

**ACHPR/Res.292 (EXT.OS/XVI) 2014: Resolution on the Need to
Conduct a Study on Child Marriage in Africa**

*The African Commission on Human and Peoples' Rights (the Commission),
meeting at its 16th Extraordinary Session held from 20 to 29 July 2014 in Kigali,
Republic of Rwanda;*

Recalling its mandate to promote and protect human rights under the African Charter on Human and Peoples' Rights (the African Charter);

Noting Article 45(1)(a) of the African Charter which gives the Commission the mandate to *inter alia* "collect documents, undertake studies and researches on African problems in the field of human and peoples' rights";

Recalling the obligations of States Parties to the African Charter, the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (the Maputo Protocol), and the African Charter on the Rights and Welfare of the Child to protect and promote children's rights, in particular the rights of girls in Africa;

Noting in particular Article 6 of the Maputo Protocol which requires States to enact appropriate legislative measures to guarantee the full and free consent of both parties before marriage and set the age of 18 as the minimum age of marriage for women;

Concerned that despite the ratification by the majority of African States of these relevant legal instruments child marriage remains a common practice in many countries, in violation of the rights and welfare of the child, denying their basic rights to education, health, the right not to be separated from parents against their will, right to dignity, right to life, and protection against all forms of abuse and exploitation, including sexual exploitation;

Concerned that even where a minimum age of 18 is legislated, child marriage is still practiced in many countries as a result of harmful customary and religious practices;

Recalling the objectives of the African Union Campaign launched on 29 May 2014 in Addis Ababa, Ethiopia, to end child marriage, focusing on policy action and raising continental awareness on child marriage which will run for an initial period of two years;

Convinced of the need to strengthen the African Union Campaign through the conduct of a study which will provide an overview of the situation of child marriage in some countries by identifying the root causes, prevalence, practices, customs and beliefs that perpetuate child

marriage, the level of compliance with international and regional obligations, legislative and policy framework, including best practices in addressing the same in selected countries;

Further convinced that such a study will assist State Parties and other stakeholders in strengthening implementation mechanisms and adopting appropriate plans of action and strategies for eradicating child marriage and protecting children's human rights and in particular the rights of girls;

Recalling the mandate of the Special Rapporteur on the Rights of Women in Africa (the Special Rapporteur) to *inter alia*: follow up on the implementation of the African Charter and the Maputo Protocol by State Parties;

Decides to:

- i. Conduct a study on child marriage in Africa which will cover the following countries where the level of child marriage is considered to be very high: Burkina Faso, Cameroon, Chad, Ethiopia, Mauritania, Malawi, Mozambique, Niger, Sierra Leone and Zambia;
- ii. Task the Special Rapporteur to conduct the study and submit a report at its 57th Ordinary Session;
- iii. Request the African Committee of Experts on the Rights and Welfare of the Child and the Centre for Human Rights of the University of Pretoria to contribute their support and expertise to the conduct of the study; and
- iv. Call on all stakeholders to support the work of the Special Rapporteur.

Done at the 16th Extraordinary Session of the African Commission on Human and Peoples' Rights held from 20 to 29 July 2014 in Kigali, Republic of Rwanda