

# AU Goodwill Ambassador's Report on Ending Child Marriage

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# 2021

Protect Rights and Empower  
Girls: Beyond Awareness on  
Ending Child Marriage



With the technical and financial support of

## **Dedication**

*To my inspiration, a survivor of child marriage, my late mother Rozaria. To the many survivors of this abuse and crime called "child marriage," still searching for healing and justice and to people of goodwill investing their time, talents, and treasures in fighting this gross violation of rights.*

## **Acknowledgments**

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Putting together this report was a sacrifice of my family who have over the years supported me in my voluntary contribution to the continental cause. I therefore thank my husband Charles and the children.

## **Abbreviations/Acronyms**

ACERWC	African Committee on the Rights and Welfare of the Child
ACPHR	African Charter on Human and Peoples Rights
AU	African Union
COTLA	Council of Traditional Leaders
CRC	Convention on the Rights of the Child
CSW	Commission on the Status of Women
CEDAW	Convention on the Elimination of All Forms of Against Women
EAC	East African Community
ECOWAS	Economic Community of West African States
ECM	Ending Child Marriage
FGM	Female Genital Mutilation
GIMAC	Gender is My Agenda Campaign
GWA	Good Will Ambassador
ICRW	International Council of Research on Women
ISDR	International Strategy for Disaster Reduction
PTSD	Post Traumatic Stress Disorder
SADC	Southern African Development Community
SRHR	Sexual and Reproductive Health and Rights
STC	Sectorial Technical Committees
TWG	Technical Working Groups
UDHR	Universal Declaration on Human Rights
YWG	Young Women & Girls



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## **Executive summary**

This is the first substantive report of the Africa Union Goodwill Ambassador (AU GWA) on Ending Child Marriage (ECM). It covers the period 2019-2021 and serves as a commitment to implement commitments to children's rights and advance gender equality and way for progress towards Agenda 2063.

The report articulates the key drivers and push factors, the impacts, and the consequences of child marriage. It also outlines the global, continental, and sub-regional commitment, legal and policy framework that exist or have recently been adopted, providing the guidance, and framing of Member States and community responses and interventions. It then provides more detailed information about the African Union Campaign to End Child Marriage, some strategic achievements.

The report then analyses the progress made, the best practices, areas of contradictions or stagnation, emerging issues, and the recommended areas for significant investment.

There have been several achievements of the AU Campaign on ECM facilitated by the appointment of a Goodwill Ambassador on Ending Child Marriage, His Excellency President Edgar Chagwa Lungu of Zambia as the presidential Champion on Ending Child Marriage including the Special Rapporteur on Ending Child Marriage.

There is evidence of sustained public awareness, visibility, and interest on issues of ending child marriage, resulting in the national launches or strategies on ending child marriage in several African countries. There is also strengthened the coherence of work within the AU and linkages of child marriage, with Female Genital Mutilation campaign, Sexual, Gender Based Violence, girls' education, as well as coordination with the African Committee on the Rights and Welfare of the Child (ACERWC).

Several initiatives including periodic hosting of the African Girls Summit have now been recommended for institutionalisation including a capacity building program with governments and media.

The African Union Goodwill Ambassador on Ending Child Marriage employed several strategies and approaches as part of her advocacy efforts towards safeguarding the rights of young women and girls. Her work mainly leveraged cultural innovations especially working with grassroots communities and Traditional Leaders. She has been a strong voice

contributing to the law reform on the age of marriage for several countries and the implementation of the existing laws.

## **1 Introduction**

The world will not achieve development, reduce inequalities, and sustain progress without securing the rights of women and children, and investing in a future based on the most critical resource, its people. Child marriage is a recognized global issue with high prevalence in Asia and Africa. The Sustainable Development Goals (2030) and the African Union Agenda 2063 both commit to gender equality and recognize ending child marriage as a pathway for progress.

Under the leadership of Dr. Nkosazana Dlamini-Zuma, the African Union Commission (AUC) launched the Campaign to End Child Marriage (ECM) in May 2014. In 2015, the African Union Heads of States and Summit adopted the African Common Position on ECM at its meeting held in South Africa. With the launch of the Campaign, the African Union (AU) immediately appointed the Africa Union Goodwill Ambassador (AU GWA), the Special Rapporteur on child marriage within ACERWC, and the Presidential Champion on Ending Child Marriage to support the advocacy, monitoring, and accountability of the continental commitment.

The AUC considers Child Marriage (CM) a cross-cutting issue and recognizes that it is, among others, a development, cultural, health, political and religious issue. The AU specifically promotes policies related to young people's rights as mandated by various instruments focusing on the rights of children and youth. The AU has equally promoted the adoption and implementation of these instruments at regional and national levels and conducted monitoring of implementation by Member States to ensure accountability. Through the framework of the AU Campaign to ECM, the AUC has worked to promote quality education and Sexual and Reproductive Health and Rights (SRHR) and sexual reproductive health services including meeting the unmet needs of married and unmarried adolescents for family planning. Through the campaign, stakeholders also work on strengthening the evidence base needed to design and implement effective policies and programmes for ECM (The second African Girls' Summit, 2018).

## **2 Purpose of the Report**

The AU Goodwill Ambassador on Ending Child Marriage is a voluntary public role supporting the advocacy, accountability and monitoring of commitments as the key values of the African Union, and equally a principle of human rights.

As the African Union implements the new Strategic Directions for 2019 to 2023, the AU GWA prepared an in-depth report on ECM.

Objectives of this report:

1. Revisit the contemporary context on the continent and provide information on the trends shaping the situation, including the context of COVID19 and humanitarian crises. In addition, it also advances further analysis and nuancing on the key drivers and push factors that are perpetuating child marriage and a deeper reflection on the impact and consequences.
2. Contribute to the conceptual framework and framing of the issue of child marriage considering the range of perspectives that exist from development discourse, child rights protection, women's rights, and gender quality and the deficits in delivery of services, resourcing, and accountability to existing commitments.
3. Provide information on the mandate of the GWA-ECM and the contributions to achieving the commitments to the continental commitments and the specific objectives of the Campaign and recommends and strengthens ways of work for the mandate for both engagements with governments other development partners, and civil society networks.
4. Identify and document significant progress made and the best practices towards ending child marriage. This process will provide inspiration for the various actors and points to possible replication, scaling up, and adaptation.
5. Serve as an objective advisor to areas of contradiction and stagnation requiring significant investment and emerging issues either for programming, advocacy, or research.
6. Make recommendations to governments, AU GWA, AU, and other stakeholders that accelerates and spotlights doable actions for the achievement of the strategic direction 2019 - 2021

## 2.1 Methodology

Qualitative research was used to prepare this report using the following processes:

1. **The Literature Review** set the background base for the contents of the report. Most of the publicly available literature was on the reports of United Nations Agencies, international non-governmental organizations, and academic institutions.
2. **Focused Group Discussions** were conducted, some being grouped according to demographic and others by location. Three webinars were conducted to fill in some of the information gaps. Focus Group Discussion composed of Traditional Leaders, survivors of child marriage, young women and girls, Activists and advocates for child rights, sexual and reproductive health and gender equality, and human rights; national and international, the CSO Reference Group on Ending Child Marriage, the United Nations, and government representatives.
3. **Key Informant Interviews** were conducted with government officials, AU officials, Civil Society, young women, Council of Traditional Leaders (COTLA), Religious leaders, survivors of child marriage, and girls. A more comprehensive list of the key informant interviews can be found in the annex of the report.
4. **Traditional and social media reviews** were used to collate information about the Campaign and the contributions of the AU Goodwill Ambassador. This analysis also included the digital footprint.

To ensure comprehensive geographic coverage, purposeful selection of participants who represented all the regional economic blocks were selected for the virtual focus group discussions. The specific countries sampled for in-depth analysis are Burkina Faso, Chad, Ethiopia, Kenya, Malawi, Mali, Morocco, Mozambique, Niger, Nigeria, Kenya, Senegal, Sierra Leone, South Sudan, Sudan, Tanzania, Uganda, Zambia, Zimbabwe. The countries include diverse regions, prevalence, social, economic, political, and cultural context, while the literature review covered all countries.

