



Southern African Development Community Parliamentary Forum (SADC PF) Plenary Session

Joint Statement by Girls Not Brides, Plan International, Hivos, UNICEF and UNFPA
Livingstone, Zambia
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JOINT STATEMENT ON DEFENDING GIRLS' RIGHTS ON ENDING CHILD MARRIAGE IN THE SADC REGION

BACKGROUND

The undersigned organizations are gravely concerned that every year, 12 million girls are married or in unions worldwide with an estimated 640 million girls and women alive today who were married as children. Child Marriage remains a critical problem in Southern Africa with almost 40% of girls being married before 18. Despite growing evidence of a decline in child marriage across the globe, there is a pressing need to accelerate such progress. Unless we accelerate our efforts, 100 million more girls will marry or enter a union by 2030, and it will take another 300 years to end the practice. With what we know from years of intervening to prevent and protect girls from early, forced child marriage and unions, it is possible to reverse the trend and accelerate to achieve the intent of the SADC model law and the Sustainable Development Goal on ending harmful practices by 2030. Over the years, [SADC PF](#) in collaboration with [Girls Not Brides](#), [Plan International](#), Hivos, UNICEF and UNFPA has consolidated efforts towards the eradication of child marriage in the SADC region.

This Partnership notes that the SADC region has made tremendous strides, particularly with the leadership role that members of parliament, traditional and religious leaders, civil society organizations and young people have taken in addressing child marriage. While many SADC Member States have been exemplary in setting the minimum marriage age at 18, loopholes in customary and religious laws, beliefs and practices often allow marriage at much younger ages. An analysis by Equality Now 2023 indicates that seven out of the 16 SADC member states have set the minimum age as 18 with no exception, five out of the 16 countries have set the minimum age as 18, without exception, and five out of the 16 countries set the minimum age as between 15 and 18 years with further exceptions applicable¹. Even where laws exist, enforcement mechanisms are often weak, allowing Child Marriage to continue. To effectively protect girls and young women, the Partnership call on SADC Members of Parliament to harmonize these laws with national laws and educate communities on the risks of **Child, Early & Forced Marriage** and Unions (CEFMU). We speak specifically about the law in the context of our close collaboration with the SADC PF and the development of a comprehensive Model Law to End Child Marriage (ECM).

In August of this year (2024), the partnership convened key stakeholders to take stock of the progress in the implementation of the SADC ML with an opportunity to work on a strategy to scale up our efforts in the region. It was clear that the SADC Model Law has been popularized among Members of Parliament (MPs), traditional and religious leaders, civil society

¹ Ending Child Marriage in Southern Africa: Gaps and Opportunities in the Legislative Frameworks, Equality Now, SADC PF, UNFPA 2023



organizations, young people, other key stakeholders and development partners. Additionally, capacity-building efforts have been conducted to educate these groups on the Model Law.

It was also evident that strategic legal reforms, such as revising Marriage Acts to address the marriageable minimum age marriage and the harmonization of the legal and binding definition of a child, have been undertaken. Efforts have also been made to reconcile conflicts between statutory and customary laws.

The convening successfully concluded with the establishment of a Community of Practice (CoP) and a road map to guide its operationalisation. The Partnership strongly believes that with concerted efforts, the CoP will heighten and scale up coordinated efforts to address Child Marriage in the SADC Region.

ACKNOWLEDGEMENT OF EFFORTS TO END CHILD, EARLY, FORCED MARRIAGE AND UNIONS (CEFMU) AND APPLAUD THE ROLE OF KEY STAKEHOLDERS IN THE SADC REGION

The partnership recognizes that through the Model Law, the SADC Parliamentary Forum has established a strong regional baseline for how national laws and policy frameworks cut across customary, religious and civil marriage systems, as well as suggesting concrete measures and interventions to prevent and mitigate the effects of child marriage. In addition, the recently concluded workshop on the development of a robust Monitoring Evaluation Accountability and Learning (MEAL) framework, presents an opportunity to establish consistent and reliable mechanisms for monitoring and evaluating the implementation of the Model Law across SADC member states which has previously been lacking. We strongly believe that the ongoing process will culminate in developing key indicators to measure legislative reforms, enforcement mechanisms, public awareness, and social and cultural shifts with a focus on human rights outcomes and Gender Transformative approaches.

