above articulate that all participants did not know their husbands before getting married to them. The study by Maluleke (2009) also concluded that the girl is sometimes abducted unaware, but in many instances is caught according to plans and arrangements made between her parents and the groom's parents. According to the Children's Act 38 of 2005 section 12, every child has a right not to be subjected to cultural practices which are detrimental to his or her wellbeing. Section 12, 2(b) further emphasizes that children should not be given out for marriage or engagement.

The researcher believes that marriage is a contract between two people based on love. Happy and healthy marriages involve two people working on their differences together. However, *ukuthwala* is a matter of power over women.

Sub-theme 1: Victims' age

When the participants were asked about their ages at the time they were married off, the following responses ensued: I was 15 years old on the day of my abduction (P1).

I was forced in to marriage when I was 19 years old (P6)

I was introduced to the practice of ukuthwala when I was 22 years old (P3).

I was 17 years old when I was forced into a marriage (P11)

I was 23 years old when I was thwala'd (abducted) for marriage purpose (P5).

Findings of the study show that most young girls are introduced to the *ukuthwala* practice when they were between the ages of 15 and 23. As stipulated in chapter two, that for many poor families in South Africa, marrying off their daughter at an early age essentially is a strategy for economic survival, it means one less person to feed, clothe and educate (International Centre for Research on Women 2007). Mesatywa (2011) is of the opinion that age is related to the increased incidents of domestic violence. Mesatywa (2011) further asserted that these young women who are forced into marriages are prone to domestic violence from older men.

The study was also interested in knowing the participants' opinions about the best age at which to get married. Below are samples of responses:

> *The best age to get marriage is when you are over 25 years old because at that age you are matured enough to handle marriage life (P1).*

> *It is when you are in your 30s when you have completed school (P4).*

> *The best age to get married is in your late 20s because you would have had time to complete your education and you would be working" (P6).*

Most participants indicated that the best age to get married is when you are over 25 years old. Some participants stated that late 20s was the best age to get married since at that age different parts of life are likely to start making more sense and at that age you feel more stable. Participants revealed that getting married in your late 20s has

advantages because by that age you would have had time to complete your education and got your career off the ground.

5.3.4 THEME FOUR: KNOWLEDGE OF LEGALITY

The data that was gathered in Mbizana Local Municipality demonstrates that most of the respondents were not aware that *ukuthwala* practice is illegal. A few participants revealed that they were aware of the illegality of the practice but they were afraid to disappoint their parents. This shows the importance of human rights education to the South African community.

Sub-theme 1: Fear of embarrassing family

Most participants mentioned fear of embarrassing their families as one of the reasons that stopped them from reporting the practice to the police officials. Participants articulated thus:

> *If I were aware that ukuthwala was against the law, I would have reported it to the police because it was against my own will (P1).*

> *I did not see any need to report because I was not aware that it against the law (P5).*

One participant mentioned that:

> *Even though I knew that the ukuthwala practice was illegal I did not have the guts to report the matter to the police officials*

because my father confused me and told me that it was a culture

to save family honour (P7).

Another participant revealed that she:

was forced into a marriage because I was told that it was the only

way to build family relations (P3).

Participants stated that they were not aware that reporting the practice could have helped them to get out of the marriage. Other participants did not see any need to report the practice. All participants stated that they were told by their parents that *ukuthwala* was their culture and as a result they did not see any need to report the practice. They also maintained that they were forced to marry men who old enough to be their fathers.

Mwambene and Sloth- Nielson, (2011) stipulate that it may become obvious that *ukuthwala* can serve important cultural purposes among those South Africans who live their lives according to culture. Research by Ndindwa (2014) is of the opinion that cultural rules should not cause perpetrators to inflict pain on young women, but should influence communities to behave in an orderly manner, which helps them to understand each other.

5.3.5 THEME FIVE: GOVERNMENT INTERVENTION

Participants were also asked what they thought could be done to reduce/prevent the *ukuthwala* practice. The motive behind this question was to come up with a new system or method to deal or address this cultural practices of *ukuthwala*.

Sub-theme 1: South African Police Services

The South African Criminal Justice System, according to participants, seems to be the one letting down the community. All the 15 participants were of the same view that the police should take into custody every person indicted of the ukuthwala practice. To support this, a few participants affirmed that:

> *Police officials are the only people who can help us by arresting*
>
> *all those who are abusing us as women* (P1).

> *The police should arrest all people who participate in the*
>
> *ukuthwala practice process (P3).*

Other participants avowed that all those who assisted in the *ukuthwala* practice, including parents and relatives, should also be charged. Other participants were interested in being educated about how to apply for protection orders and court interdict. In order to address the issue of reporting cases, the study below outlined awareness as a way of educating community.

