

Protection measures for children already in marriage in Eastern and Southern Africa

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About Equality Now

Equality Now is a worldwide human rights organisation dedicated to securing the legal and systemic change needed to end discrimination against all women and girls, everywhere in the world. Since its inception in 1992, it has played a role in reforming 120 discriminatory laws globally, positively impacting the lives of hundreds of millions of women and girls, their communities and nations, both now and for generations to come.

Working with partners at national, regional and global levels, Equality Now draws on deep legal expertise and a diverse range of social, political and cultural perspectives to continue to lead the way in steering, shaping and driving the change needed to achieve enduring gender equality, to the benefit of all.



About Southern African Development Community Parliamentary Forum (SADC PF)

The SADC Parliamentary Forum is established under Article 9(2) of the SADC Treaty, and it forms part of the institutional framework of the Southern African Development Community (SADC). Its main objective is to promote inter-parliamentary initiatives around common objectives in view of advancing democracy, the rule of law and human rights in the region. Guided by its Strategic Plan (2024-2028), it is mandated to adopt Model Laws that serve as guiding benchmarks for Member Parliaments in Southern Africa and beyond. The Forum is currently composed of 15 Member Parliaments with a representation of over 3500 MPs.

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Background and rationale

Child marriage is one of the most enduring violations of children's rights across the globe. In the Eastern and Southern Africa (ESA) region, progress towards eradicating the practice varies widely from country to country. In general, however, the region still records one of the highest prevalence rates of child marriage across the globe.¹ Victims of child marriage face distinct challenges, including:

- ▶ Legal barriers that limit their ability to access justice, annul harmful marriages or claim property, maintenance and custody rights.
- ▶ Health risks including early pregnancy, maternal mortality, exposure to gender-based violence, sexually transmitted infections (STIs), trauma and mental health challenges and limited access to health services.
- ▶ Educational disruption and economic dependence reduce their ability to achieve independence or exit harmful situations.
- ▶ Social stigma isolates married girls, limiting community support and access to support services.

The Model Law sets standards for comprehensive legislation on child marriage that national legislation should meet, and calls for specific attention to measures targeting children already in marriage.

The adoption of the SADC Model Law on Eradicating Child Marriage and Protecting Children Already in Marriage (Model Law) in 2016 by the 39th Plenary Assembly of the SADC Parliamentary Forum (SADC PF) held in Ezulwini, Eswatini, was a significant milestone towards rallying action to address child marriage in the region. The Model Law sets standards for comprehensive legislation on child marriage that national legislation should meet, and calls for specific attention to measures targeting children already in marriage. This approach is uniquely valuable, as it goes beyond merely setting the minimum age of marriage and underscores the importance of redress measures for survivors of child marriage for whom preventive measures have not been effective.

Recognising the need to accelerate the domestication of the Model Law and the subsequent implementation of the standards set therein by ESA countries, this policy brief seeks to guide policymakers and other stakeholders working to end child marriage in the ESA region in their efforts to strengthen protection and support mechanisms, amongst efforts to end the practice and promote stakeholder collaboration. In particular, the brief draws from an up-to-date contextual analysis to recommend measures that policy makers can take to give life to the ideals of the Model Law, and to ensure that their efforts to address child marriage are effective in a context characterised by emerging and evolving drivers of child marriage.

Policy recommendations

Based on the detailed analysis provided in the following sections of the brief, a number of policy measures are recommended in three broad categories: law and policy, institutional and personal measures. With respect to children already in marriage, States should ensure:

1. Legal measures

Measures in this category aim to reform national laws to remove barriers to legal protection, mitigate the impact of marriage, and enforce accountability for violations.

To this end, States should:

- ▶ Harmonise their laws on marriage to ensure equal protection of children from marriage across all regimes of law in the country, including civil, customary, religious and family laws.
- ▶ Remove legal capacity barriers so married children can directly access courts, legal aid and remedies without requiring a “next friend.”
- ▶ Guarantee specific rights, including the right to terminate child marriages, including annulment, property ownership, maintenance and citizenship rights.
- ▶ Protect children in marriage from exploitation, abuse and gender-based violence, with clear reporting and enforcement mechanisms.
- ▶ Specify remedies available to children in marriage in the law, including compensation, rehabilitation and restitution, among others.
- ▶ Ensure the legitimacy and protection of children born from child marriages, regardless of the marital status of their parents.

2. Institutional measures

There is a need for responses to children already in marriage to be systematic and structured, supported by policy and resources. Measures in this regard should aim to be clear, specific and sustainable to ensure effectiveness. The measures below ought to be a starting point for a comprehensive response.

