



MARRIAGE LAWS IN AFRICA

A Compendium from
55 African Union Member States



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Department of Social Affairs
African Union Commission

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Acronyms

ACRWC	African Charter on the Rights and Welfare of the Child
ACPF	African Child Policy Forum
AU	African Union
AUC	African Union Commission
CAR	Central African Republic
CPF	Continental Policy Frameworks
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
DHS	Demographic and Health Survey
DRC	Democratic Republic of Congo
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
MICS	Multiple Indicator Cluster Survey
SRHR	Sexual and Reproductive Health and Rights
SADC	Southern African Development Community
UN	United Nations
UNICEF	United Nations Children Fund
UN Women	United States Entity for Gender Equality and the Empowerment of Women

Acknowledgements

The Compendium of marriage laws across 55 African Union Member States was developed by the Campaign to End Child Marriage, Department of Social Affairs, African Union with the support and partnership of UN Women and Plan International African Union Liaison and Pan Africa Program Office. The Department of Social Affairs, African Union would like to express gratitude to the Member States, UN Women, Plan International and other partners for their contribution and support towards the finalization of this Compendium.

The Compendium was developed from a compilation of available legal frameworks, Member State constitutions and partner publications related to child marriage obtained from desk reviews conducted in July 2017 and updated in June 2018. As marriage laws are dynamic and continue to change, with Member States repealing old laws and introducing new ones towards protecting young girls and boys in Africa, this Compendium captures marriage laws and legal frameworks as obtained from desk reviews and available Member States' legal frameworks, laws and constitutions. This Compendium of marriage laws does not claim to have captured all the realities of marriage laws due to the research method used and the evolving nature of Member States' legislation, court rulings and other legal frameworks. This Compendium will continue to require routine updates to reflect real-time changes in the progress and achievements of Member States in marriage legislative reforms.

It is hoped that the Compendium will benefit from sustained interaction with the African Union Member States and other stakeholders towards having an up-to-date compilation of marriage laws in the future, serving as a living knowledge document for the African Union Commission, African Union Member States and partners.

The Department of Social Affairs, African Union appreciates Mr. Seun Aladesanmi, the International Consultant, for undertaking comprehensive assessment of the Compendium of marriage laws in Africa and developing the current publication. The publication benefited from the contributions of the technical team that supported the development process namely Ms. Nena Thundu (AUC-DSEA), Ms. Letty Chiwara (UN Women Ethiopia), Mr. Samuel Norgah (Plan International African Union Liaison and Pan- Africa Program Office), Ms. Tikikel Tadele Alemu (UN Women Ethiopia), Mr. Jack Onyisi Abebe (UN Women), Ms. Sara Tabit (Plan International) and Ms. Jangmi Yun (UN Women).

Executive Summary

This Compendium is a collection of marriage laws across African Member States developed to serve as an updated compilation of Member States' legal frameworks and legislation related to marriage. The Compendium was first developed in 2016 and recently updated in June 2018. It was compiled through desk reviews of Member States' legal frameworks, including: constitutions, civil codes, family laws and other partner documents and publications. The Compendium is a tool to inform Governments, policymakers, researchers, advocates, partners and other stakeholders on countries' marriage laws, to help track child marriage reforms and identify best practice of the Member States to enable targeted advocacy in the countries that require review and reform in their marriage laws.

Child marriage legislation and laws were reviewed in all 55 African Union countries where available to determine Member States with legal frameworks outlawing child marriage and the ones with laws legalizing child marriage as a result of either the presence of exemptions within existing marriage laws or the absence of a legal framework or law outlawing child marriage. The Compendium also tracks recent marriage law reforms, identifying Member States that are making strides in introducing new laws and repealing old laws to end child marriage in Africa.

