

AFRICAN UNION

African Committee of Experts on the
Rights and Welfare of the Child



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

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"An Africa Fit for Children"

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

Concept Note on the Day of the African Child 2015

Theme:

***“25 Years after the Adoption of the African Children’s Charter:
Accelerating our Collective Efforts to End Child Marriage in Africa”***

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A. Introduction

1. The African Charter on the Rights and Welfare of the Child was adopted in July 1990 by the then Organization of African Unity and entered into force in November, 1999. After 25 years of the adoption of the Charter, 47 countries have ratified the Charter with 7 countries remaining from the Continent.
2. The African Charter on the Rights and Welfare of the Child is the only regional instrument on the protection of the rights of children. The Charter has provisions on the protection of children from Apartheid system, and Harmful Traditional Practices including child marriage. The four 'pillars' of the CRC, namely, the principles of non-discrimination, the best interest of the child, life survival and development, and participation, are also incorporated with the same status in the African Children's Charter. In addition, it also consists of provisions which are articulated in an innovative and progressive manner for the advancement of children's rights in Africa. This enables the Charter to accord a greater degree of protection for African Children.
3. In 2015, the Committee is celebrating the 25th anniversary of the adoption of the Charter with the view of reinforcing State Parties commitment to children's rights, examining the main achievements and challenges in the implementation of the charter, and identifying the way forward. The celebration also aims at highlighting the role of CSOs and collaboration between the Committee and other organs of the African Union.
4. While celebrating the 25 anniversary the Committee recognizes the fact that the Charter has improved the lives of children, to one degree or another, in all States Parties since its enforcement. However, the Committee also notes that there are still gaps that need to be filled to ensure the wellbeing of children in Africa.
5. Particularly, Child marriage remains a reality for millions of children – predominantly girls – across Africa. Reports show that thirty-nine percent of girls in sub-Saharan Africa are married before their 18th birthday; thirteen percent are married by their 15th birthday. It is obnoxious to learn that 15 out of the 20 countries with the highest rates of child marriage are in Africa. It is in consideration of this fact and in an effort to provide a bright future for millions of girls that the ACERWC made ending child marriage topic of first concern, and as such the Day of General Discussion of its 23rd Session (07-14 April, 2014) had been dedicated to this crucial thematic which impedes on the full development of the girl child in Africa. The Committee has also decided to appoint one of its members as a Special Rapporteur on Child Marriage to create synergies and a constructive dialogue with Governments, civil society and other relevant actors with a view to identify solutions for the elimination of child marriage. The DAC- 2015 also reflects the Committee's commitment to make child marriage an issue of the past.

6. The African Committee of Experts on the Rights and Welfare of the Child (ACERWC) once again calls upon all Member States of the African Union (AU) to celebrate the Day of the African Child (DAC) on 16th June 2015. The Assembly of Heads of State and Government of the then Organization of African Unity (OAU) first instituted the DAC in 1991 in memory of the Soweto Uprising in South Africa during apartheid, where students on 16th June, 1976, marched in protest against the poor quality of education they received and demanded to be taught in their own languages. The OAU and its successor the African Union (AU) have since used the DAC to celebrate children in Africa as well as inspire sober reflection and action towards addressing the daunting challenges that African children face daily.

B. Background to the DAC 2015

7. The DAC 2015 is unique in that it coincides with the 25th anniversary of the adoption of the African Charter on the Rights and Welfare of the Child (the African Children's Charter or the ACRWC).¹ In selecting the theme, the Committee considered the views of children, who suggested that it should be related to child marriage. Accordingly, the theme for this year's celebration is **'25 Years after the Adoption of the African Children's Charter: Accelerating our Collective Efforts to End Child Marriage in Africa'**. The theme was inspired by a Day of General Discussion on child marriage during the 23rd Ordinary Session of the ACERWC in April 2014, which affirmed the recommendation of children to Member States to enhance their efforts to eliminate child marriage. The Committee's call to action is therefore one of increased, concerted and accelerated effort to end the menace.
8. This Concept Note aims to achieve the following objectives:
 - a. Set out the situational context of child marriage in Africa;
 - b. Highlight the challenges in ensuring that child marriage is eliminated from Africa;
 - c. Note the importance of articles 2 and 21 of the ACRWC and other relevant African human rights instruments in safeguarding girls and boys in Africa from child marriage;
 - d. Emphasize the importance of allowing and enabling children to grow, develop and mature properly during the period of childhood;
 - e. Highlight examples of best practice in the elimination of child marriage in Africa;
 - f. Make recommendations for a holistic and integrated approach to eliminating child marriage in Africa;

¹ The African Children's Charter was adopted on in Addis Ababa, Ethiopia on 11th July 1990.