3. Health and wellbeing

- ▶ Ensure available and accessible comprehensive sexual and reproductive health services, including contraception, abortion care, HIV/STI care, antenatal and maternal health.
- ▶ Remove restrictive consent requirements for married children to access SRHR services.
- ▶ Invest in mental health and psychosocial support tailored to the needs of married children.

4. Education and economic empowerment

- ▶ Implement accessible and effective re-entry and retention policies for married, pregnant and parenting girls in formal education.
- ▶ Offer free vocational and life-skills training programmes to survivors of child marriage.
- ▶ Include married children in social protection and cash transfer programmes to reduce dependency and expand economic options.

5. Social support

- ▶ Establish safe spaces, shelters and community support networks for married children.
- ▶ Provide parenting support for victims of child marriage who are mothers.
- ▶ Run sustained public awareness campaigns to reduce support for child marriage and to counter stigma and harmful social norms around married children.

6. Special protection for vulnerable groups

- ▶ Institutionalise an intersectional approach to all measures to respond to child marriage, articulating specific considerations to be borne with respect to each vulnerable group.

- ▶ Prioritise additional safeguards for married girls in rural and peri-urban areas, with enhanced focus on addressing harmful social attitudes and practices that condone child marriage.
- ▶ Ensure that support to victims of child marriage includes specific measures to migrant children, irrespective of their migration and citizenship status.
- ▶ Ensure that disability specific accommodations and support are available to enable victims of child marriage who have a disability to benefit from the protections and services equally.

7. Resourcing child marriage interventions

- ▶ Establish an Anti-Child Marriage Fund (the Fund) to finance the support necessary for victims of child marriage, in addition to yearly appropriation by Parliament through the State's budget.
- ▶ Ensure that the Fund is adequately resourced through government allocations, designated funds such as fines and external fundraising.
- ▶ Ensure that the Fund is utilised for purposes of ending child marriage, especially supporting victims of child marriage.

Situational analysis

While the primary goal of legislation against child marriage is to prevent child marriage, the practice happens nevertheless. In fact, one study estimates that 7.5 million girls globally marry each year in contravention of national laws in their country, making up 68% of all child marriages.² However, all child marriages would be considered in contravention of regional and international human rights standards, including the SADC Model Law. Therefore, it is necessary to protect the rights of children already in marriages. The appeal for and recommendation of measures to protect survivors does not endorse the practice but is rather a remedial response aimed at reducing the negative impact of marriage on children.

Due to the differences in the prescribed minimum age of marriage in ESA countries, there are children in marriages that are considered legal in terms of their national laws.³ In other countries, the law might prohibit all child marriages and declare them as *void ab initio*, which means that they have no legal status. However, the Model Law acknowledges that in either scenario, even if the marriages are not legally valid, protection measures should still be made to protect the rights of children in such illegal marriages.

These realities underscore the need for awareness raising on the negative impact of child marriage, including at the individual and collective level, and to invest in addressing the root causes and drivers. Such awareness-raising efforts are important for empowering girls to exercise their agency with knowledge. The realities also emphasise the need for harmonisation of laws, particularly in countries with plural legal systems as is the case in most of the ESA countries, to set the minimum age of marriage as 18 years without exceptions in line with the Model Law, and other regional

and international human rights treaties that countries in the region have ratified, including the African Charter on the Rights and Welfare of the Child (the African Children's Charter) and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (the Maputo Protocol).

Child marriage presents a range of challenges for affected children in marriage. Broadly, the challenges are negative effects on the health of victims, safety and wellbeing, equal protection of the law, access to justice and socio-economic welfare. With respect to health, child marriage heightens the need for comprehensive healthcare services, with an emphasis on sexual and reproductive health services. Married girls need to access contraceptives, and in case of pregnancy, maternity and related care services. The circumstances of child marriage also present significant challenges to the mental health of victims.

In designing their response to girls already in marriage and victims of child marriage, States have to take specific steps to ensure that no children are left out. In particular, vulnerable groups of children require nuanced measures, taking into account their specific and peculiar circumstances. The Model Law identifies some of these groups, including children with disabilities, refugees and migrants, as well as children in rural and peri-urban areas.

Protection measures for children already in marriage

A range of measures is necessary to adequately respond to the plight of children in marriage and victims of child marriage and safeguard their overall wellbeing. The overarching goal of the measures in this regard is to mitigate the impact of child marriage on the child. These measures respond to the victims' legal, health and wellbeing, economic, social and intersectional needs. The measures are necessary, and hence recognised in the Model Law, broadly correspond to these categories.

