

AFRICAN UNION

*African Committee of Experts on the Rights
and Welfare of the Child (ACERWC)*

الاتحاد الأفريقي



"An Africa Fit for Children"

UNION AFRICAINE

*Comité Africain d'Experts sur les Droits et le
Bien-être de l'Enfant (CAEDBE)*

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**AFRICAN COMMITTEE OF EXPERTS ON THE RIGHTS AND WELFARE OF THE
CHILD (ACERWC)**

THE ADDIS ABABA DECLARATION ON ENDING CHILD MARRIAGE IN AFRICA

**23rd SESSION OF THE AFRICAN COMMITTEE OF EXPERTS ON THE RIGHTS AND
WELFARE OF THE CHILD (ACERWC)**

**ADDIS ABABA, ETHIOPIA
11 April 2014**

We, the African Committee of Experts on the Rights and Welfare of the Child (ACERWC), and representatives from the African Union, the Regional Economic Communities, Civil Society Organisations (CSOs), International Non-governmental Organisations (INGOs), UN agencies, and child rights experts from across Africa, present at the Day of General Discussion on “*Ending Child Marriage in Africa*” organised during the 23rd Session of the ACERWC:

Recognising article 21(2) of the Charter;

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.

Welcoming the initiative of the Chairperson of the African Union Commission on the **Campaign to End Child Marriage**;

Understanding that child marriage refers to any marriage where at least one of the parties is below 18 years of age

Recognising that child marriage is a multi-faceted social-cultural and endemic harmful practice in most parts of Africa which adversely impacts the personal development and future opportunities, health and wellbeing of children, with detrimental consequences on children, women, families, communities and nations at large;

Recognising that all children, both girls and boys, have fundamental human rights, especially the right to non-discrimination, survival, development, education, health and welfare, and participation, and that child marriage is a serious violation of these rights;

Concerned that girl children in particular are often married due to socio-cultural norms, against their will, and mostly to older men, and thereafter subjected to physical, mental, emotional, and sexual abuse within such marriage, and in some cases are victims of child trafficking and kidnapping;

Conscious of the fact that some groups of girls, such as girls in conflict and disaster situations face a higher risk of child marriage due to vulnerabilities associated with conflict or disasters which leaves them with physical and emotional scars;

Noting that pregnancy and giving birth are the leading cause of maternal and infant mortality for girls between the ages of 15 and 19 years, that the chance of survival of children of these mothers is relatively low, due to high risk pregnancy related complications associated with early childbirth such as obstetric fistula;

Noting with deep concern that the protection of children against child marriage under the African Charter on the Rights and Welfare of the Child, and the Protocol

to the African Charter on Human and Peoples Rights on the Rights of Women in Africa and other AU instruments are yet to be realised;

Taking note that some Member States that have a minimum age of marriage below the age of 18 years and or discriminatory minimum age of marriage for boys and girls have the greatest prevalence of child marriage in the continent, and further that there is still a high rate of prevalence of child marriage in Member States where the laws are harmonised;

Recalling the importance of birth registration and registration of all forms of marriage to the protection of children from child marriage by providing evidence of a child's age, and monitoring the fulfilment of conditions of marriage including the age and consent; and

Strongly emphasizing that education is an essential tool towards ending child marriage and to fulfil girl children's potential for a bright future:

Hereby call upon:

The African Union Commission to:

- Endorse this Declaration on ending child marriage
- Provide the necessary budgetary and technical support to enable the ACERWC to advocate for the integration of the Declaration into existing national plans of action; and undertake a periodic review of the progress made in its implementation at national level;
- Take child marriage as a policy priority and support policy action in addressing the rights of children and promote common standards on children rights by promoting adoption and implementation of the legal instruments at regional and national level
- Promote the monitoring and evaluation of progress made by Member States in implementing laws and policies on child marriage as a strategy to ensure accountability.
- Facilitate awareness raising on child marriage by engaging with the civil society organizations, grass-roots organizations, traditional and religious leaders and the private sector, including the media

The African Committee of Experts on the Rights and Welfare of the Child (ACERWC) to:

- Underscore the importance of addressing and eliminating child marriage during the consideration of State Party Reports
- Urge Member 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;