C. Situational Analysis of Child Marriage in Africa

9. Marriage is one of the most sacred institutions in African social and cultural life. It is the bedrock of most societies and the means of propagation. In most African societies, marriage extends beyond the couple entering into the union to their families. Although customary and formal legal systems may equally define and govern marriage, customary rules for determining maturity and readiness to marry have often promoted child marriage. Other socio-economic factors such as poverty, gender stereotyping, discrimination and religion have resulted in mostly girls – and sometimes boys – being married before their 18th birthday, with far more negative than positive consequence for the affected children.
10. Africa has the second highest rates of child marriage in world after South Asia.² West and Central Africa in particular follow closely on the heels of South Asia with two out of five (41%) girls marrying before 18 years.³ Cumulatively, sub-Saharan Africa's incidence of child marriage is above the global average of 34%. Although the statistics may be alarming, some countries in sub-Saharan Africa have been successful in curbing the phenomenon, either in rural or urban areas, or both. At least 12 countries have reduced the incidence of child marriage by 10% or more. This feat should accordingly encourage these countries and others to accelerate their efforts to end child marriage.
11. The causes of child marriage are not far-fetched. Gender inequality due to entrenched societal differentiation between males and females based on economic status, class, ethnicity, caste, sexuality, religion, traditional norms, HIV status, and disability among others, is a major factor. The increasing cost of living and attendant poverty is pushing a number of families to favour the development of male children over their females. Negative and harmful cultural and social practices also reinforce the practice of child marriage. The weak enforcement of laws at the national level also contributes to the incidence of child marriage.
12. By the African Children's Charter, child marriage violates all four cardinal principles of child rights and a number of other rights protected under the Charter. The foundational ethos of the Charter, from paragraphs 4 and 5 of its Preamble is that the child occupies a unique and privileged position in the African society and is entitled to grow up in a family environment of happiness, love and understanding. In addition, the child's physical and mental needs require safeguarding his or her physical and mental development with the proper legal protection which guarantees the child's freedom, dignity and security.

² UNICEF, 'UNICEF Data: Monitoring the Situation of Women and Children - Child Marriage'. Available at <http://data.unicef.org/child-protection/child-marriage> (last accessed on 1st October 2014).

³ UNFPA (2012) p 26.

13. Apart from violating these central principles, child marriage violates the child's right to association (article 8); to privacy (article 10); education (article 11), especially article 11(3)(e) which requires special measures for female, gifted and disadvantaged children; leisure, recreation and cultural activities (article 12); health and health services (article 14); protection from child labour (article 15); protection against child abuse and torture (article 16); protection of the family (article 18); parental care and protection (article 19); protection against harmful social and cultural practices (article 21); protection in case of separation from parents and his or her family environment (article 25); protection from sexual exploitation (article 27); and protection from sale, trafficking and abduction (article 29). The magnitude of violations occasioned in a single act of marrying a child cannot therefore be underestimated, hence the need for State Parties to prioritise efforts to end this menace.
14. Apart from infringing the fundamental human rights associated with child marriage, girls aged 15 to 19 are faced with maternal mortality and morbidity as a result of pregnancy and childbirth.⁴ Child brides are prone to disabilities associated with early childbirth: obstetric fistula, Sexually Transmitted Diseases (STDs) including HIV and incontinence.⁵ Studies have also shown that early sexual debut among girls – particularly those with little or no access to education – increases their vulnerability to child marriage. Consequently, girls with better access to education tend to delay sexual experience so as not to fall pregnant, drop out of school and jeopardise their future educational and career prospects.⁶
15. The incidence of teenage pregnancy has also been associated with child marriage. Although a multi-factor problem, poverty, illiteracy, family financing pressures and societal norms predominantly account for inducing girls to enter into sexual activity resulting in teenage pregnancy.⁷ Teenage pregnancies therefore place a heavy burden on the health and social system of the country with harsh consequences for both the teenage mother and her child including pregnancy-related illness, high infant and maternal mortality, babies with low birth rates, vulnerability to STDs, malnutrition and stunted growth.⁸

⁴ ACERWC, 'Addis Ababa Declaration to End Child Marriage in Africa' 23rd Session of the African Committee of Experts on the Rights and Welfare of the Child, para 4 of the Preamble.