1. Legal measures

The SADC Model Law mandates that laws on child marriage should include the following protections and benefits for survivors/victims of child marriage:

a. The right to end/annul/void the marriage

The SADC Model Law recommends that all child marriages entered into after a law has been passed that prohibits such marriages should be void or without any legal effect. However, section 19 of the Model Law also recommends that for marriages which may have been entered into before such law comes into effect, these marriages should be voidable; and there should be provisions for the courts to dissolve such marriages on application by the child, adult party to such marriage or even by an interested third party.

This savings provision is critical, particularly when laws that previously allowed child marriage are amended to prohibit marriage below 18 years in all circumstances. Failure of the amending law to clarify the status of existing marriages entered into when one of the parties was a minor (and may have been legal at the time) could result in either:

1. All such existing marriages being considered null and void. This can be harmful to survivors - for instance, a woman may have been legally married as a child decades ago. Declaring all these

existing marriages void may harm the ability of these women to access property and inheritance rights and other legal protections attached to such marriages.

2. All existing marriages being considered valid. For instance, the Marriage (Amendment) Bill 2024, which is pending in South Africa, specifically states that existing marriages entered into before the law is changed would be considered as valid. However, such provisions mean that survivors of child marriage who want to leave such marriages may not be able to do so easily, given the difficulties and barriers in accessing divorce proceedings.

Hence, it is essential that child marriages entered into before the law was amended ought to be made voidable, so that women who may wish to stay in the marriage are still able to do so; and women and girls who wish to leave the marriage are also able to do so easily. This would also allow women to retain inheritance rights if they wish to stay in the marriage. It is also recommended that provision is made for a competent authority to prescribe rules for the procedures and processes relating to the dissolution/annulment of a voidable child marriage (Section 19, SADC Model Law).

b. The right to own property acquired in the course of the marriage

The SADC Model Law (section 20) recommends that the protection of property rights arising out of prohibited child marriages, including any property acquired by either party during the subsistence of marriage, except property that was inherited or brought into such a marriage, shall be deemed to have been lawfully acquired by both parties to such a marriage and shall be distributed equally between them. However, any property inherited or brought into the marriage by the child should remain the property of the child and should not be subjected to distribution.

Failure to specifically protect this right to property could have a serious impact on survivors of child marriage. For example, Zambia amended its law in 2023, removing existing exceptions and completely prohibiting marriage before the age of 18 years. It subsequently passed an amendment to the Matrimonial Causes Act in 2024, which provided that all marriages entered into when one of the parties was a child would be considered as void.⁴ Zambian Courts have ruled that in cases of marriages declared void under section 27 of the Matrimonial Causes Act, the marriage is considered to have no legal effect. Therefore, a divorce is not necessary for a person to leave the marriage, as it “is to be treated as if it has never taken place and no status of matrimony as ever having been confirmed”.⁵ This means that a spouse in a void marriage would not be entitled to maintenance at the time of separation/dissolution of the marriage. Similarly, if one of the parties to the marriage dies, the other party will not be entitled to inheritance rights under the Intestate Succession Act in case the deceased dies without making a will. However, in certain circumstances, Zambian Courts have allowed women in void marriages to claim a portion of the property obtained during the void marriage, if it was shown that she had contributed to the development of the farm or property.⁶

In such countries, survivors of child marriage would be at a disadvantage at the time of the death of the spouse or separation, because they would not legally be entitled to maintenance or inheritance except in certain specific circumstances, such as when they can demonstrate contribution to the development of the property, leaving them destitute or without proper economic support. Girls in child marriages are often also forced to drop out of school, curtailing their educational attainment and their subsequent economic and career opportunities. Additionally, considering that in many cases, the family and community participated in the child’s marriage, they may not be willing to take survivors of child marriage back into the family or community, which leaves girls and young women vulnerable and potentially without the ability to support themselves. Such a framework also allows adult men to escape without consequences, and without any legal obligation to provide economic support, even if girls in child marriages were forced to give up education and economic opportunities and made to work in the home during the subsistence of the ‘marriage’.

An example of a good practice provision in this regard is the Prevention and Combating of Premature Unions Law in Mozambique, which provides that assets acquired by the child during the union are his or hers alone, assets acquired by the adult during the union are common assets and that common marital property must be divided in such a way that two-thirds of the property goes to the child; and one-third to the adult in such a union.⁷

c. The right to citizenship acquired as a consequence of the marriage

The Model Law (section 20) recommends that any citizenship rights that have accrued or are due to accrue to any party of a child marriage, as an entitlement arising from such a marriage, shall be deemed to have been lawfully acquired by, and accruing to, that party. Ensuring that such a right to citizenship continues to extend to survivors of child marriage, even if such a marriage is annulled or voided, is critical, particularly in situations of displacement, migration and humanitarian contexts. If married girls move to another country, or are refugees living in a different country from their country of birth, there might be an impact on their nationality or recognition of their nationality rights.⁸ Failing to recognise citizenship rights which may have accrued from a child marriage can risk rendering girls stateless, or otherwise affect their ability to access nationality and identity documents, which in turn can have a significant impact on the ability of survivors to access employment and education.