We wish to specifically applaud the SADC Member states for the strong commitments demonstrated to address Child Marriage in the region, as highlighted at the recently concluded 1st Global Ministerial Conference on Ending Violence Against Children in Bogota, Columbia. Notably, 12 out of the 16 SADC countries made substantial commitments to strengthen the Policy and Legal framework, provide essential services to survivors of sexual violence and address retrogressive norms and practices, including CEFMU. We specifically call upon the countries to fulfil their commitments and contribute to consolidating efforts to address Child Marriage.

However, as a Partnership on Ending Child Marriage (ECM), we would like to applaud the following governments for the commitment made towards Ending Child Marriage:

a). Angola committed to invest Kwanza 300 million for legal review and the strengthening of the criminalization of violence against children, especially sexual violence by 2027. Angola further committed to invest Kwanza 750 million to improve coordination mechanisms between child protection actors and services, especially those linked to violence against children by 2027.

b). Lesotho committed to providing access to comprehensive child protection systems to all marginalized and vulnerable children and youth, especially children with disabilities, orphans,



children as victims of child labour and violence, children in the justice system, children who are married, early and unintended pregnancies, homeless children in rural and in urban areas.

c). Botswana committed to harmonise (review, amendment and development) all legislative instruments with the Children's Act CH 28:04 which domesticated the provisions of the UN Convention on the Rights of the Child.

d) Eswatini committed to promoting positive norms and values that will foster the protection of every child by promoting positive gender-transformative social norms for the prevention of violence against children and Gender Based Violence.

e). Madagascar committed to developing and adopting Madagascar's first National Child Protection Policy by 2026. This policy is crucial for child protection in Madagascar, to provide a strategic framework that defines prevention and the multi-sectoral response to end violence against children.

f). Malawi committed to accelerating the implementation of the gender and child-related laws including the amended Penal Code to ensure that children's access to justice is increased.

g). Mozambique committed to allocating financial resources to increase human resources, infrastructure and supplies to ensure access to basic quality social services (including for adolescents and young people) in communities to prevent and respond to violence against children, by investing 8,422,600 Mozambican metical over 4-10 years.

h). Namibia committed to a National Violence Against Children campaign will be designed and implemented to enhance awareness and change harmful attitudes and practices related to violence.

i). South Africa committed to addressing harmful cultural practices and patriarchal norms that normalize the abuse of children by 2027. And further Strengthen collaboration with SADC and the African Continent in strengthening child protection system, creating a better continent that safeguards the well-being of children, promoting and protecting children's rights.

J). Tanzania committed to investing 1,912,104,570 Tanzania Shillings to reach more than 15,000 men and boys to be champions advocating for and embracing non-violent respectful and nurturing gender-equitable relationships by 2029. The budget and other resources will be a collaborative effort between the Government and Development Partners.

k. Zambia committed to eradicating harmful social and cultural norms that perpetuate violence against children. This entails the formulation and implementation of a National Plan on Social Behavioural Change to address violence against children perpetuated as a result of because of social and gender norms. , This will be achieved by strengthening partnerships with chiefdoms, religious leaders, communities, civil society organizations and non-governmental organizations in the implementation of initiatives that support non-violent and gender-equitable relationships at family and community levels. In addition, increasing budgetary allocation for child protection and welfare, continuum of age-specific and gender-responsive services and recruitment of 5,000 social workers by 2027 will be prioritized.