⁵ ACERWC, 'Addis Ababa Declaration to End Child Marriage in Africa' para 4 of the Preamble.

⁶ Chae S, 'Essays on Family Structure and Marriage in Sub-Saharan Africa' (2013) p 10. Available at <http://repository.upenn.edu/cgi/viewcontent.cgi?article=1900&context=edissertations>

⁷ Keller ET al, 'Teenage Pregnancy and Motherhood in a Ghanaian Community' *Journal of Social Development in Africa* (1999) Vol 14 No.1 69 - 84 at p 69. Available at http://archive.lib.msu.edu/DMC/African%20Journals/pdfs/social%20development/vol14no1/jsda01400100_8.pdf (Last accessed on 20 January 2015).

⁸ Odejimi O & Bellingham-Young D, 'A Policy Pathway to Reducing Teenage Pregnancy in Africa' (2014) *Journal of Human Growth and Development* Vol 24 No. 2 135 - 141 at p 135. Available at http://www.academia.edu/8613497/A_policy_pathway_to_reducing_teenage_pregnancy_in_Africa (Last accessed on 20 January 2015).

D. Challenges in Eliminating Child Marriage in Africa

16. Inadequate and reliable data on child marriage remains a key constraint for most African countries. Investment in data collection and storage systems are not priorities in national budgets, which are often overstretched to provide for the basic needs of the populace. The paucity of reliable data also affects the evaluation of interventions to end child marriage, making it difficult to determine which methods work best and which do not.⁹
17. Other challenges are economic, social and cultural factors which perpetuate the subjugation of women and girls in the society. Child marriage has also been linked to human trafficking. It has been noted that the two problems intersect when women and girls are trafficked and forced into marriage in which they are enslaved and suffer all kinds of abuse. Closely related to trafficking is paedophilia, engenders harmful sexual experiences for both boys and girls. Advancement in information communication technology (ICT), while beneficial to humanity, has made children vulnerable to paedophiles who entice them into exploitative sexual activities, including child marriage. Fighting paedophilia is weakened by lack of sufficient legal and policy frameworks.
18. Some religious beliefs and practices have been used to justify child marriage contrary to international child rights norms, general human rights principles and national legal and policy frameworks. Article 3 of the African Children's Charter is clear that any custom, tradition, cultural or religious practices that are inconsistent with the rights, duties and obligations under the Charter are to be discouraged.
19. The effective enforcement of laws prohibiting child marriage is also a challenge in most countries. Often, the entry point for the State is through laws that criminalise child marriage and the attendant problems of domestic violence, child abuse and sexual violence. However access to justice for victims of child marriage remains elusive.

E. The Continental Legal Framework and Initiatives for Addressing Child Marriage

20. As the ACERWC and the whole continent commemorates the 25th anniversary of the African Children's Charter, it is important to recall that one justification for an Africa-specific treaty on children was to address some peculiar issues – including harmful social and cultural practices – which had not been adequately covered by the UN Convention on the Rights of the Child. Accordingly, article 21 of the African Children's Charter protects the child against harmful social and cultural practices.

⁹ Odhiambo A, 'Ending Child Marriage Starts by Knowing What Works' (2014) *WeNews - Human Rights Watch* [online]. Available at <http://www.hrw.org/news/2014/07/18/ending-child-marriage-starts-knowing-what-works> (last accessed on 11 November 2014).

The duty of the State under this article is first to take all appropriate measures to eliminate such practices that affect the welfare, dignity, normal growth and development of the child. Secondly, in fulfilling the first obligation, the State is enjoined to lay particular emphasis on customs and practices that are prejudicial to the health and life of the child and those that are discriminatory to the child on grounds of sex or other status. Thirdly, the Charter expressly prohibits child marriage and the betrothal of girls and boys and requires the State to take 'effective action' including legislation to set the minimum age of marriage at 18 years with no exceptions and make the official registration of marriages compulsory.