d. The right to access custody and maintenance for the offspring of child marriage

The SADC Model Law (section 21) provides that courts shall make such appropriate orders for the custody, contact, access and maintenance of the offspring of a victim of child marriage, by a party to such a marriage, including maintenance orders by the Government and the parent of the victim of the child marriage, if the court finds it justifiable to do so. In making such orders, the offspring's welfare and best interests shall be paramount. The Model Law also requires States

to ensure that a child born in a child marriage is fully protected, including the recognition of their legitimacy irrespective of the fate of the marriage (section 18).

In many countries, the right of the mother to access custody and guardianship over the offspring from child marriages may be affected by existing gender-discriminatory laws governing child custody, or potentially may be affected if child marriages are considered illegal and void under the law. For example, in Tanzania, the Law of Marriages Act allows marriages of girls from the age of 15 (and 14 with judicial consent). Codified customary law in Tanzania identifies the child as belonging to the father or, in the case of illegitimate children, to the maternal grandfather. In many communities, “custody given to the mother is the exception rather than the rule”.⁹ The Law of Marriage Act in Tanzania further provides that the best interest of the child should be the paramount consideration in custody decisions; however, courts are also meant to take into account customs of the community while making custody decisions.¹⁰

In line with the recommendations of the SADC Model Law, national laws should also ensure that parents have the responsibility to provide maintenance costs for their offspring, and that no distinction should be made for legal and administrative purposes in the treatment of a child born within or outside a valid marriage. For example, in Namibia, the Children's Status Act of 2006 was specifically passed to ensure that children born outside marriage are treated equally with children born inside marriage, with the law providing that in case of void or voidable marriages, the competent court must

enquire into the best interests of the child or children and make provision for safeguarding the interests of the child or children born of that marriage.¹¹ In some cases, though the law itself does not differentiate between children born within and outside marriage, onerous requirements regarding proving paternity in cases of void child marriage may still create barriers which inhibit survivors of child marriage from accessing maintenance costs for their offspring. For instance, it has been reported that in Rwanda, despite legal protections for children born out of wedlock, social norms still lead to the dispossession of the children.¹² These administrative requirements may be done away with through progressive legal provisions. For instance, Namibia's law provides for a presumption of paternity not only in cases where the parents were married at the time the child was born, but also if they were cohabiting at the time.¹³

e. Right to redress and support for survivors of child marriage

The SADC Model Law provides the right to legal aid in the course of seeking justice for child marriage and related procedures, including understanding their rights and options, and seeking redress for other violations, including gender-based violence (section 22). It also requires States to ensure that children in marriage are protected from exploitation, violence and abuse (section 6).

Additionally, the ACHPR-ACERWC Joint General Comment on Child Marriage requires States to ensure that victims of child marriage have access to appropriate remedies, including compensation, reparation, rehabilitation,

reintegration and other services as may be required.

In reality, at the national level, child marriage poses a number of legal challenges for the victims. In some domestic legal systems, marriage emancipates children and thereby discontinues the application of some child rights protections, conferring them with legal capacity and the attendant responsibilities. Though not a common practice in the ESA region, South Africa and Guinea in West Africa are examples of countries where, once a child is legally married, they are deemed to be emancipated.¹⁴ While there are cases where the emancipation of children is desirable to enable them to access justice systems and other services independently, most often the removal of childhood protections disadvantages children and exposes them to greater risk of exploitation.

In most cases, victims of child marriage struggle to benefit from legal protection because of capacity barriers imposed by the law itself. In most legal jurisdictions, including those in the ESA region, children lack the legal capacity to institute matters on their own, even if intended to redeem their rights. The law in these contexts requires children to institute matters through a 'next friend' or guardian, which is difficult in the context of child marriage since the 'next friends' in this context (such as parents) are often complicit in the practice. In some countries, the law specifically provides that the 'next friend' may be an NGO or interested third party, which can help ensure children can access courts even if their parents/legal guardians are not supportive.

Even where the law provides pathways for children to activate the protection, the justice system is often complex, time-consuming and expensive, thereby making it out of reach for a majority of child victims. If this is considered alongside the fact that poverty and illiteracy are highly correlated with child marriage, it is easy to see why the children would be unlikely to benefit from the legal protections, including particularly access to divorce/annulment proceedings for survivors who wish to leave the marriage.