Sub-theme 2: Awareness campaigns

Most of the participants confirmed that there was a need to be empowered about their own rights as young women and also to be educated about human rights that may include the Domestic Violence Act, No 116 of 1998. One participant stated that:

> *The government should do awareness campaigns where*
>
> *community members can be educated about dangers of the*

ukuthwala practice, how the practice be prevented and who to report to when such occurs (P2).

Another out spoken participant stipulated that:

Awareness campaigns can assist our communities to be knowledgeable about gender violence and the rights of girl children to freedom of choice and violation of their rights to access education (P7).

From the above data, participants fingered awareness campaigns and community dialogues as the prevention of the *ukuthwala* practice. They stated that in order to prevent the practice of *ukuthwala*, school teachers should report to the police officials and to social workers any suspected child abuse, including *ukuthwala* practice. Participants also mentioned that teachers should teach about the illegal practices in school to help children become aware of their rights. Other participants declared that to prevent the ukuthwala practice, social workers have to investigate and report to the police any reported or suspected child abuse, including *ukuthwala* practice.

Research by Wadesango et al. (2011) states that there is need in the legal arena for arrests of the perpetrators and advocacy to the abducted women. These may include policy formulation on the needs of young African Women and children.

5.4 COMPREHENSION OF FINDINGS WITH THE RESEARCH OBJECTIVES

Below are the research objectives that the study set out to investigate.

5.4.1 To describe the consequences of the *ukuthwala* practice in light of Human Rights

This objective was achieved, as participants expressed their views about the *ukuthwala* practice, stating that *ukuthwala* was a violation of human rights because women were forced to get married. Participants stated that lobola was encouraging parents to sell their children. Participants were very honest in terms of their perceptions towards the *ukuthwala* practice. Participants stipulated that because of the practice they dropped out of school at lowest levels. The findings further state that participants gave birth at an early age to be wives. Moreover, participants stated that they skipped childhood to marriage because of the marriage. Most participants were aware that their rights were violated but they were afraid to disgrace their families. However, other participants were not aware of the infringement of their rights. Participants voiced out that they had challenges in their marriages. The challenges they stated include lack of respect, domestic violence and financial support. Participants revealed that they felt like they ere in prison in their marriages because their husbands managed everything they did. All participants criticized the practice.

5.4.2 To identify the modus operandi used by men to abduct (thwala) girls and young women.

The second objective, which focused on identifying the modus operandi used by men to abduct (thwala) victims was also achieved. In order to obtain data on the modus

operandi men used to abduct these victims, ages of victims when they were abducted were enquired. Findings show that most victims of *ukuthwala* were thwala'd (abducted) when they were less than 25 years old. Most participants were abducted on their way from school. Participants revealed that *ukuthwala* usually occurred in the late hours (evening) and often done by more than two men. All participants articulated that the best age to get married was when one was in their late 20s. Lastly, participants stated they did not previously know their husbands before getting married to them.

5.4.3 To investigate factors deterring victims of the ukuthwala practice from reporting the practice to the police

This objective was also achieved successfully. With this objective the study intended to investigate factors that hindered victims from reporting the occurrences of the practice to the police. Most importantly, participants stated that they were not aware that *ukuthwala* is illegal. Some of them did not have guts to disappoint their family hence they did not report to the police and suffered in silence. Most of the participants were told that the practice was their culture so they did not see any need to report to the police.

5.4.4 To ascertain what strategies and programmes can be implemented to prevent and combat *ukuthwala* in the communities

The fourth objective of the study was also achieved successfully. All participants were of the same view that to reduce the *ukuthwala* practice in their municipality the police ought to take into detention every person accused of the practice. Participants stated

that government should do awareness campaigns where community members could be educated about the *ukuthwala* practice.

5.5. GENERAL DISCUSSION OF THE FINDINGS

Findings indicate that the *ukuthwala* practice is a violation of human rights. In *ukuthwala* women are forced to get married to men they would have never met. *Ukuthwala* is viewed as a way of getting bride price to settle family debts. There are many challenges that are associated with the practice. Victims drop out of school at lowest grades to become wives. Dropping out of school at lower grades is disadvantageous because you cannot find a proper job with the grades. Because of *ukuthwala,* children and women give birth at an early stage. Moreover, children skip childhood to adulthood because of the marriage. Most victims of the *ukuthwala* practice are aware of the infringement of their rights but they are afraid of disappointing their families. However, other victims were not aware of the infringement of their rights because they had been told the practice was cultural. *Ukuthwala* has challenges because in those marriages the partners do not know each other. The challenges may include lack of respect, domestic violence and financial dependence (on the part of the wife) and others.