21. The African Charter on Human and Peoples' Rights (ACHPR) also enjoins the State under article 18(3) to eliminate every form of discrimination against women and protect the rights of women and children as provided in international declarations and instruments. The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol) imposes a duty on the State in article 6 to ensure that men and women in marriage enjoy equal rights and are treated as equal partners.
22. The ACERWC also observes that these regional standards are potentially undermined on the one hand by countries which have entered reservations to the African Children's Charter, particularly on article 21, and on the other hand, by countries which have defined a child and set the minimum age of marriage below 18 years. These steps go contrary to the letter and spirit of the Charter and on this DAC, the Committee takes the opportunity to urge all AU Member States which have entered reservations to the Charter, to consider withdrawing their reservations and bring their national standards in full compliance with the Charter.
23. Considering the growing challenge of child marriage in Africa, the African Union Commission has launched an AU Campaign to End Child Marriage in Africa in May 2014. As it is stated in the project document, the campaign will initially run for two years whereby, the aim among others will be to enhance the implementation of related AU policy and legal instruments, such as; The African Youth Charter as a direct investment in young people which is the epicentre of the AU Second Decade on Education (2006-2015); African Charter on the Rights and Welfare of the Child, African Union Social Policy Framework (2009); the African Governance Infrastructure; the AU Continental Policy Framework on Sexual Reproductive Health and Rights and the Maputo Plan of Action for its implementation; AU Campaign on Accelerated Reduction of Maternal, New-born and Child Mortality in Africa (CARMMA); the Charter for African Cultural Renaissance; the African Women's Decade and the Maputo Protocol on the Rights of Women in Africa; AU Human Rights Architecture, and more recently the 5th Strategic Priority of AU's Strategic Plan 2014 –2017 as well as AU's Agenda 2063.
24. The AU Campaign is launching in African countries that have research proved high prevalence of child marriage. The objective is to work with Member States to further

enhance the efforts being made country level to combat child marriage and continue to bring widespread awareness to this important issue whilst giving hope and a chance to girls to enjoy their childhood and pursue their dreams.

F. Best Practice in Eliminating Child Marriage

25. As the theme for this year's DAC demands, all persons and institutions – both State and non-State – are called upon to accelerate efforts both nationally and regionally to eliminate child marriage. Research indicates that improving girls' access to and level of education is an effective way to eliminate child marriage which is a major factor accounting for girls' curtailing their education.¹⁰ Programmes that have directly focused on girls have also yielded positive results in reducing the incidence of early marriage. Studies show that this approach is most widely used.¹¹ Such programmes empower girls with information, skills-building, safe spaces and support networks. Economic empowerment of families through unconditional and conditional cash transfer programmes and soft loan schemes have also succeeded in cutting the incidence of child marriage in some countries.¹² These programmes are often targeted at families living in extreme poverty and who stand the risk of marrying off their girl children to lessen their economic burden. Parent and community engagement is also identified as a useful strategy for dealing with child marriage. This strategy takes into account the fact that the family and larger community often set and implement the norms governing marriage, against which the individual girl has little or no negotiating power.¹³

G. Areas of Concern and Call to Accelerated Action

1. Safeguarding Childhood against Child Marriage

26. One of the consequences of child marriage is thrusting the affected child immediately into adulthood. The child is expected to assume the full responsibilities of marriage from sexual relations, child-bearing and child-rearing, domestic labour to performing cultural roles associated with marriage. While the attainment of puberty is regarded in many African societies as a mark of maturity and transition to adulthood, there is ample evidence that the child still needs to undergo profound physiological, emotional and psychological development before adulthood.

27. It is in this spirit that the Charter places a primary duty on parents (and care-givers) for the upbringing and development of the child and enjoins the State to assist them in carrying out this responsibility. This duty first requires parents (and care-givers) to ensure the best interest of the child at all times. The child's success in adult life and

¹⁰ Nguyen, MC and Wodon, Q 'Child Marriage and Education: A Major Challenge (2012) p 3.

¹¹ Malhotra Anju et al, 'Solutions to End Child Marriage: What the Evidence Shows (2011) International Center for Research on Women (ICRW) (2011) p 11.

¹² Walker, Judith-Ann, 'Why Ending Child Marriage Needs to be An Educational Goal: The Case for Improved Coordination Between Ending Child Marriage and Girls Education Movements in West Africa' (2013) p 49.