A total of 159 people participated in this report. Focus Group Discussions were held with 23 participants. Virtual Group discussions reached 120 participants including virtual face-to-face interviews with 15 key informants. A face-to-face interview was carried out with the AU-GWA.

### 2.1.1 Limitations to the report

Due to COVID-19 travel restrictions, most of the research had to be conducted through a desk review. Almost all data collection was conducted virtually.

There were still challenges with reliable connectivity, which impacted the quality of communication. In some instances, there was a need to have pre-recorded voice notes and videos to support the information gathering. This method did not allow for thorough probing and interpretation of body language.

Another critical limitation was that very few countries have systematic and periodic reporting for child marriage and this made cross-referencing and comparison of certain information difficult. It was also noted that many countries do not include child marriage as one of their indicators in national census exercises.

## 3 Child Marriages in Africa

The population of Africa is growing rapidly and consequently shows a prominent youth bulge, further reinforced by a low life expectancy of below 50 years in some African countries. With such a young population, “Child marriage is a complex issue. It is rooted in gender inequality and the belief that girls and women are inferior to boys and men. It is made worse by poverty, lack of education, harmful social norms and practices, and insecurity. Its drivers vary between communities, and it looks different across – and within – regions and countries”<sup>1</sup>.

**Adolescent girl pregnancies:** Save the Children estimates that an additional 543,000 girls will face a risk of adolescent pregnancy because of the economic impacts of COVID-19 in 2020<sup>2</sup>. The highest number of girls affected are likely to be in East and Southern Africa, followed by West and Central Africa. Save the Children’s new projections in 2020 also showed that more than 600,000 additional girls in Africa could be at risk of child marriage in the next five years, and over half a million being at risk of adolescent pregnancy in 2020 alone.

**Child marriages:** Across Africa, 125 million girls and women get married before their 18th birthday. In 2017, UNICEF reported that more than 1 in 3 young women in Africa were

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<sup>1</sup> <https://www.girlsnotbrides.org/about-child-marriage/why-child-marriage-happens/>

<sup>2</sup>

<https://www.savethechildren.org/us/about-us/media-and-news/2020-press-releases/covid19-half-a-million-more-girls-at-risk-of-child-marriage>

married in childhood, and 1 in 10 before their 15th birthday<sup>3</sup>. The West and Central Africa region is home to six of the ten countries with the highest child marriage prevalence levels globally, with a prevalence of over 50 percent. An estimated 22 million child brides live in Nigeria alone, accounting for 40 percent of all child brides in the region. Niger, which has the highest prevalence in the world, has 4.1 million child brides. If current trends are not reversed, the world will not achieve gender equality and the global target of ending child marriages by 2030 as set under the UN's Sustainable Development Goals Plan<sup>4</sup>.

### **3.1 The challenging situations of children in marriages**

Children that enter marriage are faced with challenging situations that mainly violate their human rights and well-being. They are deprived of many rights that they should enjoy as children. In most cases, they are sexually, physically, and verbally abused. Some children are forced out of school and denied going back to school, which is a fundamental right. They also face exclusion from both sides of the fence; take, for example, the case of Shupi<sup>5</sup> who narrated how at 14, when she got married, she no longer felt welcome in her youth church group but simultaneously was afraid to join the older women's group as she was much younger than all the other members.

**Elopement or unions/living together:** This is when a girl finds herself living together with either a man of their age or even older. There are many reasons that force children to elope that include poverty, abuse at home, or even peer pressure. This kind of marriage leads to school dropouts of the girl child.

**Child widows:** The experience of African widowhood is remarkably gendered. The World Bank notes that African men spend far more of their lives married than African women. Child widows are girls given into marriage at a young age and whose husbands died. They experience multiple violations of their human rights from their premature and unlawful marriage compounded by the effects of widowhood, poverty, illiteracy, youth, and lack of education. In Africa, "3% of all women aged 15-49 are widows at any point in time"<sup>6</sup>. Widowhood entails a loss of economic means that are conditional on marriage, including access to productive assets (such as land), as well as the loss of protection and status previously derived from a husband.

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<sup>3</sup> <https://www.unicef.org/press-releases/high-level-meeting-accelerating-progress-ending-child-marriage-africa>

<sup>4</sup> (World Vision, 2017)

<sup>5</sup> Note: name has been changed to protect her identity. This was one of the girls who experiences child marriage which the research team interviewed.

<sup>6</sup> <https://blogs.worldbank.org/african/the-shock-of-widowhood-marital-status-and-poverty-in-africa>

**Child “divorces.”:** Young women and girls who enter these unions do not always stay married. There is not enough research or data as most child marriages are celebrated only traditionally. However, during one of the focus group discussions of this research, it was noted that “divorces” or annulments can be due to several causes. There were instances of girls who fought against their forced marriages. Some became pregnant as teenagers and were forced into marriage, later leaving the marriage. And for others, they were rejected by their families-in-law.

**Girls in polygamous relationships:** These are girls who are married into an already existing family with one or more wives. Most young women and girls stay in the relationships in fear of getting further into poverty and/or sometimes their parents would return them back to their husbands. More research and data is needed.

**Betrothed girls:** Some of the girls are forced into marriages as a way of avenging spirits. This is done at birth or when they are still very young. Betrothing a girl child violates Human Rights including the right to education. It also violates the right to access to sexual reproductive health rights, the right to consensual marriage and the right to freedom from choice.

**Sequential marriage:** Serial monogamy is when men marry women or when women marry men sequentially. Serial monogamy is almost always viewed as favourable to male fitness and unfavourable to women’s fitness (Forsberg and Tullberg 1995; Käär et al. 1998)<sup>7</sup>. It is a gendered phenomenon and children also find themselves in this kind of relationship where men will continue marrying children.

**Children marrying children (Adolescents among themselves):** Teenage marriage is the union of two adolescents, ranging in age from 13 to 19. Multiple factors contribute to teenage marriage including the assumption of love, teenage pregnancy, religion, security, wealth, family, peer pressure, arranged marriage, economic and/or political reasons, social advancement, and cultural reasons. When a couple who are both below the age of 18 live ‘in union’, as if married – raises human rights concerns. When a couple cohabits, the assumption is often that they are adults, even if one or both has not yet reached the legal age of adulthood which in most African countries is defined as being on or above the age of 18.

**Boys in marriage:** While child grooms are less numerous than child brides, they similarly experience a rights violation that cuts short their childhood. According to UNICEF (2019),

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<sup>7</sup> <https://rdcu.be/cD9SV>

globally 115 million boys and men were married before age 18<sup>8</sup>. The countries in which child marriage among boys is most common are geographically diverse and differ from the countries in which the practice is most common among girls. Like girls who marry during childhood, boys who marry before age 18 enter unions that involve experiences and responsibilities, including early fatherhood and providing for the household, for which they lack adequate knowledge, resources, and psychosocial support.

### **3.2 Drivers/underlying causes of child marriage**

Child marriage in Africa is driven by different push factors.

#### **Religion**

Religion was found to be a push factor that allows for child marriages to take place. Respondents to this report felt that it was important to engage religious leaders and use the “pulpit” to campaign against child marriage if ending child marriage is to be realized. Respondents further highlighted that inroad have been realized through women's organizations working as religious champions to bring advocacy from within faith communities across African Member States.

#### **Tradition/ culture/ Rites of passage & other harmful practices**

Tradition and culture have long practised the rites of passage and other harmful practices as common practices across the continent. One of the reasons for this tradition is poverty.

#### **Feminization of poverty**

Poverty is seen as the major push factor of child pregnancy and child marriages in Africa. Nearly 40% of girls in the world's poorest countries are married as children, twice the global average<sup>9</sup>. Most girls that have experienced early child marriages are from poor households and poor communities. The girl is often considered an economic burden. Girls Not Brides (2021) stated that when experiencing acute poverty, families and sometimes girls themselves – see marriage as a way to reduce family costs and increase financial security.