The findings of the marriage Compendium identified the following:

- Out of 55 African Union Member States, 43 Member States (78 per cent) have legal frameworks that put the minimum age of marriage at 18 years old or above for both girls and boys, however 27 (63 per cent) of these Member States have exceptions legalizing child marriage either with parental/guardian consent, a judge's approval, court/State's approval and other exemptions allowing a child to marriage below the age of 18 legally.
- Eleven Member States (20 per cent) do not have legal frameworks putting the minimum age as 18 years old and above for both boys and girls and 10 Member States (91 per cent) have further exceptions reducing the age of marriage legally to as low as 10 years old for girls.
- Ten Member States (18 per cent) have unequal minimum age of marriage laws for boys and girls ranging from as low as 14 years old for girls and 15 years old for boys, and one Member State (2 per cent) has no minimum age for marriage.
- This brings the total number of States where child marriage is legalized to 39 (71 per cent). (Member States with no minimum age for marriage, States without legal frameworks putting the minimum age as 18 years old and above, and States where frameworks putting the minimum age for marriage at 18 years old and above exist, with exceptions allowing child marriage or with contradictions between customary, religious and civil laws).

The Compendium ends with key policy recommendations for marriage law reform and actions by AU Member States and other stakeholders working to end child marriage in Africa.

Definition of Terms

Child	A human being aged below 18 years of age. ¹
Child marriage	is defined as a formal marriage or informal union before age 18 for both boys and girls ²
Betrothal	To promise to marry or to be engaged. It can also refer to the act of promising or offering a child or young person in marriage, whether by a parent, guardian or family elder.
Free and full consent	In the context of marriage entails non-coercive agreement to the marriage with full understanding of the consequences of giving consent. The Maputo Protocol and the African Children's Charter clearly stipulates full and free consent to a marriage and cannot be supplemented or cured with the addition of parental consent given on behalf of a child. ³
Prevalence of child marriage	The per cent of women aged 20-24 years who were married or in union by age 15 and by age 18. ⁴
Legalization of child marriage	Means the presence of provisions, statutes or codes allowing marriage of children under the age of 18 years old or the presence of exceptions, waivers within the law, or contradicting laws allowing the same within a country.
Charter	Is used for particularly formal and solemn instruments, such as the treaty founding an international organization like the United Nations ("The Charter of the United Nations").
Protocol	Used for an additional legal instrument that complements and adds to a treaty. A Protocol may be on any topic relevant to the original treaty and it is used either to further address something in the original treaty, address a new or emerging concern or add a procedure for the operation and enforcement of the treaty. ⁵
A Treaty	Is a formally concluded and ratified agreement between States. The term refers to instruments binding at international law, concluded between international entities (States or Organizations).

¹ Article 2, African Children's Charter

² UNICEF available at https://www.unicef.org/protection/57929_58008.html

³ Article 1, Maputo Protocol

⁴ UNICEF, 2015. A Profile of Child Marriage in Africa available at [http://www.unicef.org/wcaro/english/UNICEF-Child-Marriage-Brochure-low-Single\(1\).pdf](http://www.unicef.org/wcaro/english/UNICEF-Child-Marriage-Brochure-low-Single(1).pdf)

⁵ UNICEF available at <https://www.unicef.org/crc/files/Definitions.pdf>. Adapted from Oxford Dictionary of Current English (8th edition), Clarendon Press, Oxford, 1990 and United Nations Treaty Collection, Treaty Reference Guide, 1999, available at <http://untreaty.un.org/English/guide.asp>

BACKGROUND, PURPOSE AND JUSTIFICATION OF COMPENDIUM

The impact of child marriage on the rights and welfare of the child has been well documented,⁶ and its elimination has become an international and regional priority.⁷ At the regional level, a number of African mechanisms, campaigns and partners have taken steps to address the harmful impact of child marriage. A key regional initiative is the African Union (AU) Campaign to End Child Marriage in Africa that catalyzed, among others, by the adoption of an African Common Position on Ending Child Marriage in Africa.