¹³ Malhotra, Anju et al (2011) p 13.

his or her meaningful contribution to the development of his or her society depends on how the child experienced his or her childhood. It is no wonder that future deviant behaviour by a person in his or her society is sometimes traced to a disturbed childhood. The State also is under a duty to assist parents in fulfilling these duties.

28. In celebrating this year's DAC, AU Member States are encouraged to respond to child marriage from a child development perspective which emphasises the important role of childhood in shaping children into responsible adults. The Africa Fit for Children Call for Accelerated Action and the MDGs require 'a "children first" approach with some sense of urgency.' Consequently the implementation of children's rights is not a matter that can be postponed but calls for immediate, proactive and decisive action.¹⁴

29. Accordingly, the Committee – guided by articles 1 and 21 of the African Children's Charter – encourages Member States to adopt these measures to safeguard childhood against child marriage:

- a. Immediately ratify (of if they have already done so, to encourage other States to ratify) the African Children's Charter and all other relevant AU human rights instruments related to children by the end of 2015 to provide a strong legal and policy foundation for improving national legal and policy frameworks;
- b. Recognising that child development is a multi-disciplinary and multi-sectoral activity, establish within the next three years, national and sub-national inter-sectoral child welfare and development bodies including government and non-governmental institutions to develop and direct child development and welfare activities;
- c. Undertake legal, policy and institutional reforms within the next five years to establish new or strengthen existing national social welfare and child protection systems to better assist parents and care-givers in the upbringing, care, development and provision for the welfare of the child, with a view to discouraging child marriage as a form of securing the wellbeing of the child.
- d. Continuously engage constructively with relevant stakeholders, including CSOs and children themselves to combat child marriage, and 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;
- e. Address the structural causes of child marriage, including by promoting gender equality, challenging gender stereotypes, creating safe spaces for girls, and enhancing girls' access to education and skills, development and employment generation programmes;

¹⁴ Communication No. Com/002/2009 *Institute for Human Rights and Development in Africa (IHRDA) and Open Society Justice Initiative (OSJI) on behalf of Children of Nubian Descent in Kenya v The Government of Kenya* para 33.

- f. Take urgent and appropriate measures to support and provide for the needs of girls particularly those in vulnerable circumstances, such as girls with disabilities, teenage mothers, girls with albinism, girls in disasters and girls dropping out of school; and
- g. Support the capacity of families to enable them adequately protect their children, by enhancing their economic capacity such as through child-sensitive social protection schemes and by involving parents in programmes that promote positive, nonviolent, non-discriminatory forms of child rearing.

2. The Role of Religion and Culture in Promoting Child Marriage

30. The institution of marriage – both in traditional and modern societies – is largely governed by religion. State laws on marriage are often harmonised with religious injunctions governing the institution. The right to hold a religion or belief and express such is one of the rights that touch the very core of an individual, community and nation’s personality and psyche. When marriage is firmly rooted in religious norms which are presented in a manner that seeks to condone child marriage, it raises cause for concern. The Committee notes in this regard that some AU Members States have set the minimum age for marriage below 18 years, entered reservations on the African Children’s Charter and other child rights treaties, citing religious reasons.

31. Similarly, marriage is governed by cultural norms which seek to ensure social cohesion, order, morality and propagation of the society. Deeply-held cultural beliefs and practices around the development of children have sometimes been used to justify child marriage. In some communities, child marriage is used to justify the preservation of a girl’s chastity. Cultural norms governing the settlement of disputes in some cases require the offending party to make reparation through the ‘sacrifice’ of a daughter in marriage to the offended party.

32. As we celebrate 25 years of the African Children’s Charter, focusing attention on child marriage, the Committee wishes to draw the attention of AU Member States and all persons working with and for children to the indivisibility, interrelation and interdependence of the rights of the child enshrined in the Charter. The cardinal rule of the Charter that the best interest of the child should be **the** primary consideration in all matters should be strongly upheld and applied.