#### **Conflict**

Sexual violence against children during armed conflict includes sexual exploitation, sexual humiliation, sexual assault, sexual mutilation, rape, sexual enslavement, enforced

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<sup>8</sup> <https://www.unicef.org/press-releases/115-million-boys-and-men-around-world-married-children-unicef>

<sup>9</sup> UNICEF, Child Marriage Global Databases, 2020

prostitution, forced sterilization, and other cruel and inhuman sexual acts committed by parties to conflict and civilians during times of armed conflict. In addition, girls have been subjected to forced impregnation, forced childbearing, and forced termination of pregnancy. While in most cases the perpetrator is an adult, in some cases the abuser is another child<sup>10</sup>. Armed conflicts in Africa have led to the collapse of socio-economic systems, degradation of health services and the deterioration of the African education system.

### **3.3 Natural disasters & climate change**

Africa is prone to many environmental disasters. These disasters displace people, leading to additional risks of child exploitation when they are separated from their families or when they are forced to drop out of school. For communities affected by child marriage, natural hazards and extreme weather caused by climate change can mean greater vulnerability and heightened risk of girls being married as children, lack of access SRH services and CSE, increase in school dropouts and teenage pregnancies. Climate change is tipping the balance for some families who are already on the brink, by exacerbating poverty and insecurity. Girls Not Brides research in Bangladesh (2017) showed increasing anecdotal evidence that suggested that climate change is also driving rates of child marriage around the world<sup>11</sup>. Displacements due to natural disasters pushes families further into poverty and increases girls' vulnerability. There is speculation that "with child marriage also increasing as a result of droughts from Mozambique to Guatemala, the lives of thousands of girls worldwide could be under threat from increasing global temperatures"<sup>12</sup>.

### **3.4 Gender-based violence and women's rights**

Child marriage and gender-based violence are both internationally recognised in law as human rights violations. A large part of the African continent is still steeped in patriarchal values and women often find themselves victims to gender stereotypes in economic, political, educational, and facing violence perpetrated by men. Around 1 in 3 women and girls experience physical and/or sexual violence in their lifetime. Child marriage is a manifestation of this violence<sup>13</sup>. Globally, girls married before the age of 15 are almost 50%

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<sup>10</sup> International Review of the Red Cross, Vol. 96, No. 894, 204.

<sup>11</sup> <https://www.girlsnotbrides.org/articles/hidden-connections-climate-change-child-marriage-bangladesh/>

<sup>12</sup> <https://www.girlsnotbrides.org/articles/hidden-connections-climate-change-child-marriage-bangladesh/>

<sup>13</sup>

<https://www.girlsnotbrides.org/learning-resources/child-marriage-and-health/gender-based-violence-and-child-marriage/>

more likely to have experienced either physical or sexual intimate partner violence than those married after 18.

### **SRHR & HIV among adolescents**

Sexual and reproductive health (SRH) and rights is a significant public health issue during epidemics. Access to SRH services and comprehensive sexual education for adolescent girls is a challenge because of the social position of girls whose sexual autonomy is not recognized in most communities. Gender-based violence including child marriage are closely linked to poor sexual and reproductive health outcomes such as HIV infection, unintended pregnancy, unsafe abortion, poor mental health, depression, and loss of life by femicide or suicide. The pandemic continues to exacerbate the occurrence of gender-based violence and domestic abuse, and effects of stigma and discrimination associated with COVID-19 and their effects on SRH clients and health care providers.

### **4 Impacts of Child Marriage**

It has been established that Child marriage is fuelled by poverty. The multiplicity of effects on girls' health includes increased risk for sexually transmitted diseases, cervical cancer, malaria, death during childbirth, and obstetric fistulas. Girls' offspring are also at increased risk for premature birth and death as neonates, infants, or children.

#### **Loss of education opportunities/ Banned from the basic right to education**

Child marriage robs children of their agency to make decisions about their lives. It disrupts their education and makes them more vulnerable to violence, discrimination, and abuse. As a result, child marriages prevent girls' full participation in economic, political, and social spheres throughout their lives. Marriage dramatically limits a girl's access to education compared to boys<sup>14</sup>. Education levels are also among the strongest predictors of whether a girl will marry early. The more educated a girl is, the less likely she is to marry early. Societal expectations often hinder a girl who is married from attending school. Once married or engaged, a husband or future husband may disapprove of his wife attending school and stop her from attending.

#### **The negative effects on the girls' health**

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<sup>14</sup> <https://www.worldbank.org/en/news/immersive-story/2017/08/22/educating-girls-ending-child-marriage>

Early marriages are harmful to the girls' health. Child marriage has devastating and long-term health impacts including but not limited to psychological, emotional, and mental effects.

In parts of sub-Saharan Africa, child marriage has also been linked to higher than average rates of HIV/AIDS infections, with married girls in Kenya and Zambia more likely than their unmarried sexually active peers to contract HIV. Due to the imbalance of power in child marriages, many girls are unable to negotiate or to discuss contraception with their husbands, resulting in early and more frequent pregnancies.

- **Pregnancy complications:** Globally, complications from pregnancy and childbirth are the leading cause of death among girls ages 15-19 years old, with an estimated 70,000 girls dying each year of pregnancy and childbirth related complications<sup>15</sup>. A baby born to an adolescent mother between 15-19 years old is at a significantly greater risk of infant mortality, with stillbirths and new-born deaths at 50 percent higher rates than for mothers who gave birth at age 20 and older. At 17 years and younger, a girl's body is not physically developed enough to give birth. Early childbearing can also result in an increased risk of miscarriage, difficulties during labour, postpartum haemorrhaging, and obstetric fistula, which can occur when a mother gives birth before her body is physically ready to do so. Almost 90% of girls aged 15-19 who give birth are already married.
- **Stigmatisation of child survivors:** The survivors of early child marriages are stigmatised within and away from their environment. The stigma is associated with verbal and emotional abuse. In most cases, the society sees the survivors as sexually accessible at all times. The comments that are passed at gatherings make them feel out of place. Some men would see the survivors as loose and ready to sleep with any men at a cost or for nothing. The focused group discussions that were held revealed that some churches do not allow the survivors to participate or lead in church activities. These actions have contributed to low self-esteem of the survivors. Some who had thought of re-entry back into school pulled out in fear of being stigmatised. Stigmatisation also leads to less access to SRH services.
- **The economic impacts of child marriage:** Based on research by the World Bank and International Center for Research on Women (ICRW), there is strong evidence to

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<sup>15</sup> <https://www.who.int/news-room/fact-sheets/detail/adolescent-pregnancy>

suggest that child marriage imposes significant social and economic costs on all levels of a society — from the individual to the global economy. The welfare benefit to ending child marriage was estimated to be \$22.1 billion globally in 2015. This number was projected to increase to \$566 billion annually by 2030, for a cumulative welfare benefit of more than \$4 trillion<sup>16</sup>. From 2016-2030, were child marriage to have been eliminated, 2.1 million additional children could have survived past age 5, and 3.6 million could have avoided stunting. The same research projected the costs to amount to \$41.6 billion in economic benefits from reduced deaths in 2016, and \$81.6 billion in 2030. Stunting-related savings were projected to have been \$9.1 billion in 2016, and \$15.8 billion by 2030.

## **5 Analysis of the Legal and Policy Framework on Ending Child Marriage**

There have been great developments on international commitments to protect children from abuse and forced marriages since 1948. The progress has been slow due to embedded cultural, religious norms, heterogeneous views by Member States in the domestic implementation of these instruments. The African continent adopted policies, commitments, and legal instruments to fight child marriage.

### **Global legal obligations, commitments, and policies**

- The Universal Declaration of Human Rights (UDHR) recognizes marriage rights. It provides for marriage to be entered into only with free and full consent of the intending spouses. Progressive interpretation of this provision could be derived to mean that a child could not marry since a child could not fully consent.
- The world adopted the CRC (adopted, 1990) with a major focus on children. The preamble of the CRC (adopted, in 1990) upholds culture and tradition that is not harmful to the child. Article 34 of the CRC, states that State Parties must undertake to protect the child from all forms of sexual exploitation and sexual abuse.
- The Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) under Article 16(2) provides for a minimum age to be specified and the specification has been achieved in the recommendation issued by the CEDAW Committee in 1994. This recommendation provided that Article 16(2) of CEDAW be interpreted to mean that the minimum age of marriage should be 18 for both men and females and that marriage should not be permitted unless both parties have attained the ‘full maturity and capacity to act’.