Child marriage is prohibited under the African Children's Charter on the Rights and Welfare of the Child (ACRWC) and the Protocol on the Rights of Women in Africa to the African Charter on Human and Peoples' Rights (Maputo Protocol). Tackling this scourge requires a multisectoral and multilevel approach hinged on human rights charters and laws that protect children requiring synergy between human rights norms, constitutional principles of equality and anti-discrimination and domestic laws on freedom of marriage.⁸

Both the ACRWC and the Maputo Protocol specify that "the minimum age of marriage shall be 18 years of age"⁹ and stipulate "full and free consent to a marriage that cannot be supplemented or cured with the addition of parental consent given on behalf of a child".¹⁰ Article 21(2) of the ACRWC provides 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 make registration of all marriages in an official registry compulsory". Article 21(1) makes no distinction as to forms of law (civil, customary or religious laws) and applies to all forms of unions including betrothals and marriages. Articles 2(1) (a) of the Maputo Protocol calls upon Member

States to combat all forms of discrimination against women by adopting laws that enshrine the principle of equality between men and women. It further enjoins Member States in Article 2(1)(b) to enact and effectively implement appropriate legislative or regulatory measures, including those prohibiting and curbing all forms of discrimination particularly harmful practices which endanger the health and general well-being of women. In line with these provisions, it also provides that the minimum age of marriage for women shall be 18 years".¹¹

The AU Joint General Comments on the Prohibition of Child Marriage¹² suggests a series of implementation measures for eliminating child marriage. These measures include legal reform, policy development, compliance and promotion, enforcement of criminal provisions and effective awareness-raising mechanisms.

Despite all these legal standards and guidelines, child marriage continues to be practiced in Africa with serious consequences on the well-being of girls and adolescents. Data from UNICEF indicates that worldwide, more than 75 million young women aged 20 to 24 years, a quarter of them in Africa, entered their first marriage or union before 18 years old. Although the global profile of child marriage is changing, a growing child population combined with a slow decline in the practice of child marriage in Africa will put millions more girls at risk.

6 UNICEF, 2015. *A Profile of Child Marriage in Africa* available at [http://www.unicef.org/wcar/english/UNICEF-Child-Marriage-Brochure-low-Single_\(1\).pdf](http://www.unicef.org/wcar/english/UNICEF-Child-Marriage-Brochure-low-Single_(1).pdf), African Union, Department of Social Affairs, 2016. *Two Year Report of the Campaign to End Child Marriage*

7 African Union Joint General Comments on the Prohibition of Child Marriage, 2016.

8 UNICEF, *Child Marriage and the Law - Legislative Reform Initiatives Paper Series*

9 Article 21(2), African Children's Charter

10 The State of the African Woman Report. Available at <http://ywakenya.org/publications/The%20State%20of%20the%20African%20Woman%20Report%20-%20FINAL.pdf>

11 Article 6(B), Protocol on the Rights of Women in Africa to the African Charter on Human and Peoples' Rights Maputo Protocol

12 Section VII(A)91, African Union Joint General Comments on the Prohibition of Child Marriage, 2016

If current trends continue, almost half of the world's child brides in 2050 will be African.¹³ While UNICEF reports a decline at the country level, further extensive work is required to end child marriage.¹⁴

The commitments for action made by Member States on Ending Child Marriage in Africa urge the enactment and implementation of laws that set the legal minimum age for marriage at 18 years old or above, with no exceptions, and applicable under all legal systems, and the implementation of appropriate legislation and policies that effectively prohibit, prevent, punish and redress child marriage including cross-border movement of girls for child marriage purposes. The two-year report of the Campaign to End Child Marriage further recommends more research and detailed review of marriage laws to eliminate legal loopholes and counter sections that allow marriage below 18 years.¹⁵

This requires research to review marriage laws in Africa and create a compilation to determine Member States with legal frameworks and exemptions that legalize child marriage, as well as to identify Member States making progress in repealing old marriage laws and introducing new ones to eliminate it. Laws that set a minimum age of marriage at 18 years old and above without exemptions and contradictions are important ways to safeguard children from being married before they are ready and serve as an important tool to help advocates working to dissuade families and communities from marrying off their daughters as children.¹⁶

It is hoped that this Compendium will guide action in Member States that requires review and reform in their marriage legislation and practice towards ending child marriage. It is hoped that this Compendium will encourage action within

Member States towards ensuring clear and consistent legislation that protects young girls from child marriage.