Therefore, the general goal of measures in this category is to ensure that children in marriage, and child victims of marriage, benefit equally from effective protection of the law, and that they are empowered to use the law to obtain redress when there are violations. The law must always prioritise preventive and accountability measures, while framing the protection of children in marriages as remedial and exceptional. In addition, the law must always ensure that it does not further victimise a victim of child marriage.

2. Health measures

There is ample evidence that child marriages have negative health outcomes for survivors, including pregnancy and childbirth-related complications, exposure to sexually transmitted diseases, elevated risk of violence and poor mental health. The Child Marriage Research to Action Network (CRANK) reports a range of poor mental health outcomes for girls and women who experience child marriage, including low self-esteem, anxiety, depression and suicidal ideation, but that support services are limited and poorly resourced.¹⁵ These findings were supported by studies in countries such as Zimbabwe, Lesotho and Namibia. The link between child marriage and teenage pregnancy has been well established, with a majority of teen mothers in Africa being either married or having survived a marriage.¹⁶

Children are routinely excluded from such services due to restrictions imposed by law (such as minimum ages of consent for procedures and services, including surgery and access to abortions); prohibitive costs of the services; social stigma in the provision of the services, as in the access to HIV or STI treatments; and unavailability of the services.

Marriage also elevates and expands the range of health services that a child victim may need, including access to contraceptives, specialist treatments such as obstetrics and gynaecology services, in addition to other basic health services. The Model Law (section

10(4)) recognises that children who become pregnant may have a need for ‘specialised services to deal with complicated conditions, such as fistula, including ante-natal, post-natal and obstetric care, post abortion care, immunisation and nutrition programmes for the child and offspring’. However, children are routinely excluded from such services due to restrictions imposed by law (such as minimum ages of consent for procedures and services, including surgery and access to abortions); prohibitive costs of the services; social stigma in the provision of the services, as in the access to HIV or STI treatments; and unavailability of the services.

For instance, while children can consent to HIV testing and treatment by the age of 12 in South Africa, Malawi and Uganda, in other countries, such as Tanzania, the minimum age of consent to HIV testing is 18. It is crucial that the age of consent to medical services be based on the adolescent’s sufficient maturity to understand the risks, benefits and consequences of the medical treatment, and that healthcare providers are properly guided on how they can assess this maturity.¹⁷ The absence of specialised services in the lowest and most proximate healthcare facilities disadvantages girls the most because they are more likely, given their physiological immaturity, to need specialist care. For example, a recent study from Zimbabwe found that minors who get pregnant (including child marriage survivors) faced stigma from healthcare professionals while giving birth as well as prohibitive costs associated with ambulance and delivery fees, which inhibit them from receiving healthcare during childbirth.¹⁸

The protection of the health and wellbeing of children in marriage requires a robust approach. Measures proposed by the Model Law to respond to girls in this context include:

a. Access to comprehensive SRHR services

The Model Law (section 10(6)) requires States to ensure that sexual and reproductive health services are available to all girls and women, including ‘specialised services to deal with complicated conditions, such as fistula, including ante-natal, post-natal and obstetric care, post abortion care, immunisation and nutrition programmes for the child and offspring’. While the Model Law does not specify that the services have to be free of cost, this is implied in the duty to ensure they are available to the girls. Given the correlation of child marriage with poverty, failure to ensure that the services are free of charge and available at the lowest level of healthcare facilities would undermine the goals of the law. A case study of the effects of government financing of SRHR in Mozambique clearly demonstrates the positive impact of promoting access to services, particularly for the most marginalised, for the improvement of overall SRHR outcomes.¹⁹

It is also important that the services are accessible without any restrictions such as the need for additional consent from partners, guardians or spouses. The Model Law (section 10(4)) calls for reform of national laws to remove any barriers to access to sexual and reproductive health services for married girls and survivors of child marriage, and provide for penalties for denial of such services. The need for consent is a significant barrier to access SRHR, and compounds the vulnerability of victims of child marriage to abuse.²⁰ While the laws of some countries, such as South Africa, Lesotho and Namibia, allow children to consent to medical procedures, a significant other number of countries, such as Tanzania, DRC and Eswatini, still require parental (or guardian) consent to access SRHR.

b. Access to credible information

The Model Law requires States to facilitate access to adequate, scientifically sound and contextualised information on sexual and reproductive health rights and services to all girls and women, but especially to girls in marriage or at high risk of marriage.²¹ The information is aimed at equipping the girls to avoid child marriage, including through avoiding pregnancy, which often leads to marriage, to protect themselves and to mitigate the impact while in the marriage. It also includes information on the use of contraceptives and access to safe abortion, and to advance their health upon the end of such marriage, such as by accessing mental health services.