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<sup>16</sup> [https://www.icrw.org/wp-content/uploads/2018/07/EICM-GlobalSynthesisSummary\\_Report\\_v3\\_WebReady.pdf](https://www.icrw.org/wp-content/uploads/2018/07/EICM-GlobalSynthesisSummary_Report_v3_WebReady.pdf)

- The Office of the United Nations High Commissioner for Human Rights (OHCHR), in 2014 issued a report on preventing child, early and forced marriage with a particular focus on challenges, achievements, best practices and implementation gaps.
- On the 15th of November 2018, the United Nations General Assembly's 3rd Committee (UNGA) agreed on a third resolution on child, early and forced marriages. The resolution calls upon state parties to strengthen and speed up actions to address child marriage.

### **Continental Policies**

The African Charter on Human and Peoples Rights (ACHPR), in its preamble, takes into consideration the virtues of African tradition to inspire and characterize their reflection on the concept of Human and Peoples Rights. The AU created a Committee of Experts on the Rights and Welfare of the Child (ACERWC) and this Committee, at its Extra Ordinary Session in 2014, unanimously appointed Dr Fatima Delladj-Sebaa as the Special Rapporteur on Child Marriage and the African Union Goodwill Ambassador on Ending Child Marriage.

**The African Charter on the Rights and welfare of the child** provides as follows: [...]the situation of most African children remains critical due to the unique factors of their socio-economic, cultural, traditional, and developmental circumstances, natural disasters, armed conflicts, exploitation, and hunger, and on account of the child's physical and mental immaturity he or she needs special safeguards and care. The Charter takes the "best interest of the child" principle' as a primary consideration and this strengthens the African position on child protection law. Article 21 (2) provides that *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.* Therefore Article 21 protects children against Harmful Social and Cultural Practices and state parties are called on to take all appropriate measures to eliminate harmful social and cultural practices.

**Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol on Women's Rights)**'s main objective is to protect women and girls from all forms of abuse across the whole of the African continent. The Maputo protocol has impacted greatly on domestic laws of some countries in Africa in relation to women rights.

### **Analysis of the regional policies**

- **SADC model law on child marriage** uses a strong definition of child marriage that includes both formal marriage and unions conducted under customary law. Furthermore, it has been instrumental in the development of By-laws by traditional chiefs in the region – a strategy which was a key element of the model law. SADC PF further established an Oversight Committee to track progress and monitor implementation. The SADC region can be commended for coming up with the SADC Model law, an instrument that speaks to and influences national policies. However, the SADC-PF does not have enough power to compel Member States to domesticate their laws in accordance with the SADC model law.
- **ECOWAS strategic plan** developed a plan of action to accelerate progress within the West Africa region to address child marriage. It is called the ECOWAS Child Policy and its Strategic Action Plan (2019-2023). Experts on Child Rights and protection from the Economic Community of West African States (ECOWAS) in collaboration with the European Union (EU) and the United Nations International Children’s Emergency Fund (UNICEF) met in January 2019 in Abuja, Nigeria, to review, and validate the policy and strategic action plan which identified child marriage as one of the five key priorities for immediate action. This is just a strategic plan showing the sequence in which these goals should fall so that the block achieves its vision. It’s not binding for Member States.
- All Partner States in the East African Community ratified the **ACRWC, CRPD and the UNCRC**. However, in practice the pace of implementation of these instruments is slow and national laws sometimes contradict articles of the ACRWC and the UNCRC for instance the definition of a Child across all rights ‘as any person below the age of 18 years. In their 2016 Child rights policy one of the strategies outlined was to “harmonize the minimum ages of marriage & sexual consent” (Policy Priority area 2.1). However, it does not explore other strategies to prevent child marriage nor to protect those who will have already experienced them. At the East Africa Child Marriage Conference held in 2013, the East African Countries made a call to end child marriages in Africa through the development of a general comment that provided guidance to the governments on how to accelerate efforts to end child marriages.

## **6 The AU GWA's Contribution to AU Campaign to ECM**

The launch of the African Union Campaign on ECM, the appointment of the AU GWA, the Special rapporteur and the Presidential champion was an important milestone in the efforts to end child marriage. Part of this report will focus on the strategies and key activities undertaken by the campaign to end child marriage.

### **6.1 The AU Campaign on Ending Child Marriages**

In response to the growing phenomena of child marriage the African Union launched the Campaign on Ending Child Marriage on May 29, 2014, at the 4th Conference of Ministers of Social Development.

The objective of the Campaign is to accelerate an end to child marriage programs in Member States by ensuring enforcement of laws and access to justice, providing access to cross-sectorial service to include referral pathways, mobilizing communities to change negative social and gender norms as well as strengthening evidence and data generation to inform policy and programming.

An AUC campaign technical team was put in place to coordinate actions across the different AUC departments and other organs of the AU including the ACRWC, Pan African Parliament, the African Commission on Human and People's Rights to name a few.

The campaign aims to implement the existing AU policies and legal instruments including:

- [The African Charter on the Rights and Welfare of the Child.](#)
- [African Youth Charter.](#)
- [African Charter on Human and People's Rights.](#)
- [The Maputo Protocol on the Rights of Women in Africa.](#)
- [The Policy Framework on Sexual and Reproductive Health and Rights.](#)
- [The AU Campaign for the Accelerated Reduction of Maternal, New-born and Child Mortality in Africa.](#)
- [2015 Africa Common Position on Ending Child Marriage,](#)
- [The Joint ACERWC and ACHPR General Comment on Child Marriage](#)
- [Agenda 2063 of the African Union](#)

The campaign has supported many countries to put in place clearly defined national strategies and action plans to end the harmful practice of child marriage. Building on the progress achieved during the first phase of the campaign during the 3rd Specialized

Technical Committee on Social Development, Labour and Employment held in Addis Ababa from the 1st – 5th April 2019, there was a request to the AUC to develop a comprehensive 5-year strategic plan for the direction and strengthening of the Campaign.

### **6.1.1 Structure of the Implementation and Monitoring of the AU Campaign**

The African Union Heads of State are the highest decision-making body responsible for the monitoring and implementation of the campaign through the Sectoral Technical Committees (STCs). The Heads of State receive a report once every two years from the campaign unit which includes a report from the presidential champion H.E. President Lungu.

The campaign on ECM is housed in the Department of Health, Humanitarian Assistance and Social Development and Campaign unit coordinates its implementation. The education pillar, driven by the AU CIEFA (African Union Center for Women and Girls Education) and the Youth Division have been in the implementation of the campaign. Furthermore, the Gender directorate has been essential to the success of the campaign through its advocacy in ministerial meetings and its leadership.

Civil Society Organisations (CSOs) both on a continental/regional level to the grassroots organisations continue to play a key role in the implementation and monitoring of the campaign. They contribute through the Technical Working Group (TWG) that was formed at the inception of the campaign. The TWG is composed of international and pan-African NGOs UN agencies and Donor partners. There is also a CSO reference group, composed of academics, faith communities, education experts, SRHR experts, child rights and education specialists who play a voluntary role bringing their expertise into the campaign.

### **6.1.2 Strategies of the Africa Union Campaign**

The 5- Year Strategic Plan (2019-2023) to End Child Marriage in Africa aims to put in place a comprehensive, coordinated and mutually reinforcing set of activities to galvanize and accelerate actions by Member States, partners, and communities to end child marriage. It seeks among others to enhance continental awareness of the drivers and implications of child marriage, mobilize key stakeholders, partners, and communities, and catalyse policy, programmatic and advocacy actions in addressing negative social norms, gender inequality, promotion and protection of child rights and prevention of child marriage.