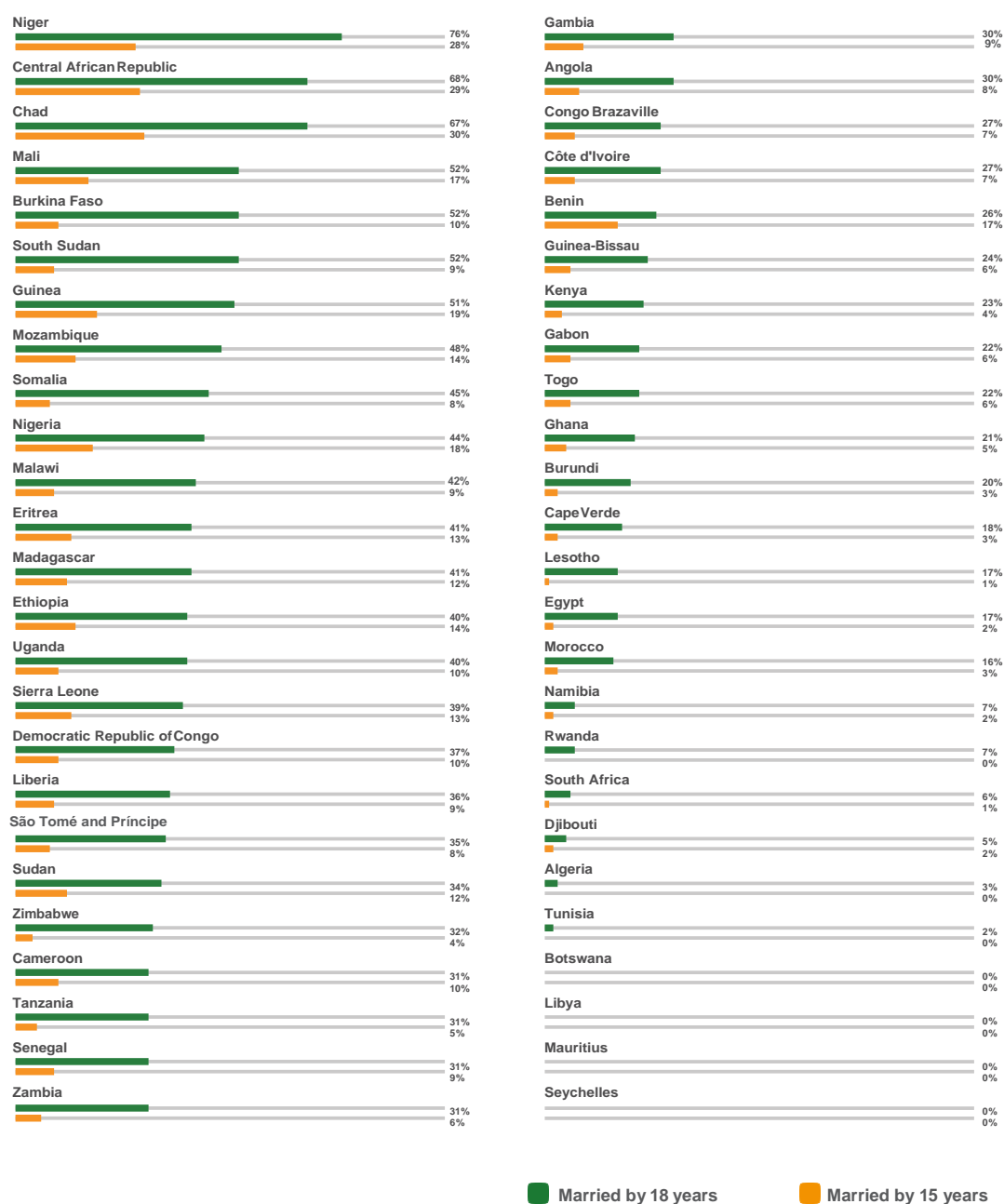
¹³ UNICEF, 2015. A Profile of Child Marriage in Africa available at [http://www.unicef.org/wcaro/english/UNICEF-Child-Marriage-Brochure-low-Single_\(1\).pdf](http://www.unicef.org/wcaro/english/UNICEF-Child-Marriage-Brochure-low-Single_(1).pdf)