33. In this regard, the Committee urges Members States to adopt these measures to properly define the role of religion and culture in the wellbeing and development of children, with a view to discouraging their use in justifying child marriage:

- a. Convene a national inter-religious and inter-cultural dialogue by religious and traditional authorities on the role of religion and culture in child rights, welfare

- and development by the end of 2015 to set the tone for collective and concerted action towards the elimination of child marriage;
- b. Develop national plans of action within the next three years to carry out activities on communication for social behavioural change to enhance the knowledge base and capacity of local communities to eliminate child marriage. These national plans should make provision for the innovative use of ICT and technology-driven advocacy and awareness-raising strategies and methods. Children as change agents themselves should be actively engaged in the development and implementation of these national plans; and
 - c. Undertake bold and concerted legal reforms over the next five years to repeal all legal provisions which justify child marriage by invoking culture, tradition, honour or religion.

3. National Legal and Policy Frameworks for Eliminating Child Marriage

34. Article 1 of the African Children's Charter, requires States to take all necessary steps within their constitutional processes and the Charter to protect the rights and welfare of the child, using legislative and other measures. It is instructive then to note that closely linked to this provision is article 1(3), which enjoins the State to prohibit any custom, traditional, religious or cultural practice which is inconsistent with the rights, duties and obligations contained in the Charter to the extent of such inconsistency. Reading this article together with article 21 of the Charter, establishes a firm basis for adopting legal and policy measures to expressly outlaw child marriage as it is inconsistent with the Charter.
35. Overall, the Committee is concerned that enforcement of laws and policies remains weak on the continent for various reasons. Laws which touch on social and developmental issues is least enforced. Where laws have criminalised child marriage, there have been very few prosecutions. Policy frameworks are often unknown to a greater section of the population. The effective implementation of laws and policies has also been hampered by lack of adequate financial, human and material resources.
36. Accordingly, the Committee calls upon Member States to include the following measures in improving the development and implementation of their respective laws and policies to eliminate child marriage:
- a. Undertake comprehensive legal reform over the next five years to expressly outlaw and criminalise child marriage and other situations which similarly make children vulnerable to child marriage. The situations contemplated include regulation of the internet and the protection of children from cybercrimes which promote paedophilia, cyber-bullying, sale, trafficking and prostitution of girls;

- b. Prosecute to the fullest extent of the law, all forms of violence and discrimination committed against children and take all appropriate measures to prevent those crimes from occurring;
- c. Strengthen policy development and implementation through the following measures:
 - i. Strengthen the evidence base needed to design and implement effective policies and programmes for reducing child marriage at scale;
 - ii. Set up data collection and child surveillance systems, and national child rights observatories in line with the aims of the ACRWC and the UNCRC 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;
 - iii. Appropriate and implement legislation and policies in line with AU legal and policy instruments with a bearing on young people especially the girl-child on strengthen human rights, gender equality, maternal and child health, to effectively accelerate an end to Child Marriage in Africa;
 - iv. Allocate resources and implement and/or strengthen programmes on universal access to birth registration, quality education and sexual and reproductive health (SRHR) services including meeting the unmet needs of married and unmarried adolescents for family planning family planning;

4. Regional Intervention – AU Member States working with the African Union Commission and the ACERWC to Eliminate Child Marriage

37. The ACERWC is mandated by the African Children’s Charter to promote and protect the rights and welfare of the child in Africa. The Committee is able to effectively fulfil this mandate with the support of AU Member States. Indeed, the Charter establishes a framework for collaboration through the state reporting, investigation missions and the receipt of communications. The Committee in turn submits annual reports to the Assembly of the AU which provides another medium for it to engage with AU Member States.

38. In the 25-year existence of the African Children’s Charter, the Committee notes that it has not been able to fully engage more directly with Member States on children’s issues within its mandate on the areas mentioned above. More than 30 Member States of the AU and State Parties to the African Children’s Charter have not submitted at least one Report to the Committee in fulfilment of their obligations

under the Charter. Seven Member States have still not ratified the Charter. The Committee has therefore launched a campaign to achieve universal ratification of and reporting on the African Children's Charter this year. Universal ratification will signify a firm commitment of all AU Member States to strengthen the promotion and protection of children's rights and welfare in Africa. Allied to the ratification campaign is a call on State Parties which have entered reservations to the Charter to withdraw them.

39. The Human Rights Strategy for Africa also provides a framework for collaboration between AU human rights bodies and State Parties to work together to improve the state of human rights in Africa. The Strategy is partly a response to the lack of coordination and meaningful interaction between the human rights bodies, States and Regional Economic Communities (RECs). The Strategy is however yet to fully achieve its objective of fostering closer collaboration between the Committee in particular, the RECs and State Parties. The Committee has however taken steps to strengthen its engagement with the RECs.