- Encourage Member States, CSOs and other relevant actors to build the evidence base on child marriage, including documentation of good practices on child protection and the production of disaggregated data on child marriage;
- Promote access to sexual and reproductive health rights and justice including the provision of comprehensive sexuality education in schools for both boys and girls;
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- Appoint a Special Rapporteur on child marriage to lead action towards the elimination of the practice in the region
- Work in collaboration with the African Commission on Human and People's Rights (AmCHPR), African Court on Human and People's Rights (AfCHPR), Regional Economic Communities, and the UN Bodies such as OCHR and the UN Special Representative on Violence Against Children, Civil Society Organizations, and children (participation), and urge them to take up child protection issues in their respective intergovernmental activities and further to establish a desk/focal person or subcommittee to Co-ordinate action on ending child marriage

Members of the African Union to:

- Ratify the ACRWC and all the relevant international child rights instruments and fully harmonise their laws and policies with the international and regional child rights standards on child marriage; and for Member States who have placed reservations to remove them
- 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;
- Develop and implement transformative social policies which include communities, traditional and religious leaders as central stakeholders, and which recognize children and child-led initiatives as key players in mitigating child marriage;
- Pay particular attention to girls at higher risks of child marriage such as girls from indigenous and marginalised communities, refugee children and displaced children, among others;
- Ensure that child marriage is tackled in a holistic, multi-sectoral manner, with a balance between preventive and responsive measures including rehabilitation;
- Allocate adequate financial and human resources to ensure implementation and enforcement of laws and policies on the elimination of child marriage;

- Strengthen the evidence base needed to design and implement effective policies and programmes for reducing child marriage. Set up disaggregated data collection and child surveillance systems, and national child rights observatories in line with the aims of the ACRWC and the CRC to maintain an up-to-date
- record of information on the nature and magnitude of child marriage, and to keep track of emerging child protection concerns;
- Initiate, or if already in place, strengthen programmes on universal access to birth registration, quality education and sexual and reproductive health services, including meeting the unmet needs of married and unmarried adolescents for family planning; Regularly submit State Party Reports to the ACERWC, and highlight the status of child marriage in their country and measures taken towards ending it;
- Take action to promptly follow up on the recommendations of treaty bodies, as well as those made by the UN Secretary General's Study on Violence against Children;
- Engage constructively with relevant stakeholders, including CSOs, the media, and children themselves towards an end to child marriage;
- Provide a conducive legal and policy environment for CSOs to operate in advancing child protection issues in the areas of advocacy, research, litigation and support for victims of child marriage, including setting up of toll free child help lines, the adoption and allocation of 116 as the harmonised toll free helpline number in Africa to facilitate cross-border protection of children.
- Address the structural causes of child marriage through strategies that promote gender equality, poverty reduction, challenge gender stereotypes and harmful social norms and religious practices; creating safe spaces for girls at risk of or affected by child marriage; enhancing girls' access to education and skills development, and employment generation programmes; and engaging men and boys on initiatives to end child marriage, among other ways;
- Legislate against child marriage and the justification thereof and providing for penal consequences for the violation of the law.
- Support the capacity of families and caregivers to adequately protect their children, by enhancing their economic and psycho-social capacities such as through increased access to employment, loans , child sensitive social protection schemes etc. and also by involving parents in programmes that promote positive, non-violent, and non-discriminatory forms of child rearing.
- Ensure mechanisms for access to justice are in place and provide rehabilitation, restorative, and support services to victims of child marriage.
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- Support Civil Society Organizations and Community Based Organizations in their engagement with Communities towards addressing child marriage

- Ensure that law enforcement authorities are adequately qualified, sensitised on gender and child rights, and well equipped to respond to cases of child marriage.

Civil Society Organisations, UN Agencies and other international partners including the private sector to:

- Support national and regional efforts aimed at preventing child marriage through research, to ensure innovative community based mechanisms for eliminating child marriage, awareness creation and advocacy interventions.
- While emphasising the primary responsibility of the state, to provide technical and financial support to Member States and other relevant actors, such as the ACERWC and RECs as appropriate.
- Support Member States to set up functional monitoring mechanisms, and establish data collection and management systems on child marriage;
- Assist Member States in building the capacity of the child welfare and law enforcement work force to protect children from child marriage;

Conduct periodic research on child marriage with special attention to the most vulnerable groups;

- Share information on child marriage with relevant stakeholders on children's rights in Africa.

Adopted in Addis Ababa on 11th of April 2014