¹⁴ Obtained from UNICEF global databases, 2018, based on DHS, MICS and other national surveys from 2010 to 2017

¹⁵ African Union, Department of Social Affairs, 2016. Two Year Report of the Campaign to End Child Marriage

¹⁶ Girls Not Brides available at <http://www.girlsnotbrides.org/child-marriage-law/>

PREVALENCE OF CHILD MARRIAGE (2010 - 2017)^{17, 18}

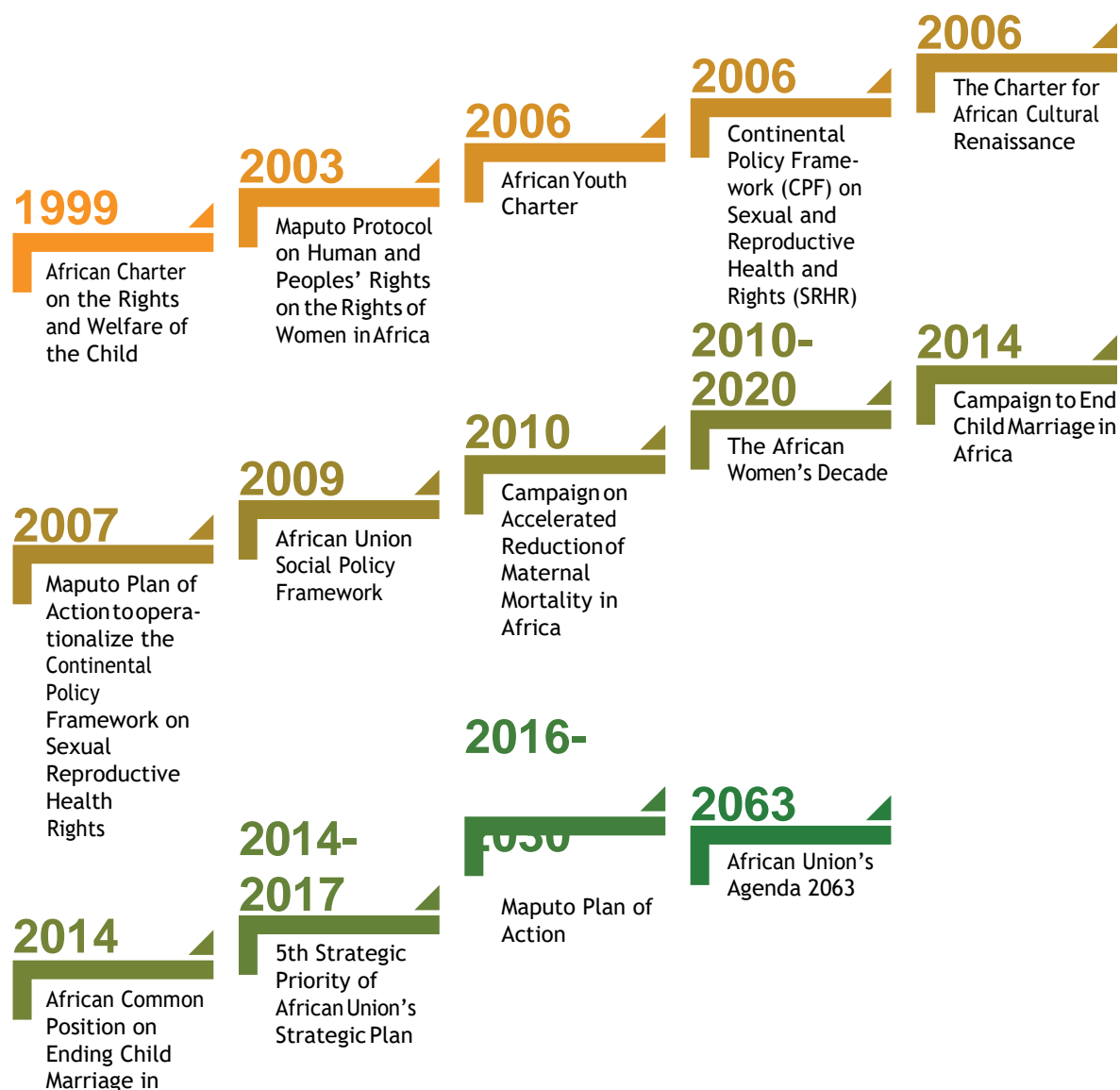


Country percentage of women aged 20-24 who were first married or in union before the ages of 15 and 18 years old obtained from UNICEF global databases, 2018, based on Demographic and Health Surveys (DHS), Multiple Indicator Cluster Surveys (MICS) and other national surveys from 2010 to 2017.

¹⁷ Obtained from UNICEF global databases, 2018, based on DHS, MICS and other national surveys from 2010 to 2017

¹⁸ African Union, Department of Social Affairs. 2016. Two Year Report of the Campaign to End Child Marriage

CONTINENTAL POLICY INSTRUMENTS



PROVISIONS OF INTERNATIONAL AND REGIONAL INSTRUMENTS RELEVANT TO PROTECTION FROM CHILD MARRIAGE¹⁹

Universal Declaration of Human Rights, General Assembly Resolution 217 A (III), 1948	<p>Article 16(1): Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.</p> <p>Article 16(2): Marriage shall be entered into only with the free and full consent of the intending spouses.</p>
Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (Slavery Convention), 1956	<p>Article 2: With a view to bringing to an end the institutions and practices mentioned in article 1(c) of this Convention, the States Parties undertake to prescribe, where appropriate, suitable minimum ages of marriage, to encourage the use of facilities whereby the consent of both parties to a marriage may be freely expressed in the presence of a competent civil or religious authority, and to encourage the registration of marriages.</p>
Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages, 1964	<p>Article 2: States Parties to the present Convention shall take legislative action to specify a minimum age for marriage. No marriage shall be legally entered into by any person under this age, except where a competent authority has granted a dispensation as to age, for serious reasons, in the interest of the intending spouses.</p>
International Covenant on Economic, Social and Cultural Rights (ICESCR), 1966	<p>Article 10(1): The widest possible protection and assistance should be accorded to the family, which is the natural and fundamental group unit of society, particularly for its establishment and while it is responsible for the care and education of dependent children. Marriage must be entered into with the free consent of the intending spouses.</p>
International Covenant on Civil and Political Rights (ICCPR), 1966	<p>Article 23(2): The right of men and women of marriageable age to marry and to found a family shall be recognized.</p> <p>Article 23(3): No marriage shall be entered into without the free and full consent of the intending spouses.</p> <p>Article 23(4): States Parties to the present Covenant shall take appropriate steps to ensure equality of rights and responsibilities of spouses as to marriage, during marriage and at its dissolution.</p>
Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 1979	<p>Article 16(1): States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women: (a) The same right to enter into marriage; (...)</p> <p>(b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent.</p> <p>Article 16(2): The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.</p>

¹⁹ Committee on the Elimination of Discrimination against Women, Third and Fourth periodic report of Morocco, CEDAW/C/MAR/4, 2006.

