

AFRICAN UNION

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**FIRST SESSION OF THE SPECIALISED TECHNICAL
COMMITTEE ON SOCIAL DEVELOPMENT,
LABOUR AND EMPLOYMENT (STC-SDLE-1)
ADDIS ABABA, ETHIOPIA
20-24 APRIL 2015**

Theme: “*Social Protection for Inclusive Development*”

**DRAFT AFRICAN COMMON POSITION ON THE AU CAMPAIGN TO END
CHILD MARRIAGE IN AFRICA**

1. INTRODUCTION

2. PREAMBLE

WE, THE HEADS OF STATE AND GOVERNMENT OF MEMBER STATES OF THE AFRICAN UNION (AU):

RECALLING the continental launch of the AU campaign to End Child Marriage in Africa;

APPRECIATING the stewardship of the Republic of Chad and Organisation of African First Ladies and the special roles of the Goodwill Ambassador and special Rapporteur;

ACKNOWLEDGING the AU Member States that have already launched the campaign and those that have planned to launch the campaign;

RECALLING commitments for the promotion and protection of children's rights in continental and international legal instruments as enshrined in the African Charter on the Rights and Welfare of the Child and Convention on the Rights and Welfare of the Child;

ALSO RECALLING the various international and African Union policy documents and instruments related to strengthening child rights, in particular the girl child, addressing their needs, improving their general welfare, and enhancing opportunities available to them;

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

RECOGNIZING Article 21(2) of the African Charter on the Rights and Welfare of the Child, 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 to make registration of all marriages in an official registry compulsory*;

CONSIDERING Article 6 of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (2003) which prohibits child marriage;

NOTING Article 8 of the African Youth Charter which recognises the rights for all young men and women to freely consent to marriage;

BEARING IN MIND 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;

FURTHER NOTING the United Nations resolution on ending child, early and forced marriage adopted on 21 November;

RECOGNIZING 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 about the current prevalence of the harmful practice of child marriage and that if the current trends continue, the number of child marriages in Sub-Saharan Africa is expected to double by 2050, and sub-Saharan Africa will overtake South Asia to become the region with the largest numbers of child brides in the world.

ALSO CONCERNED that child marriage deprives girls from enjoying their childhood and subjects them to long-term devastating effects of their mental and physical health particularly fistula which is one of the leading causes of mortality and morbidity for girls aged between 15 and 19;

ALSO CONCERNED that the girl child in particular is often married due to socio-cultural norms, against their will, and mostly to older men, and there after subjected to physical, mental, emotional, and sexual abuse within such marriage, and in some cases are victims of child trafficking;

CONSCIOUS of the fact that some group of 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;

AWARE that the prevalence rate of child marriage is closely linked to the attainment of MDGs 1, 2,3,4,5 and 6;

ACKNOWLEDGING full support from the African Union Campaign to End Child Marriage in Africa by accelerating the End of Child Marriage in Africa and the respective countries through the development, elaboration and implementation of national strategies and action plans to end child marriage. The implementation of relevant policies against child marriage and by enhancing awareness of the effects of child marriage at national and community levels;

FURTHER ACKNOWLEDGING that strategies to End Child Marriage in Africa need to be multi-sectoral, with a particular focus on the most vulnerable girls, including those who are already married, girls from indigenous and marginalised communities, refugee children and displaced children, among others;

RECALLING the importance of birth registration and registration of all forms of marriage to protect 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;

STRONGLY EMPHASIZING on education as an essential tool towards ending child marriage and to fulfil the girl child potential for a bright future;

EMPHASIZING the importance of budgetary and technical support to enable Member States to plan, implement laws and policies, monitor and evaluate and ensure accountability with regards to measures taken to end child marriage;

AFFIRMING the importance of a strong network of child welfare and law enforcement officials who have the capacity to ensure mechanisms for access to justice are in place, and are advocates in protecting children from and ending child marriage;

RECOGNIZING that the family is the basic and most fundamental unit and has the primary responsibility for the nurturing and protection of children;

CONVINCED that Civil Society Organisations, United Nations agencies, the media, the private sector, research and academic institutions, children themselves are critical stakeholders and have a pivotal role in building an evidence base on child marriage which can play an important role in more informed advocacy, promotion, research and policy with respect to ending child marriage.

HAVE AGREED AS FOLLOWS:

3. COMMITMENTS FOR FUTURE ACTION

A. At national and regional levels Member States are urged to:

1. Ratify, domesticate, harmonise, apply, and monitor international and regional instruments aimed at improving the welfare of children and women rights’;
2. Develop and implement national strategies and comprehensive action plans which are well resourced (budget) that aim to end child marriage;
3. Implement all key continental policies and legal instruments relating to human rights, gender equality, maternal and child health, and “harmful traditional practices” for the empowerment and participation of girls and women in development;
4. Enact and implement laws that set the legal minimum age for marriage at 18 years or above, with no exceptions, and applicable under all legal systems;
5. Implement appropriate legislation and policies that effectively prohibit, prevent, punish and redresses child marriage including cross-border movement of girls for child marriage purposes;

6. Develop and implement, or include in existing initiatives, national-level or subnational-level programmes that aim to prevent child marriage and support already married girls by empowering girls through education, life skills and safe spaces, and providing the adequate health, justice and other services;
7. Ensure that ending child marriage remains high on the political agenda at global, continental, regional and national levels
8. Implement all key continental policies and legal instruments relating to human rights, gender equality, maternal and child health, and “harmful traditional practices” for the empowerment and participation of girls and women in development;
9. Promote the participation and role of men, particularly fathers, religious leaders and community leaders in promoting positive male role models who oppose child marriage and are knowledgeable about its harmful impacts;
10. Encourage civil society initiatives and partnerships that promote the wellbeing and protection of children by investing in programmes aimed at empowering communities and girls at risk of child marriage;
11. Ensure that child marriage prevention information including legal measures and policies are embedded in the educational curricula and hence schools should prohibit withdrawal of girls from school for child marriage purposes;
12. Promote gender equality within the families - between women and men and girls and boys – and promote and support the role of fathers and mothers as care givers;
13. Encourage to end child marriage as its one of the core human development issues of the post-2015 Development Agenda as well as the African Union’s Agenda 2063 to be monitored with a specific indicator in the Agenda 2063’s monitoring mechanisms;