The above goals will be achieved through three interacting and mutually reinforcing change strategies:

- i. Advocacy for sustained ownership, attention, and commitment to end child marriage among key stakeholders at all levels.
- ii. Capacity building and technical assistance to Member States and other stakeholders for the design and implementation of comprehensive policy and programs for:
  - (a) Changing negative/harmful gender and social norms, systems, structures, and practices that perpetuate child marriage; and
  - (b) Increasing access and use of referral pathways and essential services including sexual and reproductive health, education, social protection, and economic empowerment interventions targeting vulnerable girls, child brides and teen mothers.
- iii. Strengthen mechanisms for coordination, social accountability, knowledge exchange, learning and continuous improvement of comprehensive response in addressing child marriage especially during conflict and humanitarian situations

## 7 Achievements of the AU Campaign

There have been several achievements of the AU campaign. These include:

- **Sustaining public awareness, visibility, and interest on issues of ending child marriage**, resulting in the national launches or strategies on ending child marriage.
- **Strengthening the coherence of work** within the AU and linkages of child marriage, with FGM campaign, SGBV work, and girls' education, as well as coordination with committee on the rights and welfare of the child.
- Periodic hosting of the **African Girls Summit**, which are recommended for institutionalisation
- **Capacity building** program with government and media
- **A goodwill ambassador on ending child marriage** was appointed with her mandate focusing more as an advisory role to Member States, advocacy, and contribution to outreach. A more comprehensive summary of her actions & strategy going forward during her tenure can be found in the next sections of this report.
- **His Excellency President Edgar Chagwa Lungu of Zambia** also appointed the presidential Champion on ending child marriage, his role being primarily to provide a direct link and accountability mechanism with the leaders of the AU Member States. He reports periodically to Heads of State and Summit. The work of the troika

can bear many fruits if Member States provide a budgetary support to ensure implementation of statutes that work towards ending child marriage in Africa.

### **7.1 AU GWA's contribution to the AU Campaign**

The African Union Commission appointed the Goodwill Ambassador for the Campaign in May 2014. This appointment was welcomed by Civil Society, Governments and Donors. This mandate engages closely with the AU coordination mechanisms reporting directly through the commissioner for social affairs and works with the director for social affairs towards the fulfilment of her mandate. The day-to-day work however is through the division for vulnerable groups. This mandate includes:

- Acting as a public advocate for Africa's effort to end child marriage
- Providing advice (to both governments and CSOs and other relevant stake holders working on child marriage) - sits in the STCs and the Ministerial meetings as well as chairing the CSO reference group on ending child marriage.
- Building partnerships for the work on ending child marriage
- Supporting outreach work of the campaign.
- Supporting and accompanying country initiatives
- Convening as appropriate.

The GWA produces an annual work plan which is submitted to the commission, and this is subsequently integrated into the work plan of the Campaign's unit.

### **7.2 AU GWA's Advocacy Strategies**

The AU GWA employs several strategies and approaches as part of the advocacy efforts towards safeguarding the rights of young women and girls. In the past two years, a lot of this work has been leveraging cultural innovations and working with grassroots communities and traditional leaders.

#### **7.2.1 Transforming and Harmonising Customary/traditional Laws**

The African Union Goodwill Ambassador has been a strong voice contributing to the law reform on the age of marriage for several countries and implementation of the existing laws. These include the following:

- a) **The Marriage law in Zimbabwe** which seeks to harmonise the law on marriage with the 2013 constitution. The Marriage bill seeks to bring the age of marriage to 18 without exception; recognises liability for those involved in facilitating the marriage and makes traditional leaders marriage officers. The bill is still in the Senate as Traditional Leaders strongly object to the abolition of lobola/bride price. The goodwill Ambassador worked with Girls Not Brides Network, the Zimbabwe Women Lawyers Association and WLSA initiative and with the Child Rights Coalition.
- b) **The Family Union/Law in Mozambique.** The new law aims to prohibit, prevent, mitigate, and penalize premature unions or marriages, as well as establish mechanisms to protect children in those unions. In addition, the Parliament also approved a revision of the Family Law criminalizing the marriage of persons under 18 years with the consent of parents.
- c) **By-laws on ending child marriage.** There are many declarations and statements of general commitments that have come out of various workshops, conferences, and meetings, with and by Traditional Leaders in the SADC region, which reflect commitment to ending child marriage, or other harmful practices. However, such declarations are not binding because there are no accountability mechanisms in place.

Notable examples:

- In Zimbabwe, the AU GWA has been working with Traditional Leaders namely Chief Mangwende, Chief Bushu and Chief Nyamaropa to develop comprehensive and legally binding bylaws on ending child marriage and protecting those who will have survived CM.
- The AU GWA has been supporting other chiefdoms in Zambia and Ethiopia working on similar initiatives. This is a strategy which is suggested in the SADC model Law on ending child marriages. The success of this initiative requires good political will across African Member States.
- According to Harouna (2019) ECOWAS (Community of West African States) First Ladies took the opportunity to organize a high-level meeting on child marriage, girls' schooling, and women's empowerment. The ECOWAS First Ladies made a historic appeal to the ECOWAS Heads of State to 'End Child Marriage in West Africa, Promote Schooling for Young Girls and strengthen Girls empowerment.

## 7.2.2 Transforming Cultural & Social Norms

- a) **Engagement with traditional Leaders through the establishment of COTLA.** AU GWA has been working with UN WOMEN on ways in which to strategically engage with traditional leaders on the continent and galvanizing their leadership and influence towards not only ending child marriages but also other harmful practices such as FGM, the betrothal of young women and eradicating a culture of tolerance towards violence against women. The bulk of this work has been spearheaded through the Council of Traditional Leaders (COTLA). Traditional leadership has also been seen to be effective Champions on ECM. This is due to their influence on both a community level (in behavioural and attitudinal change among community members) but also in terms of being able to influence national policies and more importantly advocate for the implementation of mechanisms which Member States will have already signed up for.
- b) **Nhanga.** The “Nhanga” is safe space model which is currently being implemented by Rozaria memorial trust and other partners in southern Africa as both a tool for psychosocial support and as an advocacy tool at policy influencing spaces such as the African Union Summit, the Commission on the Status of Women and the SADC People’s Summit. Since 2017, RMT has been introducing and amplifying the Nhanga Concept in its subnational, national, regional, and international work as part of creating a girls’ agency and social movement building on education, ASRHR and leadership. Nhanga has been enabling and creating space for young women and girls to influence policies and laws for them to defend and enjoy their rights at sub-national, national, and regional levels. During the last two years, there has been a concerted effort to research the concept and its cultural underpinnings. This has been done to necessitate a safe space for women as they deliberate on different issues that have to do with their lives. In Zimbabwe, some Chiefs have even come up with a noble idea of having the Zunde raMambo (community field or farm) to sustain the concept. The Malawian Government is working very hard in making sure that the girls and young women are in their safe spaces. This has made it possible for the girls and the young women to be empowered.

The Nhanga research has seen the development of three tools. Notably, the Nhanga Framework that supports the setting up as well as the establishment of a Nhanga in any given community, a training Manual, and an adaptable syllabus.

### **7.2.3 Supporting the Agency of the Rights Holders: Girls' Participation and Empowerment**

The AU GWA's approach to working with young women and girls centres the rights holders in all discussions and decision making as eloquently indicated by one of her mentees Ms Ruvarashe Miti – the founder and director of Youth Vibes Afrika, *"I would not have had the courage to start my own organization and the guts to continue using my voice if Dr Gumbonzvanda had not given me that first opportunity to speak during the 31st GIMAC session all those years ago. I remember feeling so nervous and was not sure if I would be heard but she firmly squeezed my hand and made me feel like I was the most important person in the room. Years later not only am I speaking up more confidently but I'm running my own organization and a proud member of the youth steering committee"*.

Young women's empowerment is an integral part of the journey towards the full realization of girl's rights. Girl's participation in policy design also ensures that they have ownership to the solutions and interventions that affect their lives.