L). Zimbabwe committed to scaling up the implementation and enforcement of child friendly laws and policies criminalising sexual abuse and exploitation of children. This entails



progressive review of the legislative and policy framework to ensure emerging child protection concerns are adequately addressed. The Government of Zimbabwe commits to enhancing child protection measures by raising awareness, implementing confidential reporting mechanisms, enforcing stiffer penalties for perpetrators, providing relevant support for survivors and witnesses, and strengthen enforcement in both urban and rural areas.

GAPS AND CHALLENGES (WHILE WE ARE FOCUSING ON THE LAW, WE HAVE TO GO BEYOND THE LAW)

While progress has been made in the implementation and domestication of the Model Law, member states still grapple with key gaps that continue to impede CEFMU interventions in the region.

Slow Progress and Lengthy Domestication Process: The voluntary nature of the SADC ML means that member states can domesticate and implement it at their own pace. The process is often slow, due to the need for extensive advocacy, awareness-raising, and capacity building among lawmakers and stakeholders.

Conflicting Cultural Beliefs and Laws: Cultural beliefs and contradictory laws continue to pose significant barriers to efforts aimed at ending child marriage, such as access to sexual and reproductive health rights (SRHR).

Unclear Operationalization: There is still a lack of clarity on how the SADC ML should be operationalized within existing national, regional, and international frameworks, such as the Addis Declaration on Population Movement or the AU body. This has led to stagnation in advancing the CEFMU agenda.

Insufficient Budgetary Allocation: Despite the need for financial resources to support the domestication and implementation of the ML, there has been a lack of dedicated budgetary allocation for these activities. Budgets to different government sectors lack budget lines for mainstreaming activities that contribute to addressing Child Marriage. For instance²,

- National Strategies and Action Plans to End Child Marriage lack designated budgets allocation to effect implementation. Social welfare services are significantly under-resourced both in budgetary allocation and personnel.
- Budgets for Departments and Associations under Education lack a budget line for provision of scholarships for children at risk of child marriage as well as school-based curriculum for comprehensive sexuality Education. Several countries have not achieved the recommended 20% allocation of national budget to education, yet, keeping children in schools and acquisition of marketable skills programme is one of the sustainable means of ending child marriage.

² Ending Child Marriage in Eastern and Southern Africa: Challenges in Implementing Domestic Laws and The SADC Model Law on Child Marriage: Equality Now, SADC PF and UNFPA 2023



- Health departments lack dedicated budgets and funding for SRHR and Services for adolescents and young people. Additionally, young people especially in rural areas are not able to access SRHR information and services.
- Poverty alleviations social protection programs have limited budgets to support already married girls and those at risk.

OPPORTUNITIES

The opportunities outlined below, require concerted efforts among SADC member states, regional bodies, CSO's, traditional and religious leaders, young people, and international partners to ensure the SADC Model Law's effective domestication, implementation and enforcement:

- The SADC Model Law on Eradicating Child Marriage and Protecting Children already in Marriage is the standard for norms concerning the protection of children's rights. It is an opportunity to bridge the gaps between statutory and customary laws, ensuring consistency in protecting those rights. Countries that have not adopted the law are urged to work towards adopting the law.
- The SADC Model Law on Eradicating Child Marriage and Protecting Children already in Marriage encourages collaboration among member states to share experiences and lessons learned. This is an opportunity to strengthen regional collaboration and foster partnerships between governments and CSOs for the advancement of the domestication of the law.
- The development of a robust Monitoring, Evaluation and Learning framework, presents an opportunity to enhance the monitoring and evaluation of member states' commitments by providing a standardized framework for tracking progress. This framework can strengthen accountability for implementation and compliance with the set standards. There is also the need for consensus building on establishing and activating mechanisms to monitor time-bound progress towards agreed milestones.
- Owing to the multifaceted approach required to accelerate progress to ending CEFMU, the formation of the Community of Practice is an opportunity to involve all stakeholders such as CSOs, traditional and religious leaders, young people policymakers and other influencers. This will foster peer learning and collective action on ending child marriage.
- The Model law is an opportunity to attract funding and resources from international development partners, and regional bodies that support legislative reform and implementation efforts aimed at ending CEFMU.