Findings of the study also indicate that there were several ways of abducting a girl to be a wife. Other victims were abducted on the way from school while others were sold by their families. *Ukuthwala* usually occurs in late hours (evening) and is often done by more than two men. Most victims of *ukuthwala* marry complete strangers. Further, most women are not aware that the *ukuthwala* practice is illegal. To prevent the practice, the government should work hand in hand with communities

CHAPTER SIX

CONCLUSIONS AND RECOMMENDATIONS

6.1 INTRODUCTION

This is the final chapter of the research project on the investigation of victims' perspectives of the *ukuthwala* practice. This chapter summarizes all the work that has been done through the use of semi structured interviews when collecting data. This chapter contains major conclusions and recommendations for the future. The purpose of the study was to investigate the victims' perspectives of the *ukuthwala* practice in the Mbizana Local Municipality. This study is of importance since minimal literature and studies exist in South Africa on the cultural practice of *ukuthwala*. For that reason, this research seeks to explain or inform service providers and policy makers on this significant matter. It is further anticipated that the study will provide them with information on how best to address the issue of forced marriages (*ukuthwala*) through the introductory of new policy and practice.

6.2 CONCLUSIONS FROM THE FINDINGS

The rationale of the study was to investigate the victims' perspectives of the *ukuthwala* practice in the Mbizana Local Municipality. The study was conducted to look into views of participants (victims) regarding the *ukuthwala* practice. Below are the objectives that guided the study and how they were dealt with.

6.2.1 To describe the consequences of the *ukuthwala* practice in light of Human Rights

The findings of the study show that there are a number of women and girls in the Mbizana Local municipality who are in forced marriages. Furthermore, the study also found that the practice of ukuthwala (forced marriage) is still practiced in the rural areas of the Mbizana Local Municipality and victims face many challenges in these marriages.

Violation of human rights has been noted in ukuthwala practice. Many women and children are against the practice. Parents play a major role in the practice of *ukuthwala* and remain an essential part of the *ukuthwala* practice. Lobola (bridal price) and financial gain have been identified as having been the conditions within which *ukuthwala* continues to increase. Ukuthwala has consequences on women and children and they are quite ranging. It is noted that there are challenges that go with the practice. Some of the participants regret being victims of this practice as it has made their lives miserable and difficult.

6.2.2 To identify the modus operandi men use to abduct (thwala) these victims

Based on the findings, it is evident that girls as young as twelve years are forced to marry older men, in some cases with the consent of their parents or guardians. However, Mndende (2006) states that abducting a girl of twelve or thirteen is not the cultural practice that the Xhosa people are well versed with. Most abductions takes place in the late hours and when children are on their way from school.

6.2.3 To investigate the factors that hindered victims from reporting the *ukuthwala* practice to the police.

Most victims are unaware that ukuthwala practice is illegal. Those who are aware are afraid of disappointing their families. Victims do not report the occurrence of the practice because they are told that it is their culture.

6.2.4 To ascertain the strategies and programmes that can be implemented to prevent and combat *ukuthwala* in Mbizana

The findings of the study show that the community members are keen to help stop the practice. Women should be empowered to have skills that assist them to navigate the criminal justice system. The participants indicated that the police officials were supposed to arrest everyone participating in the process of ukuthwala. Further, social workers should provide services, support and empathy for the benefit of the survivors of *ukuthwala* while the government was encouraged to do awareness campaigns to educate the communities on the ukuthwala practice; a massive drive to educate people in the community. The researcher realised that the different stakeholders and the communities needed to work together to help combat the *ukuthwala* practice.

6.3 RECOMMENDATIONS

The study found that ukuthwala practice is a serious problem that needs to be taken into consideration by everyone. Ukuthwala practice occurrences have brought serious concerns on its victims. For that reason, it was important for the researcher to come up with recommendations in order to set out the alternative actions that could be

implemented based on the findings of the research project. In addition, the recommendations focus on the strategic plans to deal with the issue of the *ukuthwala* practice. In order to combat the ukuthwala practice in communities, attention also needs to be put on actions that could help to reduce it. The study came up with recommendations that can be utilized for further research. In light of the conclusions above, the following recommendations have been advanced.

