



Overview of African instruments, commitments and initiatives related to child marriage

As at May 2015

An information sheet for *Girls Not Brides* members

A. Continental and regional instruments

African Charter on the Rights and Welfare of the Child (1990)

- Article 21, 2): “Child marriage and the betrothal of girls and boys shall be prohibited and effective action, including legislation, shall be taken to specify the minimum age of marriage to be 18 years and make registration of all marriages in an official registry compulsory.”

Full text available at: <http://www.achpr.org/instruments/child/>

Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa (2003)

- Article 6 (a): “States Parties shall ensure that women and men enjoy equal rights and are regarded as equal partners in marriage. They shall enact appropriate national legislative measures to guarantee that no marriage shall take place without the free and full consent of both parties.”
- Article 6 (b): “The minimum age of marriage for women shall be 18 years.”

Full text available at: <http://www.achpr.org/instruments/women-protocol/>

SADC Protocol on Gender and Development (2008)

- Article 8, para. 2: “Legislation on marriage shall ensure:
 - (a) That no person under the age of 18 shall marry, unless otherwise specified by law which takes into account the best interests and welfare of the child.
 - (b) Every marriage takes place with the free and full consent of both parties.”

Full text available at: <http://www.sadc.int/documents-publications/show/803>

B. Continental and regional commitments and initiatives

African Union Campaign to end child marriage in Africa (2014-2016)

The two-year campaign focuses on accelerating change across the continent by encouraging AU member states to develop strategies to raise awareness of and address the harmful impact of child marriage.

It is piloted by the AU Commission’s Department for Social Affairs, in close collaboration with two newly appointed mandate-holders: a Special Rapporteur on child marriage in Africa (Mrs

Fatima Sebaa-Delladj, from Algeria) and a Goodwill Ambassador on child marriage (Mrs Nyaradzayi Gumbonzvanda, from Zimbabwe).

For more information, see the Campaign's website: <http://pages.au.int/cecm>

African Union Agenda 2063: The Africa we want (2013)

Agenda 2063, the African Union's fifty-year action plan for the development of the continent, recognises child marriage as a major barrier to regional prosperity. It depicts an Africa where "all harmful social practices (especially female genital mutilation and child marriages) will be ended and barriers to quality health and education for women and girls eliminated" (paragraph 51).

It includes a commitment by member states to "mobilise a concerted drive towards immediately ending child marriages, female genital mutilation and other harmful cultural practises that discriminate against women" (paragraph 67.k).

Full text available at: <http://agenda2063.au.int/en/documents/agenda-2063-africa-we-want-popular-version-final-edition>

Addis Ababa Declaration on child marriage, led by the African Committee of Experts on the Rights and Welfare of the Child (ACERWC), 2014

The ACERWC, representatives of UN agencies, and child rights experts from across Africa, issued the declaration after a full-day General Discussion on "Ending Child Marriage in Africa" in April 2014.

The Declaration urges AU members states "to combat child marriage through setting the minimum age for marriage at 18 years for both girls and boys without exception, including establishing an effective mechanism for registration of birth, marriage and termination of marriage", and to "put in place mechanisms to operationalize existing legislation relating to child marriage and the rights of children in general including development of national action plans and provision of legal aid for enforcement of the rights of children to be free from child marriage."

Full text available at: <http://acerwc.org/wp-content/uploads/2014/04/ACERWC-Declaration-on-Ending-Child-Marriage-in-Africa.pdf>

Ministerial Commitment on comprehensive sexuality education and sexual and reproductive health services for adolescents and young people in Eastern and Southern Africa (ESA), 2013

The Ministers of Education and Health from 20 countries in Eastern and Southern Africa (ESA) committed to strengthening HIV prevention, treatment, care and support, and sexual and reproductive health and rights (SRHR) efforts in ESA by ensuring access to good quality, comprehensive, life skills-based HIV and sexuality education and youth-friendly sexual and

reproductive health services for all adolescents and young people, recognizing each country's socio-cultural context.

Full text available at: <http://youngpeopletoday.net/wp-content/uploads/2014/08/ESA-Commitment-FINAL-Affirmed-on-7th-December.pdf>

For more information on the implementation, see the dedicated website:

<http://youngpeopletoday.net/>

C. Country-level initiatives to end child marriage

Increased political will to curb child marriage in the past few years is reflected in a growing number of government initiatives. Examples include:

- **Strengthening of the legal provisions relating to child marriage:**
 - ✓ In February 2015, the Parliament of **Malawi** passed the Marriage, Divorce and Family Relations Act, which raises the legal age of marriage to 18 for both girls and boys.
 - ✓ In March 2015, the President of **Chad** signed a law that outlaws any marriage involving a person under age 18, and establishes a sentence of 5-10 years of prison for anyone who forces a child to marriage and any civil, religious or traditional authority who celebrates that marriage.

- **Developing initiatives aiming to address child marriage in a comprehensive manner:**
 - ✓ In 2014, the government of **Egypt** developed a national strategy to prevent child marriage and promote young people's sexual and reproductive health and rights. The strategy is accompanied by a five-year implementation plan.
 - ✓ In 2013, the government of **Ethiopia** developed a National Strategy on Elimination of Harmful Traditional Practices. The strategy adopts a multi-sectorial approach to addressing child marriage and female genital mutilation (FGM).
 - ✓ In 2013, the government of **Zambia** launched a three-year national campaign to end child marriage, which aims to empower traditional leaders to become champions and agents of change in their chiefdoms; and to amend relevant laws and policies to ensure that girls are legally protected from child marriage.
 - ✓ National strategies or action plans to end child marriage are also under development in **Senegal, Togo, Uganda**, among others.