40. Against this background, the ACERWC enjoins Member States to undertake the following measures as part of their efforts to accelerate the elimination of child marriage in Africa:

- a. Assist the ACERWC to achieve universal ratification of the ACRWC and also ratify all the relevant regional and international child rights and international humanitarian instruments and fully harmonise their national laws with the relevant international and regional standards; and
- b. Adhere to the reporting requirements of treaty monitoring bodies, by regularly submitting State Party reports on issues pertaining to violence and discrimination against girls, and taking prompt follow up actions to the recommendations of these bodies, as well as those made by the UN Secretary General's Study on Violence against Children.

H. Proposed recommendations to eliminate Child Marriage

1. towards a Holistic and Integrated Approach to Eliminating Child Marriage

41. In seeking to accelerate collective efforts to eliminate child marriage, and address the challenges identified in this Concept Note, the Committee makes the following recommendations to State Parties:

- a. **Addressing challenges in data collection and programme management:**
 - i. Improve data collection on the incidence of child marriage and establish modalities for sharing such data among relevant national institutions to better inform the design and development of intervention measures;

- ii. Establish an effective monitoring and evaluation (M&E) system with the support of the AUC in order to consolidate data and produce accurate, reliable and timely data at regional and continental level. This will go a long way to curb instances in which children will be trafficked across borders for the purpose of contracting marriages in similar cultural settings;
- iii. Incorporate efficient data collection and monitoring and evaluation systems into programmes and strategies to end child marriage to ensure that these interventions are properly assessed and improved to inform future implementation;
- iv. African States should share best practice approaches to ending child marriages to encourage national institutions which may consider the phenomenon as too daunting to address. Properly studied and replicated, best practice will achieve exponential results in fighting child marriage.

b. Addressing economic, social and cultural factors subjugating women:

- i. Establish new or strengthen existing social protection measures to assist poor families who are at risk of resorting to marrying of their girl children to reduce the economic burden of families;

- ii. Develop and implement programmes for societal behavioural change from viewing treating women and girls as second-class members of society to accepting and protecting them as equal and important members of society. In this regard, communication for development programmes on behaviour change can be considered by State Parties;

- iii. Actively engage with children and youth as agents of change by equipping them with life skills, quality education and training to enable them make better life choices and equally sensitise their communities about the dangers of child marriage as well as the benefits of delayed marriage;

c. Addressing child marriage in relation to other challenges like human trafficking:

- i. Equip national institutions responsible for preventing human trafficking with the requisite logistics and capacity-building for personnel to enable them identify children being trafficked, especially for marriage and ensure that the perpetrators are sanctioned in accordance with the law;
- ii. Establish cross-sectoral anti-child marriage teams or working groups bringing together key Ministries, Agencies and Departments at the

national level to adopt a sector-wide and holistic approach to fighting child marriage and other connected problems.

- d. **Addressing religious and cultural beliefs perpetuating child marriage:**
 - i. Seize the opportunity of initiatives by traditional and religious leaders to advance positive cultural norms and abolish degrading ones to advocate for an end to child marriage founded on negative cultural and religious norms;
 - ii. Develop and implement national programmes that emphasise positive religious and traditional values – especially those on marriage – which do not condone child marriage, highlight positive family values and the value of children.
- e. **Law Enforcement**
 - i. Undertake law reform measures that seek to harmonise national laws with the African Children’s Charter, the UN Convention on the Rights of the Child, the African Charter on Human and Peoples’ Rights as well as other regional and international instruments which prohibit child marriage;
 - ii. Equip law enforcement agencies and social welfare services with the requisite logistics, technical and human resources, capacity-building of personnel to enable them better identify and investigate cases of early marriage and provide support to children at risk and their families.
- f. In addition to these recommendations, the Committee strongly urges State Parties to provide it relevant and reliable information through timely State Reporting to enable the Committee provide the needed guidance and support to State Parties to eliminate child marriage.