6.3.1 Recommendation 1: Detention of culprits

The study recommends that the police should to take into custody every person accused of *ukuthwala*. It is not for the police to establish whether culture and/or consent are defences in any particular case. Where sex has taken place with a child below 12, the charge is rape and below 16, the charge is statutory rape regardless of alleged consent. Those that would have assisted in the abduction should also be charged and where parents and/or relatives were involved for gain, they should be further charged with trafficking in persons for the purposes of sexual exploitation under the Sexual Offences Amendment Act of 2007. The study recommends that all *ukuthwala* cases involving children below 18 years of age should be prosecuted in accordance with the laws of the land. This includes abduction and kidnapping, child abuse, child procurement, rape and trafficking in persons.

6.3.2 Recommendation 2: Social workers' investigation

The Department of Social Development, with assistance of social workers should investigate and report to the police any reported or suspected child abuses, including the *ukuthwala* practice. Abuse of teenagers with mental disabilities should be dealt

with in the same way. Social workers should be non-judgmental when dealing with the cultural issues of *ukuthwala*. Social workers should initiate programmes that can assist with eradication of poverty and centres to assist abducted women. Social workers should be ethnic sensitive when they provide services to victims of cultural practices like *ukuthwala*.

6.3.3   Recommendation 3: Department of Education's involvement

The Department of Education, with the involvement or assistance of teachers, should also report to the Police and social workers any reported or suspected child abuse cases, including the *ukuthwala* practice. It is also recommended that teachers should teach about illegal practices so that children may be aware when their rights are violated.

6.3.4   Recommendation 4: Department of Home Affairs

The study also recommends that officials from the Department of Home Affairs should assist victims of *ukuthwala* to secure the necessary documents regarding their status and that of their children to facilitate access to appropriate social services and justice. The department must monitor marriage status of victims of Ukuthwala very often.

6.3.5 Recommendation 5: Traditional Leaders

This study holds that persons exercising public power have a duty to prevent child abuse within their area of control. This includes traditional leaders, who have the

power to help the government combat the ukuthwala practice. Traditional leaders should monitor the practice of *ukuthwala* thoroughly in order to avoid forced marriage of young girls.

6.3.6 Recommendation 6: Role of Community

Communities should report violations and monitor law enforcement processes to end impunity, provide life skills education for men to obtain spouses legally, assist child orphans to ensure that they do not become prey to male predators and relatives seeking to shun responsibility or to cash in on lobola.

6.3.6 Recommendation 6: Awareness Campaigns

The government should conduct more awareness campaign programs where community members will be educated on dangers of ukuthwala practice, how to stop *ukuthwala* and who to report to when such practices occur. It is recommended that government departments must distribute pamphlets to local shops so that people can read about the illegality of the ukuthwala practice, so that it can be prevented.

6.3.7 Recommendation 7: Support groups

The study recommends support groups for women and children who have experienced the same fate in order for them to advice each other on how to manage the phenomena and how to deal with emotional strain from the abuse.

6.3.8 Recommendation 8: Community Dialogue

Community dialogue that can educate community members should be implemented by the department of social development, the South African Police Services and other departments.

6.4 SUGGESTIONS FOR FURTHER RESEARCH

- ❖ To explore challenges that are faced by Government to combat this cultural practice of ukuthwala practice.

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Annexure: A

University of Fort Hare

Together in Excellence

University of Fort Hare

Department of Criminology

Alice

5700

Date ………………………..

Dear Participants,

I am Ziyanda Voyi, a Master student from the Department of Criminology at the University of Fort Hare, conducting research on *"The investigation of victims' perspectives of "Ukuthwala" Practice: A case study of Mbizana Local Municipality".*

The aim of the study is to explore victim's perspectives of ukuthwala practice in Mbizana Local Municipality. The objectives of the proposed study are to describe the consequences or experiences of ukuthwala practice relating to infringement of Human Right; to identify the modus operandi men use to abduct (thwala) these victims; to investigate the reasons that hinders victims not report the practice to the police officials and to investigate programs that can be implemented to prevent ukuthwala practice in

Mbizana. This study is conducted purely for academic purpose only and shall not be used in any other way except academically.

The information that you will be providing will be treated with confidentiality, anonymity and protected. The data will not be associated with your name or any other identifier i.e. your husband's name or your home address. The data will be treated with confidentiality in a way that it won't be traced back to you. Your participation is very important to this research because it represent hundreds of others who are not in the sample. The data that will be provided is valuable both for enhancing/improving planning prevention programmes of violence against women and children who are abducted every day.

For any further enquiries, please contact us through the following contact details:

Yours Sincerely

Researcher

Miss Voyi Z (voyiziyanda@gmail.com)

Supervisor

Dr T.O Magadze (TMagadze@ufh.ac.za)

University of Fort Hare
Together in Excellence

The investigation of victims' perspectives of "Ukuthwala" Practice: A case study of Mbizana Local Municipality.