It is also crucial that States promote the use of sexual and reproductive health services, including contraceptives, HIV/AIDS and other STI services and maternal health services. To ensure that these are taken up appropriately, States should ensure that victims of child marriage are appropriately counselled. It is also important for States to undertake sensitisation and awareness-raising initiatives to address social stigma targeting married girls and survivors of child marriage in their access to SRHR services. This is consistent with the SADC SRHR Strategy to lead the design of services, policies and information on SRHR.²²

To support the delivery of appropriate health services to victims of child marriage, it is important to ensure that there is sufficient and disaggregated data on girls in marriage and their respective needs to support timely policy and budgetary response.²³ Accurate data and statistics ensure that the programmes and interventions are evidence-based and effective.

3. Economic measures

As indicated earlier, child marriage is closely correlated with poverty as both a cause and a consequence of child marriage. Child marriage diminishes the prospect of economic empowerment for the victims by primarily removing them from education as a pathway for economic emancipation. The unequal balance of power in child marriages, which results from the significant age gaps between the children and their spouses, also means that children are unable to negotiate access to resources in the marriage and are unable to secure capital from any formal sources. They are therefore relegated to economic deprivation. A lack of economic resources also

increases the rates of dependency and reduces the likelihood of the child victim pursuing any other measures to exit the marriage.

Child marriage diminishes the prospect of economic empowerment for the victims by primarily removing them from education as a pathway for economic emancipation.

Measures to address the economic impact of child marriage should therefore aim at empowerment, restoration, and restitution. Such measures can include:

a. Education and skills-building

States are required to remove all barriers for married girls and survivors of child marriage, including those who are pregnant or parenting, to education and skill acquisition. The African Committee of Experts on the Rights and Welfare of the Child is of the view that the African Charter on the Rights and Welfare of the Child requires States to facilitate re-entry and retention of pregnant or married girls in regular schools, including by providing targeted assistance in this regard.²⁴ The Model Law also calls for States to ensure that the conditions for accessing vocational and skills training are conducive to married children, victims and survivors of child marriage.²⁵

b. Economic assistance

The Model Law urges States to ensure that victims of child marriage are included in social assistance and protection systems and services, paying particular attention to the more vulnerable groups, such as children in conflict. Furthermore, States are to ensure that national labour and related regulations enable a child in marriage or a victim of child marriage to access suitable gainful employment, and receive equal pay for equal work. States must, however, ensure that where married children work, they are not exploited or exposed to hazardous forms of labour and that their best interests are always guaranteed in accordance with international children's and labour rights standards.

4. Social wellbeing measures

Child marriage is rooted in social and cultural beliefs and attitudes that condone it. Victims of child marriage also experience social stigma in accessing SRHR and other services, as well as in decision-making on matters affecting them, on account of their age. Addressing the social wellbeing of victims of child marriage requires measures aimed at strengthening the individual child, countering social biases and building community support for the girls. Engaging families, communities, the media and others who influence decisions around marriage, such as parents, boys, men and traditional, religious and community leaders, is crucial for ensuring sustainable change and supporting victims of child marriages.²⁶

Examples of measures that States can adopt in this regard include: raising awareness on the impacts and consequences of child marriage in the general public; establishing places of safety and community support networks to enable child victims to access help and care as may be necessary; providing parenting support for child victims and survivors of marriage who have children; and providing support to families to assist children in child marriage.²⁷ In Mozambique, the use of community leaders as champions for ending child marriage has accelerated the impact of the law by ensuring support within communities.²⁸ In Zambia, a community case management approach to child marriage has demonstrated considerable success in both preventing child marriage and assisting children already in marriage.²⁹

5. Measures for care and protection

The concept of children in need of care and protection is a defining feature of children's rights. It recognises that some groups of children are more vulnerable than others, and is useful for pointing out circumstances of elevated vulnerability in children, and the nature of measures necessary to protect the wellbeing of the affected child. Children in marriage and victims of child marriage have a heightened risk of abuse and violation of their rights. It is important that such children are recognised as being in need of care and protection.

Section 29 of the Model Law regards children in marriage as children in need of care and protection in specific circumstances. These include where they are at risk of abuse, including physical and sexual violence; there is restricted access to them; they are prone to self-harm; they are likely to be sexually exploited; they have no place of abode; live on the street; or are forced into exploitative forms of labour such as street begging. The Model Law requires States to legislate for measures to assist children needing care and protection, specifically to provide maintenance, healthcare, safety and rehabilitation.

6. Intersectional measures

While all children in marriage or victims of child marriage are vulnerable, there are factors that exacerbate and compound the vulnerability of some groups of children. Such factors may be intrinsic to the child, such as in the case of disability, or external, such as in the case of citizenship, culture, or migration status. In responding to the plight of child victims of marriage, it is important for States to take into account the peculiar circumstances of such children, and adapt response measures to ensure relevance and effectiveness. Such groups of children include children in rural and peri-urban areas, child migrants and children with disabilities.