I. Proposed Activities to Commemorate the DAC 2015

40. The Committee also suggests these activities which State Parties can consider to commemorate the DAC for 2015. The Committee strongly recommends the active participation of children in the planning and implementation of these activities;

- a. Promote the launch the AUC Campaign to End Child Marriage in Africa;
- b. Promote the harmonization marriage laws by setting the marriage age at 18 years or above for both boys and girls;
- c. High-level Ministerial Statements expressing firm commitments to ending child marriage;
- d. Parliamentary debates dedicated to the situation of child marriage in the country with firm commitments to address the phenomenon;
- e. Document testimonies of married children to be aired through audio-visual media reaching a national audience to draw public attention to the effects of child marriage;

- f. Establish specific distribution and dissemination protocols to popularise the DAC Concept Note and the theme for the celebration of the DAC. The Committee strongly recommends the effective use of social media platforms in this regard to particularly reach children, youth, policy-makers and national figures who are active on social media;
- g. Engage celebrities, public figures, social icons and national heroes in popularising the DAC Concept Note and leading key activities to commemorate the day such as making public commitments to eliminate child marriage, signing pledges and going on sponsored walks;
- h. Document testimonies of would-be child spouses who escaped the phenomenon and who have excelled in their education or fields of endeavour as positive stories to encourage an end to the phenomenon;
- i. Hold inter-cultural and inter-religious dialogues with traditional and religious leaders to discuss ways of advancing positive cultural values and taking specific measures to end child marriage;
- j. Hold discussion forums and other advocacy programmes designed and facilitated by children to give them an opportunity to share their views and solutions for ending child marriage'
- k. Provide live audio-visual coverage of events to commemorate the DAC to give the celebrations national attention and participation.

'We cannot down play or neglect the harmful practice of child marriage as it has long term and devastating effects on these girls whose health is at risk and at worst leading to death due to child birth and other complications'

2. Dr Nkosazana Dlamini-Zuma,

3. Chairperson of the African Union Commission.

Annex

Template for Reporting On the Commemoration of the Day of the African Child 2015

Theme:

25 Years after the Adoption of the African Children’s Charter: Accelerating our Collective Efforts to End Child Marriage in Africa

Motivation:

This template is a reporting framework which AU Members States and other stakeholders can use to report on the celebration of the DAC on 16 June 2015 and on the information on the incidence of child marriage. The report is expected to be submitted in the format below, in order to ensure a comprehensive understanding of the ways in which the theme has been taken forward at country and district level. This will allow the Committee to monitor and evaluate the implementation of the Recommendations in the same manner in all African countries.

Country/Organisation	
Partners:	
Measures and Activities taken on Areas of Concern: <ul style="list-style-type: none">• Safeguarding Childhood Against Child Marriage• The Role of Religion and Culture in Promoting Child Marriage• National Legal and Policy Frameworks for Eliminating Child Marriage;• Regional Intervention – AU Members States working with ACERWC to Eliminate Child Marriage	
Summary of Legislative and Administrative Measures, National Plans of Action, Policy Frameworks to Eliminate Child Marriage	
Other Practical Measures taken to end child marriage	
Statistical Data on the incidence or prevalence of child marriage and its effects	

Report on Events Organised on or leading up to 16th June 2015

	Details of Events	Number of participants		Details of Implementing Agency	Impact Level			Number of Children Reached
		Rural Participants	Urban Participants		National	Regional	District	
	Conferences, workshops, seminars held							
	Drama, role-plays, school-based events, events in children's institutions							
	Print media, newspaper articles, magazine features and journal writings on the theme							
	Radio shows, TV and related media, Social media events on the theme							

	Details of Events	Number of participants		Details of Implementing Agency	Impact Level			Number of Children Reached
		Rural Participants	Urban Participants		National	Regional	District	
Ceremonies, games, sporting activities, parades, Statements by Public Officials and Institutions, Parliamentary Debates and Statements on the theme								
Instances of and problems associated with child marriage identified by children								
Phone in programmes, competitions, statements and speeches								

	Details of Events	Number of participants		Details of Implementing Agency	Impact Level			Number of Children Reached
		Rural Participants	Urban Participants		National	Regional	District	
made by Opinion, Religions and Traditional Leaders in support of ending child marriage								
Data collection activities to determine the incidence or prevalence of child marriage and its effects								
Plans and measures to take forward the programmes and activities around ending child marriage after the DAC								

	Details of Events	Number of participants		Details of Implementing Agency	Impact Level			Number of Children Reached
		Rural Participants	Urban Participants		National	Regional	District	
for the rest of the year								

Please indicate with an * (asterisk) those activities in which children have been involved.