### **7.2.4 Regional and Global Advocacy**

Every year the AU GWA organises side and parallel events on the margins of both the Commission on the Status of Women (CSW) and the African Union Summit focused on ECM. These global advocacy efforts include issues on access to quality SRHR services and information, quality education and an increase in financing + resources for women and girls. Other strategies include advocating for those working in development to positively harness culture and cultural innovations which protect the girl's child.

The AU GWA has also been active in the GIMAC network collaborating on issues of peace by working closely with the African Union Special on Women Peace and Security. She also contributed to the Joint General Comment on Ending Child Marriage produced by the ACERWC and the ACHPR.

The GWA leveraged her **strong media presence** (in both traditional media - broadcast newspapers online and offline) using a combination of videos, interviews, and printed material for her advocacy.

Research has informed the GWA's advocacy in several ways including the following:

- In early 2020, she conducted rapid assessments in Mashonaland east & Central in Zimbabwe, looking at the initial impact of the COVID-19 lockdowns.

- As part of the Spotlight Initiative, research was conducted to also investigate strategies on how to work with traditional leadership not only on CEFM but also Gender Based Violence.
- She also had an article published in the Critical Public health journal which she Co-Authored with Dr Rochelle Burgess from UCL (University College London) the article was titled *“Decolonising the ‘safe space’ as an African innovation: The Nhanga as quiet activism to improve women’s health and wellbeing”*.

### Baselines and research conducted

Period	Organisation	Activity / Research Topic
2021	UN Women	Comparative analysis of the By Laws on Ending Child Marriage in East and Southern Africa
2020-2021	UCL & Women's University Zimbabwe	Delphi Study on Child Marriage and Mental Health
2020	Rozaria Memorial Trust	Development of By-Laws on Ending Child Marriages and protecting children who experienced child marriage in Mangwende, Bushu & Nyamaropa Chiefdoms
2019	Murewa Rural District Council	Rapid Assessment on the Impacts of Covid19 on Young Women & Girls
2019	Rozaria Memorial Trust	Rapid Assessment Report on: Effects of Social Norms and Cultural Practices in Adolescents Assessing SRH Information and Services to Prevent Teenage Pregnancies and Child Marriages in Murewa and Shamva Districts.
2019	Caritas Australia	Gender, Child Protection & Disability Audit BARMAYEN COUNTY - SOUTH SUDAN
2018	Caritas Australia	Gender, Child Protection & Disability Audit Gweru, Chivi & Hwange - Zimbabwe

## 8 Significant Progress of the Campaign and Best Practices

Since the launch of the AU Campaign on ECM in 2014, there have been key areas of significant progress in national policies to end child marriage including legal and policy reform in Africa. Communities and CSOs also showed several initiatives to tackle child marriage, girls’ education, and re-entry, as well as financial investment into ending child marriage.

### 8.1 Legal and Policy Reform in Africa

It is important to note that

- The universal declaration of Human Rights prohibited forced marriages,
- The international treaties including the Convention on the Rights of the Child and CEDAW set the age of marriage at 18 (Allowing an exception that a child can be married in exceptional circumstances).
- The definition of the child under the ACRWC does not provide any exemption making it a more powerful instrument to combat child marriage on the continent
- The global, the continental and the regional policies have influenced the development of major judicial precedents and legislative frameworks that aim at eradicating child marriage on the continent.

Most countries in Africa ratified these treaties. The efforts to domesticate the provisions of these instruments by Member States have been very slow.

## **8.2 Sub Regional Plans and Strategies to End Child Marriage**

Since the launch of the AU campaign on Ending child marriages in 2014, over 30 African nations have launched national plans to end CM. Several countries have also raised the legal areas of marriage to 18.

- **SADC Model law on child marriage** by the SADC bloc is significant. This is a critical instrument that is expected to influence national policies in the region. Malawi and Mozambique have successfully pegged the age of consent and marriage at 18 (AU,2017 Report). The challenge however is that the SADC-PF does not have enough power to compel Member States to domesticate their laws in accordance with the SADC model law.
- **The ECOWAS Child Policy and its Strategic Action Plan (2019-2023)** identified child marriage as one of its five key priorities for immediate action. From the bloc, Sierra Leone is one the countries that has managed to harmonise the age of consent and marriage to 18 (AU,2017 Report). This development is important in this campaign as it is set to help accelerate change towards ending child marriage in this region.
- **East African Community States** ratified the ACRWC, CRPD and the UNCRC. They also came up with child rights policy to “Harmonize the minimum ages of marriage & sexual consent” (Policy Priority area 2.1), however it does not go further as to explore other strategies to prevent child marriage nor to protect those who will have already experienced them. In practice the pace of implementation of these instruments is slow and national laws sometimes contradict articles of the ACRWC and the UNCRC for instance the definition of a Child across all rights ‘as any person

below the age of 18 years' (AU,2017 Report). Uganda and South Sudan however are some of the countries in this region that have managed to harmonise the age of consent and marriage in line with policy priority area 2.1.

## **9 Emerging Areas of Work and Recommended Strategies**

### **9.1 Greater investment in the well-being of survivors: Girls' education**

While in previous years the focus seemed to be more on the prevention, awareness, and justice, recently, there has been recognition of the specific needs of survivors of child marriage. Each year of secondary education is likely to reduce the likelihood of marrying before the age of 18 by five percentage points or more in many countries. By contrast, child brides are much more likely to drop out of school and complete fewer years of education than their peers who marry early<sup>17</sup>. Therefore, it is important to invest in getting girls back into school, implementing economic empowerment programs for young mothers and supporting the mental and psychosocial wellbeing of child brides as a key element in the recovery for survivors.

### **9.2 Financial Investment into Ending Child Marriage by the Donor Community**

Donors have contributed funds towards not only child marriages but harmful practices in recent years through initiatives such as the UN Joint Program on ECM, Global Fund for Malaria, HIV and TB and Spotlight Initiative on SGBV and Harmful practices. Countries have also been making more financial commitments towards ending CM although there is a need for more analysis on targeted funding.

### **9.3 Media engagement**

The Media has made the campaign to end child marriage visible. It has boldly exposed this human rights violation and harmful practice of child marriage and put it in the public domain for discussion. More and more stories are now moving beyond portraying girls merely as victims but as advocates, champions, and leaders. Coverage has also moved from simply highlighting the causes and consequences of CM to including solutions and success stories more often.

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<sup>17</sup> <https://www.worldbank.org/en/news/immersive-story/2017/08/22/educating-girls-ending-child-marriage>

#### **9.4 Traditional Leaders in Cultural Innovations & Transforming Social Norms**

There has been an intentional push from the traditional leadership across the continent as demonstrated by the formation of the Council of Traditional Leader (COTLA) which is a Pan African movement of progressive Traditional Leaders primarily established to end child marriage, FGM/C, and other harmful practices in Africa by 2030. They have leveraged their membership of over 300 High level Traditional Leaders from across Africa to develop By-Laws on Ending Child Marriages that address key negative social norms that promote child marriage in different rural communities.

### **10 Key Areas of Contradiction or Stagnation**

#### **10.1 Age of Consent to Sex vs Age of Consent to Marriage**

Discrepancies between the legal age of consent to sex and the legal age of marriage are a major contradiction which has been slowing down progress on ending child marriage. The age of consent to sex for some countries is as low as 11 years compared to the age of consent to marriage of 18. There is need for Member States to harmonize the legislation.

In the 2017 AU report, African governments were urged to change the legal age for sex from 16 to 18 to end child marriage.

#### **10.2 Dual Legal Systems - Customary Law vs General Law**

Most African legal systems practice the dual legal system. The traditional role of chiefs in the dispute resolution framework can be appropriately understood from an access to justice perspective. Traditional Leaders operate on grassroot level, and their customary laws are widely accepted and respected in the communities they lead. For the community, the general law courts are procedurally complicated to approach. The civil procedure requirements to present a case before the judicial officer are too technical for laymen.

Approaching the general law courts is very expensive for many people. The procedures in general law courts require the engagement of a legal practitioner and legal practitioners' tariffs are expensive for many people. On the other side, customary law courts are procedurally friendly, conducted in the native language and their procedure conforms to the local culture. These courts are accepted widely in communal areas. The presence of these courts affirms that traditional courts are more accessible and economical to rural communities than modern courts.