Acknowledgement of informed consent
I hereby consent to participate in the research project. The purpose and procedures of the study have been explained to me. I understand that my participation is voluntary and that I may refuse to answer any question that I am uncomfortable with. I also understand that I may withdraw from the study at any given time without any negative consequences. I understand that my responses will be kept confidential.

Date: ………………………………………………….…

Signature: …………………………………………………

I hereby agree to the tape recording of my participation in the study
Date ……………………………………
Signature ……………………………...

Annexure: C English Version

University of Fort Hare
Together in Excellence

Research instrument

Interview questions

Following is a list of questions designed to gather information relating to an individual's demographic information and opinions about ukuthwala practice in Mbizana Local Municipality.

Demographical information

What is your marital status?

What is your Highest Education?

Are you employed?

How many children do you have?

1. To describe the consequences or experiences of ukuthwala practice relating to infringement of Human Right;

(a) What are you views about ukuthwala practice?

(b) Did you think your rights violated?

(c) What are the consequences of ukuthwala in you?

(d) How do you describe your marriage in the practice?

(e) Do you have any challenges that go with the practice?

Objective: Two

2. To identify the modus operandi men use to abduct (thwala) these victims;

(a) How old were you when you were introduced by ukuthwala?

(b) How were you abducted?

(c) When do you think is the best age to get married?

(d) Did you know your husband before getting married to him?

<u>Objective: Three</u>

3. **To investigate the reasons that hinder victims not report the practice to the police officials.**

(a) Were you are aware that ukuthwala practice is illegal?

(b) As the victim did you see any need to report to the police officials?

(c) What hindered you not to report crime to police officials?

<u>Objective: Four</u>

4. **To investigate the strategies/programmes that can be implemented to prevent and combat ukuthwala in Mbizana?**

(a) What do you think can be done to reduce the ukuthwala practice in the municipality?

(b) Any comments you would like to make which have not been covered in these questions?

THANK YOU FOR YOUR PARTICIPATION!!!

Annexure: D (Xhosa Version)

University of Fort Hare
Together in Excellence

Imibuzo yodliwano-ndlebe

Olu luluhlu lwemibuzo eyenzelwe ukufumana iingcombolo ezithe vetshe ngokuthwala

practice kumasipala waseMbizana

Mingaphi iminyaka yakho?

Ingaba utshatile Na?

Waphela kwelipi ibanga kwezemfundo?

Ingaba uyasebenza?

Unabantwana abangaphi emtshatweni wakho?

Injongo yokuqala yophando

1. **Ukuchaza amava okanye iziphumo zokuthwala ngokubhekisele kulwaphulo lwamalungelo oluntu.**

(a) Zithini izimvo zakho ngokuthwala?

(b) Ucingela ukuba amalungelo akho anyhashwa?

(c) Zeziphi iziphumo zokuthwala kuwe?

(d) Ungayichaza njani intlalo yakho apha emtshatweni wokuthwalwa?

(e) Unayo/ wawunayo imiceli mngeni emtshatweni wakho?

Injongo yesibini yophando

2. **Ukuchaza izinto amadoda azisebenzisayo xabethwala amaxhoba/indlela amadoda athwalangayo**

(a) Wawungakanani ngexesha owathwala ngalo?

(b) Kwenzaka njani ngalamhla wawuthwala?

(c) Ucinga ukuba umendo womntu obhinqileyo ufaneleke xa engakanani ngokweminyaka?

(d) Wawumazi umnyeni wakho phambi kokuba wendiselwe kuye?

Injongo yesithathu yopando

3. **Ukuphanda izizathu okanye unobangela wokuba amaxhoba okuthwala angaxeleli amapolisa**

(a) Ingaba wawunalo na ulwazi lokuba lento yokuthwala ayikho emthethweni?

(b) Njengexhoba wayibona imfuneko yokuxela emapoliseni?

(c) Yintoni eyakuvimbela ukuba ungaxeleli amapolisa ngokuthwalwa kwakho?

Injongo yesine yophando

4. **kuphanda ngezinto ezinokwenziwa ukuvikela okanye ukukhusela nokuyiphelisa lento yokuthwala apa eMBizana**

(a) ucinga ukuba ngawaphi amanyathelo anokuthathwa ukunciphisa izinga lokuthwala apakulomasipala?

(b) Ingaba ikhona enye into ofuna ukuyihlomla engakhange ikhankanywe koludliwano-ndlebe/imibizo?

NDIYABULELA NGENTSEBENZISWANO YAKHO!!!