RECOMMENDATIONS AND ASKS

Considering the increased commitments and interventions towards accelerating efforts to end Child Marriage in the SADC region, the partnership of SADC PF, *Girls Not Brides*, Plan



International, Hivos, UNFPA ESARO and UNICEF ESARO call on SADC governments and stakeholders to implement the following recommendations:

a) Strengthen harmonization and law enforcement of the SADC ML:

We urge governments and stakeholders to prioritize legal reforms and enactment of comprehensive legislative and policy frameworks that align with international and regional human rights standards. This includes setting the minimum age of marriage at 18 without exceptions, alongside government commitments to adopt holistic and integrated approaches. The cross-border cultural and social similarities and ties between nationals of Member States also requires the harmonization of standards set out in laws and policies. These approaches therefore should actively engage families and communities while ensuring access to health services, sexuality education, and support systems for girls and boys.

While legal reform is crucial, member states must close the divide between legal approaches and those aimed at influencing social and community norms.

b) Resource Allocation:

Funding remains a critical gap in moving towards accelerating progress in ending child marriage in the SADC region. With government commitment and adequate financing, faster declines in the prevalence and rate of child marriage will be met.

- We call on the member states to allocate a significant percentage of its national budget to guarantee the implementation of National Strategies and Action plans to end child marriage and the effective enforcement of laws.
- We urge member states to allocate sufficient budgets, informed by costed investment plans for social services to effectively prevent CEFMU, as well as meet the 20% of national budget allocation to Education Ministries to enhance access to education for all, broaden vocational and skills training to equip young people with marketable skills, provision of scholarships to girls at risk and those affected by Child Marriage, also ensuring comprehensive sexuality education is aligned and implemented in school curriculums.
- In addition, member states should ensure budgets are allocated to SRHR services under the departments of Health, to enhance access and utilisation by adolescents and young people.
- We call on member states to effectively engage with traditional, religious leaders and the young people and communities on embracing transformative change that progressively leads to ending CEFMU to break the intergenerational cycle of poverty.

c) Multisectoral collaboration:

Member state action to address child marriage must be holistic, multi-sectoral, girl-centred, evidence-based, and rights-based, if it is to be effective.

We call on the governments and stakeholders to encourage all relevant line Ministries to recognize their role in ending child marriage, including how their respective sectors manage their budgets in all child-related matters to address child marriage. We further Call on the



government to encourage and steer collaboration between sectors to ensure that child marriage is addressed holistically.

d) Strengthen Access to Education in line with the 4th Optional Protocol to the UN Convention on the Rights of the Child.

We acknowledge the tremendous efforts by member states in ensuring access to education for learners, recognizing that keeping girls in schools is one of the strategies for delaying Marriage and promoting positive learning outcomes. The SADC Demographic and Social Statistics 2019 indicate the average completion rate for girls is 24% and 30% for boys. These figures indicate the need to strengthen access to education for all, to address the challenges and barriers of access to education.

We call on the SADC Member states to strengthen education in line with the 4th Optional Protocol to the UN Convention on the Rights of the Child which further emphasises access to education, including at least one year of free public pre-primary education and free public secondary education free and accessible by member states.

We further call on SADC member states to ensure that their national laws are in line with the provisions that will be set out in the optional Protocol and join the intergovernmental working group in 2025 to support its robust development.

e) Strengthen meaningful and inclusive youth leadership in addressing CEFMU and in all decision-making processes.

Meaningful participation and engagement of young people is not just a human rights issue. There is evidence that the meaningful and effective engagement of young people ensures programmes and initiatives by governments and non-state actors are more innovative and relevant to their needs. This makes these initiatives more beneficial and sustainable in the long run.

- **SADC_ PF Secretary General**
- **Hivos Representative**
- **Plan International Representative**
- **Girls Not Brides Representative**
- **UN Representative**