### 10.3 Protectors' vs Perpetrators

Cultural social systems of protection pose challenges in efforts to end child marriages. For example, aunties and parents who are supposed to be protectors, sometimes are accomplices though they may be trusted members of the families. Structures and laws must be clear on such scenarios and the will to enforce the laws has to be there.

**Table 7.1: Abuse of power, failing to act.**

Person (Protector)	Responsibility (legal, social, moral)	Action (perpetrator)	Ideal Action
Parents	Protect children from sexual abuse, seek for legal protection in the event of abuse or possible abuse. Provide moral support in case of sexual abuse.	Offer own daughter for child marriage. Support child abuser in exchange for resources, protection and in respect of cultural needs. Conceal critical data needed to implicate abusers.	<ul style="list-style-type: none"> <li>- Protect children.</li> <li>-Educate of possible abuse.</li> <li>-seek for legal advice.</li> <li>-Provide moral support in case of sexual abuse.</li> <li>-provide for the professional growth of the child.</li> </ul>
Relatives	Need to moderate between parents and children. Also provide a shelter when there is a dispute between child and parents. Provide moral support in case of sexual abuse.	Found supporting the parents in anticipation of a share in the resources given to the parents for the marriage of the girl.	<ul style="list-style-type: none"> <li>- Protect children.</li> <li>-Educate of possible abuse.</li> <li>-seek for legal advice.</li> <li>-Provide moral support in case of sexual abuse.</li> </ul>
Official/persons in position of power	Enforce and apply policies and laws against child marriage. Provide safe space for children from abusers.	Engage in child marriage as they betray the trust invested in them.	-Enforce and apply policies and laws against child marriage.

		<p>Fail to enforce and apply necessary legal instruments to stop child marriage.</p> <p>Use money to protect their interests in child marriage.</p>	<p>-Provide safe space for children from abusers.</p>
Faith/Church Leaders	<p>Educate members on dangers of child marriage.</p> <p>Provide moral support to the affected members.</p> <p>Help get legal support.</p>	<p>Hide behind faith as they engage and encourage child marriage.</p> <p>Create emotional pressure as they spiritually threaten victims of child marriage.</p>	<p>- Protect children.</p> <p>-Educate of possible abuse.</p> <p>-Provide moral / spiritual support in case of sexual abuse.</p>
Traditional Leaders	<p>Educate people of possible abuse.</p> <p>Enforce and apply policies and laws against child marriage.</p> <p>Provide safe space for children from abusers</p>	<p>Hide behind culture as they engage in child marriage.</p>	<p>- Protect children.</p> <p>-Educate of possible abuse.</p> <p>-Enforce and apply policies and laws against child marriage.</p> <p>-Provide safe space for children from abusers</p>

## 11 Emerging Issues and Recommendations for Further Investments

The Coronavirus pandemic has affected every country in the world. Ten million additional child marriages may occur before the end of the decade, threatening years of progress in reducing the practice, according to a new analysis released by UNICEF (2021). In the last ten years, the proportion of young women globally who were married as children decreased by 15 per cent, from nearly 1 in 4 to 1 in 5, the equivalent of some 25 million marriages averted, a gain that is now under threat. UNFPA estimates indicate that,

*“COVID-19 will disrupt efforts to end child marriage, potentially resulting in an additional 13 million child marriages taking place between 2020 and 2030 that could otherwise have been averted. By reopening schools, implementing effective laws and policies, ensuring access to health and social services – including sexual and reproductive health services – and providing comprehensive social protection measures for families, we can significantly reduce a girl’s risk of having her childhood stolen through child marriage.”*

### **11.1 Psychosocial Support and Mental Health**

There is likely to be a two-way association between early marriage and poor mental health, and together, these factors have knock-on effects on a range of adverse maternal health. Girls who marry during adolescence are more likely to be experiencing the physical and emotional effects of pubertal change, which have their own implications for mental health. Coupled with the overall “gendered disadvantage” in social roles and status experienced by women, common mental issues such as depression, stress, and other neurotic disorders are prevalent among women and child brides. Studies also show that violence experienced in marital homes is related to mental ill-health.

### **11.2 Positive Masculinity and Boys Experiencing Child Marriage**

While boys and girls who marry in childhood do not face the same risks and consequences due to biological and social differences, the practice is nonetheless a rights violation for children of both sexes. Like child brides, child grooms are forced to take on adult responsibilities for which they may not be prepared. The union may bring early fatherhood and result in additional economic pressure in the form of providing for the household; it may also constrain the boy’s access to education and opportunities for career advancement.

No comparable research currently exists on the long-term reproductive health and fertility outcomes for men who married before turning 18. However, the practice remains a rights violation for children of both sexes and further investigation on the scale and implications of child marriage among boys is needed. Both in the immediate aftermath and later in life, men who married as children might suffer similar reproductive health consequences regarding lower knowledge and use of contraception and higher unwanted fertility as women married during childhood.

### **11.3 Technology and Prevention, Online Courtships/behaviours**

Technology has become an important tool in everyday life. Girls Not Brides(2021) state that, *“At a time when social media sites are being misused and abused for their harmful potential, some youths are instead using it for its helpful potential and making it a tool to break up child marriages”*. On one hand, technology has been embraced in fighting child marriage and yielding positive results. On the other hand, technology has been used exacerbate incidents of child marriage for example auctioning of girls in real time.<sup>18</sup>

### **11.4 Border Communities, Farms and Mines as Hot Spots for Child Marriages**

Research has revealed that border towns have become hotspots for child marriage. Migrants moving to and from Mozambique, Malawi, and Zimbabwe as well as from Burkina Faso, Niger and Mali have contributed significantly towards child marriage in border towns, farms, and mines. In Ethiopia, at the border towns of Bulbullo and Metema, girls commonly migrate across the border to the Middle East to find employment as domestic workers. Parents marry off their daughters before they migrate, because married girls are less likely to be raped than unmarried girls. This critical observation calls for close monitoring and possible intervention strategies by African Member States.

Other hotspots for child marriages are mainly found in private farming communities. These become hotspots as families staying there are isolated and very crowded. The farming areas in most cases lack basic services like schools, clinics. Climate change also has had a negative effect on the farming communities. Drought is a push factor for parents to marry off their daughters to rescue them from hunger.

### **11.5 Re-entry into education**

Hundreds of thousands of girls and young women in Africa are denied an education because they are pregnant, married, or mothers. Gabon, Côte d’Ivoire, Kenya, Malawi, Zambia, and Zimbabwe are among the countries that guarantee girls the right to continue school during pregnancy and after giving birth. However, governments such as Tanzania have policies that ban or expel pregnant girls or adolescent mothers from school. More investment should be put into ensuring the implementation of re-entry policies<sup>19</sup>.

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<sup>18</sup> <https://www.cnn.com/2018/11/20/africa/south-sudan-child-bride-facebook-auction-intl/index.html>

<sup>19</sup> <https://www.hrw.org/news/2021/11/15/african-leaders-meet-niger-support-girls-rights>

### **11.6 SRHR services especially for young women**

Public health research shows the adverse health outcomes of child marriages. Most African countries are now making it a policy that SRH is accessible to all at a reasonable cost but free of charge for the marginalized group. Countries are including interventions that involve the recipients of the services for example in Zambia where girls and young women are employed as SRHR Champions so that it is easy for them to relate to their peers. The strategy has strengthened the leadership and confidence of young women and girls.

## **12 Challenges Encountered in the Efforts to Eradicate Child Marriages**

Despite the progress made on the continent, there are still major barriers and challenges encountered towards the realisation of a child marriage free Africa.

### **Poverty**

Poverty remains a critical driver of increases of child marriages. When experiencing acute poverty, families – and sometimes girls themselves – see marriage as a way to reduce family costs and gain financial security. Patriarchal norms that devalue and commodify girls exacerbate the problem. Unfortunately, it is a fact that girls have less access to education and low social, political and economic status. This leads them to depend on men.

