



Joint Statement of the Institute for Human Rights and Development in Africa (IHRDA) and the Clooney Foundation for Justice (CFJ) to the African Committee of Experts on the Rights and Welfare of the Child (ACERWC), at the 41st Ordinary Session of the Committee

Honourable Chairperson and Members of the African Committee of Experts on the Rights and Welfare of the Child,

Honourable State Delegates,

Distinguished Ladies and Gentlemen,

We congratulate the Committee on the occasion of its 41st Ordinary Session being held here in the beautiful Kingdom of Lesotho. We thank the Committee for working with IHRDA to organise a workshop on transitional justice, and look forward to continue our cooperation.

We seek to draw the attention of the Committee to the prevalence of harmful practices against girls in many African States. African girls continue to suffer these child rights violations either due to a failure of States to adopt adequate legal provisions to tackle harmful practices, or ineffective measures to enforce such provisions.

A majority of State Parties to the African Charter on the Rights and Welfare of the Child have inadequate legal provisions against child marriage.¹ Inadequate legal protections take a variety of forms: some states set the minimum legal age below 18, some states allow customary or civil law to displace statutory minimums, some states grant exemptions for parental or judicial consent, and some states do a combination of all three.

¹ See Girls Not Brides, Child Marriage Atlas. See also The World Bank, Women, Business, and the Law 2021 and African Union, [A Compendium From 55 African Union Member States](#) (June 2018).

Additionally, at least a dozen² Member States prescribe younger minimum age of marriage laws for girls than for boys, entrenching problematic and harmful gender stereotypes that lead to such high rates of child marriage.

Research also reveals that high rates of child marriage persist even in states that have the right laws on paper. One reason for this is that child marriage often occurs under customary or religious law, which are rarely registered or recorded.³ Disturbingly, child marriage rates are projected by the UN to double on the continent by 2050 if current trends persist.⁴

State Parties to the Charter such as Guinea, Djibouti, Mali, Sierra Leone, Egypt, Sudan and Eritrea all have an FGM prevalence rate of over 80%.⁵ Even in States where female genital mutilation (FGM) is prohibited by law, there is ineffective enforcement of those laws.⁶

Across Africa, tens of thousands of adolescent girls also drop out of school or are kicked out because they are pregnant, married, or are mothers.⁷ Many countries lack adequate policies that ensure that these girls can resume their education or have adopted punitive or discriminatory measures against adolescent mothers that deny girls the right to complete primary and secondary education.⁸

Recognising that the African regional human rights system provides channels to challenge a State's failure to bring their laws and practices in line with the Charter, IHRDA and CFJ have just concluded a litigation training workshop on child marriage and other harmful practices against girls for members of the Committee's Civil Society Forum.

We urge the Committee to continue to engage with State Parties to the Charter and to impress upon them the need to take legal and other measures to eradicate child marriage, FGM and other harmful practices against African girls. Further, to urge States to adopt human rights-compliant education policies which guarantee that students who are married, pregnant or parenting are allowed to remain in formal school for as long as they choose; able to resume their education free from complex processes for withdrawal and re-enrolment, and supported to complete their education in school environments free from stigma and discrimination.

We thank you for your attention.

² *Id.*

³ Centre for Human Rights at the University of Pretoria, [A Report on Child Marriage in Africa](#) (2018), 56.

⁴ UN, [Child brides in Africa could more than double to 310 million by 2050 – UNICEF](#) (26 November 2015).

⁵ UNICEF, [Female genital mutation](#). The prevalence rates relate to girls and women aged 15 to 49 and is based on the UNICEF global databases 2022, which in turn is based on DHS, MICS and other national surveys, 2004-2021).

⁶ Equality Now, [Female Genital Mutilation/Cutting: A Call For A Global Response](#) (March 2020), 13, 18 (finding that 28 countries in Africa that practice FGM have enacted specific laws or specific legal provisions against female genital mutilation).

⁷ HRW, [Education Access across the African Union](#): A Human Rights Watch Index (2022).

⁸ HRW, [Education Access across the African Union](#): A Human Rights Watch Index (2022).