Girls in rural and peri-urban areas are confronted with a heightened risk of being victims of child marriages due to the prevalence of sociocultural norms that condone or perpetuate child marriages in these contexts, as well as the prevalence of other factors that drive child marriages, such as economic deprivation. Indeed, rural and peri-urban contexts are the bastions of culture and tradition, with the effect that culture and traditions have a deep impact on social behaviour, often overriding personal preferences and individual perspectives. In such a context, measures such as awareness-raising on the impact of child marriage, and strengthening of community structures should be emphasised alongside individual measures for girls already in marriage.

Similarly, the informality and weak oversight of migrant communities allow impunity for child marriage to thrive. It is therefore important to ensure that measures adopted for children already in marriage have to respond to their peculiar challenges such as language barriers, cultural nuances that may be distinct from those of their host communities or

countries, the impact of migration status on relationship with authorities and the likelihood of reporting, the nature of the relationship with local communities, and the impact of national laws on access to services based on migration status.

Measures adopted for children already in marriage have to respond to their peculiar challenges such as language barriers, cultural nuances that may be distinct from those of their host communities or countries, the impact of migration status on relationship with authorities and the likelihood of reporting, the nature of the relationship with local communities, and the impact of national laws on access to services based on migration status.

With respect to children with disabilities, it is necessary to ensure that reasonable accommodation and support is provided to girls with disabilities who are in marriage, to enable them to access healthcare, including sexual and reproductive services, child care, recognition of their agency and support to institute justice processes and procedures, including reasonable accommodation to facilitate employment and/or entrepreneurship, access to and control over social support, and access to inclusive education including re-entry into formal or special education, as well as vocational education.

Conclusion

Child marriage in Eastern and Southern Africa persists as both a symptom and a driver of entrenched inequality, poverty, and rights violations. Ending the practice demands immediate, targeted measures to protect and empower children already in marriage and proactive strategies to address emerging issues that fuel the practice. The SADC Model Law provides a strong regional framework to guide prevention and protection. There is a need for accelerated action to address the plight of children already in marriage and victims of child marriage. Domestication of the Model Law is a useful starting point for safeguarding the rights and wellbeing of children already in marriage. In addition, there is a need for law reform to eliminate conflicting standards and to define specific measures for children already in marriage, adoption of policies to extend specific services to children in marriage, targeted economic empowerment measures, and community-level interventions to reduce stigma and strengthen resilience for children already in marriage.