### **Low funding and inadequate allocation of resources**

Sufficient human resource allocation and capacities, as well as funding are essential to scaling up quality services including ending child marriage and education. Working at a system level in relevant sectors requires huge resource investment into different initiatives and programmes.

### **Access to birth records and justice systems**

The lack of adequate registration procedures for birth and marriage in some African countries, particularly in rural areas, is a significant impediment to the prohibition of child marriage. Despite the requirement in Article 6 (d) of the Maputo Protocol that all marriages 'shall be registered,' unrecorded and unregistered marriages are common throughout Africa because of logistical and administrative difficulties that make registration onerous and expensive. The absence of birth registration procedures in some parts of Africa makes enforcement of the prohibition against child marriage an impossible task. Birth certificates

produced on marriage are the most effective way of ensuring that parties meet the minimum age requirements and can consent to a marriage.

### **Political stability**

Political stability is seen as a crucial challenge towards ending child marriage for example, in Nigeria, military engagement with Boko Haram makes accessing certain populations difficult. Political will to come up with budgets to fight child marriage, enforce and monitor set legal instruments in Member States, is highlighted as a major challenge towards ending child marriage. Member States need to come up with strategies to make safe interventions in such contexts to curb child marriage.

## **13 Recommendations**

**To the AU & Its Organs** (Organs refer to AU Commission, Pan Africa Parliament, African Commission on Human and People's Rights, African Committee of Experts on the Rights and Welfare of the Child, Africa Court of Justice, and other specialised agencies)

- A systematic and well thought out strategic plan to work with traditional leadership and negate "culture" as a justification for child marriage. This includes working with communities and religious leaders to change traditions from within.
- AUC should reintroduce gender score cards where Member States report on success stories on ending child marriage in their countries. This should be attached to accolades given to heads of states with the best success stories or reports.
- African Committee of Experts on the Rights and Welfare of the Child should monitor the progress countries are making through its reporting mechanism. It is recommended that it undertakes follow up missions to countries with high rate of CM and support the implementation of legislations.
- AU Pan African Parliament should work on harmonising laws and policies on ending child marriage by AUC.
- The Pan African Parliament and the Africa Court of Justice must support the operationalization of accountability mechanisms to end harmful practices.
- The African Commission on Human and People's Rights must fight for the recognition and observation of Child Rights throughout the Member States.

- The Africa Peace and Security Council must push for the end of conflict situations in the continent as they are push factors.

#### **To the African Union Member States (Governments)**

- **Increase budget allocation and human resources** as an investment into girl's education including **domestic funding** on the protection of the children's rights and ending of child marriage.
- Promote systemic Member State **reporting mechanisms** to the African Charter, the Protocol, and international instruments such as CEDAW and CRC.
- **Review or adopt costed national action plans or strategies** on ending child marriage and ensure adequate allocation of resources, as well as adopt gender and child focused budget analysis approaches.
- Support countries to **monitor and bring intervention strategies** to border towns as possible hot spots.
- **Improve access to justice** by introducing and supporting free legal clinics for survivors of Gender based violence, child marriage and victims of sexual violence.
- **Clarify private sector responsibilities** (both domestic & international). There is a need to have clear accountability mechanisms on both a national and AU level to ensure Corporate Social Responsibility (CSR) funds are channelled towards improving the livelihoods of the young women and girls in communities in which they operate.
- Provide **accessible loans and funds** for empowerment especially for young mothers and those who have experienced child marriage.
- **Copy, adopt and adapt** some of the best practices in Africa (for example the Girls' back to school initiative, the empowerment of girls and young women through cultural reforms and transformation working with traditional leaders).
- Demand that Member States **adhere and implement the age of 18** as the minimum age of marriage ensuring its enforcement.

#### **To African Institutions, Civil Society, Academia, Faith and Cultural Institutions**

- **Research and evidence gathering** to be strengthened within individual Member States. Note that statistics and prevalence rates are often a national average. Each

country has hotspot areas. Understand why some communities have higher rates than others.

- Engagement with ministries of finance to **provide funding** for the purpose of ending child marriage.

#### **To United Nations and other International Institutions**

- Assist the countries that are still struggling with the adoption of the age of marriage including the provision of finance targeted at back-to-school programmes.

#### **To Donors**

- **Increase funding** of the various strategies that need or require funding and target countries that are still lagging in pushing the campaign to end child marriages.
- **Prioritise funding of the back-to-school campaign** of child marriage survivors.
- Support for the girls with tertiary **education access**.
- More funding to **community and grassroot led initiatives** in disadvantaged rural and urban communities on ending child marriage.
- Evaluate programmes and monitor if the funding has been used for the intended beneficiaries.

#### **To the Media**

- **Scale up investigative journalism** and expose those communities that are secretive yet practicing child marriage, communities like mining and farming communities. Expose child marriages practiced secretly or underground.
- **Build the capacity and systemic engagement** of media and citizen journalists. AUC should collaborate with NGOs to empower media houses on how best to report on issues on ending child marriage

#### **To Young People: Girls and Young Women**

- **Increase targeted advocacy campaigns and education** with a focus on young men and the development of a Pan African culture of positive masculinity.
- Identify Youth **Champions** on ending child marriage in African communities.

- Target all leaders not only religious and traditional leaders but business and political leaders as well.
- **Demand that CSE** be introduced in all schools as from primary to tertiary education as compulsory.

#### To Local Communities

- **Improve and expand locally based and controlled social security systems** that tackle individual household poverty for example, the Zunde RaMambo (community farm) in Zimbabwe that allow for girls and young women's economic empowerment.
- Increase awareness of children's rights including Sexual and Reproductive Health and Rights and the impacts of child marriages in all countries.
- **Set-up monitoring watch-dog committees** made up of girls, traditional leaders, religious leaders, police, health workers and teachers in every community.

#### To the AU -GWA

- The terms of office for the AU-GWA should be **clear and be accountable** to the public as the office works with the public.
- The Office should have **solid support systems** including a **budget** in place that enable the office to undertake the mandate assigned.
- There is a need for the office to have **structures that support and report to the AU-GWA office from all member countries**. This reinforces the accountability by Member States.
- The office should carry out **regular continental meetings** with the country representatives.
- More interface with the media on a more regular basis on child marriage.
- **Establishment of the newsletter** that can be published monthly capturing the on-going initiatives in the different countries.
- Engagement with leaders of countries that are lagging through the Champion.
- Country representatives to monitor and evaluate progress in their countries and report to the GWA on a regular basis.

## **14 Conclusion**

The development and progress of the world remains pinned on securing the rights of women and children by reducing inequalities and investing in their future. The major stumbling block is child marriage as a recognised global issue with high prevalence in Africa. With its baskets of legal and policy commitments to human rights, gender equality and observed stagnation on key indicators related to children, especially girls such as in maternal mortality, education and health, bold steps are needed to continue accelerate action on ending child marriage. Above everything else, political will is pivotal to the achievement of this campaign to end child marriage in Africa.

## **15 Commitment by the African Union Goodwill Ambassador on Ending Child Marriage**

Recognising that the African Union Campaign is extended to 2023; understanding that even when my mandate ends, my commitment to ending child marriage and securing rights for girls is a lifetime vocation. Therefore, I am making the following personal commitments:

1. Standing up for and with girls, for greater investment in quality education and opportunities that unleashes their potential, ensuring they have a voice to claim their rights and co-create solutions.
2. As an African woman, I will work tirelessly to reclaim the identity of Africa as a continent with progress cultures, customs, traditions, and faiths that uphold the rights of women and men, boys, and girls, affirming their dignity in the spirit of ubuntu.
3. Recognising that my African continent is rich, with its people as a core resource, its agricultural potential, raw tourism capacity, natural resources such as minerals, oil, flora and fauna, and its untapped potential for innovation and technology, I lend my voice to the collective efforts for protecting this heritage and ensuring that Africa's resources prioritise its children and its future.
4. Remaining on my feet, contributing to African's commitments, I will raise my voice for rights, justice, equality, dignity, and accountability, for all especially for girls and women living in rural communities. I will do this in closed spaces of our families and communities, in formal and informal spaces of influence and decision-making.