Endnotes

- 1 UNICEF, *Is an end to child marriage within sight? Latest trends and future prospects* (2023), available at <https://data.unicef.org/resources/is-an-end-to-child-marriage-within-reach/>
- 2 Q. Wodon et al., *Child Marriage Laws and their Limitations*, 2017, <https://documents1.worldbank.org/curated/en/334131513322505611/pdf/122074BRI-2017-10-ending-child-marriage.pdf>
- 3 See <https://equalitynow.org/resource/briefs/ending-child-marriage-in-eastern-and-southern-africa/>
- 4 Zambia, Matrimonial Causes (Amendment) Act, Act no. 6 of 2024, <https://zambialii.org/akn/zm/act/2024/6/eng@2024-08-16>
- 5 *Nokutula Gondwe v Gondwe* (HP/D 316 of 2015) [2020] ZMHC 12 (10 July 2020)
- 6 *Walker v Walker* (HP 9 of 2010) [2011] ZMHC 52 (8 October 2011).
- 7 Prevention and Combating of Premature Unions Law, 2019, Mozambique, Article 11, [https://www.africa-laws.org/Mozambique/Family%20law/Law%20No%2019-2019%20preventing%20and%20Combating%20Premature%20Marriages.%20\(in%20Portuguese\).pdf](https://www.africa-laws.org/Mozambique/Family%20law/Law%20No%2019-2019%20preventing%20and%20Combating%20Premature%20Marriages.%20(in%20Portuguese).pdf)
- 8 See Girls Not Brides, *Leveraging UN Human Rights Mechanisms to End Child Marriage*, https://www.girlsnotbrides.org/documents/2146/Leveraging_united_nations_human_rights_mechanisms_to_end_child_marriage_Toolki_cYZrEYe.pdf
- 9 Tamar Ezer, Kate Kerr, Kara Major, Aparna Polavarapu & Tina Tolentino, *Child Marriage and Guardianship in Tanzania: Robbing Girls of Their Childhood and Infantilizing Women* (2020) <https://www.law.georgetown.edu/wp-content/uploads/2020/07/Child-Marriage-and-Guardianship-in-Tanzania-Robbing-Girls-of-their-Childhood-and-Infantilizing-Women.pdf>
- 10 Tanzania Law of Marriage Act (Chapter 29), s. 125, https://media.tanzlii.org/media/legislation/809/source_file/d6db9e541e7e092c/1971-5.pdf
- 11 Namibia Children's Status Act 2006, s. 23 <https://namiblii.org/akn/na/act/2006/6/eng@2006-12-29>
- 12 African Child Policy Forum, *Gender and Child Rights in Eastern Africa: A survey of laws and policies on child marriage, economic exploitation and inheritance* (2015) available at <https://africanchildforum.org/resource-centre/wp-content/uploads/2025/06/Gender-and-Child-Rights-in-Eastern-Africa.pdf>
- 13 Namibia Children's Status Act 2006, s. 9 <https://namiblii.org/akn/na/act/2006/6/eng@2006-12-29>
- 14 The laws allowing exceptions for children to marry in South Africa are in the final stages of review in 2025, with the Marriage Bill 2023 having the goal of outlawing child marriages altogether.
- 15 Child Marriage Research to Action Network, *What's known & what's next: Charting future action on the mental health consequences of child marriage*, available at https://www.girlsnotbrides.org/documents/2209/CRANK_Symposium_mental_health_child_marriage_Summary_report.pdf
- 16 African Committee of Experts on the Rights and Welfare of the Child, *Teenage pregnancy in Africa: status, progress and challenges* (2022), available at <https://www.acerwc.africa/en/resources/publications/study-teenage-pregnancy-africa-status-progress-and-challenges>
- 17 UNFPA, *Harmonizing the Legal Environment for Adolescent Sexual and Reproductive Health and Rights* (2017), available at https://esaro.unfpa.org/sites/default/files/pub-pdf/2017-08-Laws%20and%20Policies-Digital_0.pdf
- 18 WILSA Zimbabwe and Equality Now, *An Analysis of the Laws and Policies in Place for the Protection and Support of Victims/Survivors of Child Marriages in Zimbabwe* (2025), https://equalitynow.org/wp-content/uploads/2025/05/Final_Report_Impertative-Legal-Policy-and-Institutional-Reforms-for-Enhanced-Support-and-Protection-of-Child-Marriage-Victims-and-Survivors.pdf
- 19 Countdown2030 Europe, "Analysis of sexual and reproductive health and rights prioritization in select Global Financing Facility focus countries", available at https://www.countdown2030europe.org/wp-content/uploads/2024/03/IPPF_GFF-case-studies-report_WEB.pdf
- 20 Arasa "Learner's Guide: Social and structural barriers to the realisation of sexual and reproductive health and rights" available at <https://arasa.info/wp-content/uploads/2022/02/Module-4-Barriers-to-SRHR-module.pdf>

- 21 SADC Model Law on Eradicating Child Marriage and Protecting Children Already in Child Marriage, sections 10(d) and 26(3).
- 22 Strategy For Sexual and Reproductive Health and Rights In The SADC Region (2019 – 2030) available https://www.sadc.int/sites/default/files/2024-06/Final_SADC_SRHR%20Strategy.pdf
- 23 SADC Model Law on Eradicating Child Marriage and Protecting Children Already in Child Marriage, section 34(2).
- 24 Joint General Comment of the African Commission on Human and Peoples' Rights (ACHPR) and the African Committee of Experts on the Rights and Welfare of the Child (ACERWC) on ending child marriage, para 31, <https://achpr.au.int/en/special-mechanisms-reports/joint-general-comment-african-commission-human-and-peoples-rights-ac>
- 25 SADC Model Law on Eradicating Child Marriage and Protecting Children Already in Marriage, section 9.
- 26 Girls not Brides, Mobilising families and communities, available at <https://www.girlsnotbrides.org/learning-resources/theory-change/mobilise-families-and-communities/>
- 27 Joint General Comment of the African Commission on Human and Peoples' Rights (ACHPR) and the African Committee of Experts on the Rights and Welfare of the Child (ACERWC) on ending child marriage, para 42, <https://achpr.au.int/en/special-mechanisms-reports/joint-general-comment-african-commission-human-and-peoples-rights-ac> ACHPR & ACERWC Joint General Comment on Ending Child Marriage
- 28 <https://spotlightinitiative.org/news/community-leaders-become-allies-ending-child-marriage-mozambique> ; See also UNICEF, <https://www.unicef.org/esa/media/9101/file/Multisectorial-approaches-ESA-2021.pdf>
- 29 UNICEF, Case study on ending child marriage in the Republic of Zambia (2021) available at <https://www.unicef.org/esa/media/8941/file/Zambia-Case-Study-Child-Marriage-2021.pdf>



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