African (Banjul) Charter on Human and Peoples' Rights, 1981	Article 18(3): The State shall ensure the elimination of every discrimination against women and also ensure the protection of the rights of the woman and the child as stipulated in international declarations and conventions.
African Children's Charter on the Rights and Welfare, 1990	Article 21(2): Provides 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 make registration of all marriages.
Committee on the Elimination of Discrimination against Women, General Recommendation 21, Equality in Marriage and Family Relations, 1994²⁰	<p>Para. 38: (...) physical and intellectual development at marriage is immaterial, these provisions should be abolished. In other countries, the betrothal of girls or undertakings by family members on their behalf is permitted. Such measures contravene not only the Convention, but also a women's right freely to choose her partner.</p> <p>Para. 39: States parties should also require the registration of all marriages whether contracted civilly or according to custom or religious law. The State can thereby ensure compliance with the Convention and establish equality between partners, a minimum age for marriage, prohibition of bigamy and polygamy and the protection of the rights of children.</p>
Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, 2003	<p>Article 6: Marriage: States Parties shall ensure that women and men enjoy equal rights and are regarded as equal partners in marriage. They shall enact appropriate national legislative measures to guarantee that:</p> <p>(a) no marriage shall take place without the free and full consent of both parties;</p> <p>(b) the minimum age of marriage for women shall be 18 years.</p>
Southern African Development Community (SADC) Protocol on Gender and Development, 2008	<p>Article 8(1): States parties shall enact and adopt appropriate legislative, administrative and other measures to ensure that women and men enjoy equal rights in marriage and are regarded as equal partners in marriage.</p> <p>Article 8(2): Legislation on marriage shall ensure that: a) no person under the age of 18 shall marry, unless otherwise specified by law, which takes into account the best interests and welfare of the child; (b) every marriage takes place with the free and full consent of both parties; (c) every marriage, including civil, religious, traditional or customary, is registered in accordance with national laws; and (d) during the subsistence of their marriage the parties shall have reciprocal rights and duties towards their children with the best interests of the children always being paramount.</p>
Vienna Declaration and Programme of Action, 1993²⁰	<p>Para. 36: The World Conference on Human Rights reaffirms the important and constructive role played by national institutions for the promotion and protection of human rights, in particular in their advisory capacity to the competent authorities, their role in remedying human rights violations, in the dissemination of human rights information, and education in human rights.</p> <p>The World Conference on Human Rights encourages the establishment and strengthening of national institutions, having regard to the "Principles relating to the status of national institutions" and recognizing that it is the right of each State to choose the framework which is best suited to its particular needs at the national level.</p>

²⁰ The African Child Policy Forum (ACPF) <http://www.africanchildforum.org> (March 2013).

RATIFICATION OF THE AFRICAN CHARTER ON THE RIGHTS AND WELFARE OF THE CHILD²¹

Country	Date
Algeria	08/07/2003
Angola	11/04/1992
Benin	17/04/1997
Botswana ²²	10/07/2001
Burkina Faso	08/06/1992
Burundi	28/06/2004
Cameroon	05/09/1997
Central African Rep.	07/07/2016
Cape Verde	20/07/1993
Chad	30/03/2000
Côte d'Ivoire	01/03/2002
Comoros	18/03/2004
Congo	08/09/2006
Djibouti	03/01/2011
Egypt ²⁴	09/05/2001
Equatorial Guinea	20/12/2002
Eritrea	22/12/1999
Ethiopia	02/10/2002
Gabon	18/05/2007
Gambia	14/12/2000
Ghana	10/06/2005
Guinea-Bissau	19/06/2008
Guinea	27/05/1999
Kenya	25/07/2000

Country	Date
Libya	23/09/2000
Lesotho	27/09/1999
Liberia	01/08/2007
Madagascar	30/03/2005
Mali	03/06/1998
Malawi	16/09/1999
Mozambique	15/07/1998
Mauritania ²⁵	21/09/2005
Mauritius	14/02/1992
Namibia	23/07/2004
Nigeria	23/07/2001
Niger	11/12/1996
Rwanda	11/05/2001
South Africa	07/01/2000
Senegal	29/09/1998
Seychelles	13/02/1992
Sierra Leone	13/05/2002
Sudan ²³	30/07/2005
Swaziland	05/10/2012
Tanzania	16/03/2003
Togo	05/05/1998
Uganda	17/08/1994
Zambia	02/12/2008
Zimbabwe	19/01/1995

²¹ African Committee of Experts on the Rights and Welfare of the Child available at <http://www.acerwc.org/ratification-data/>

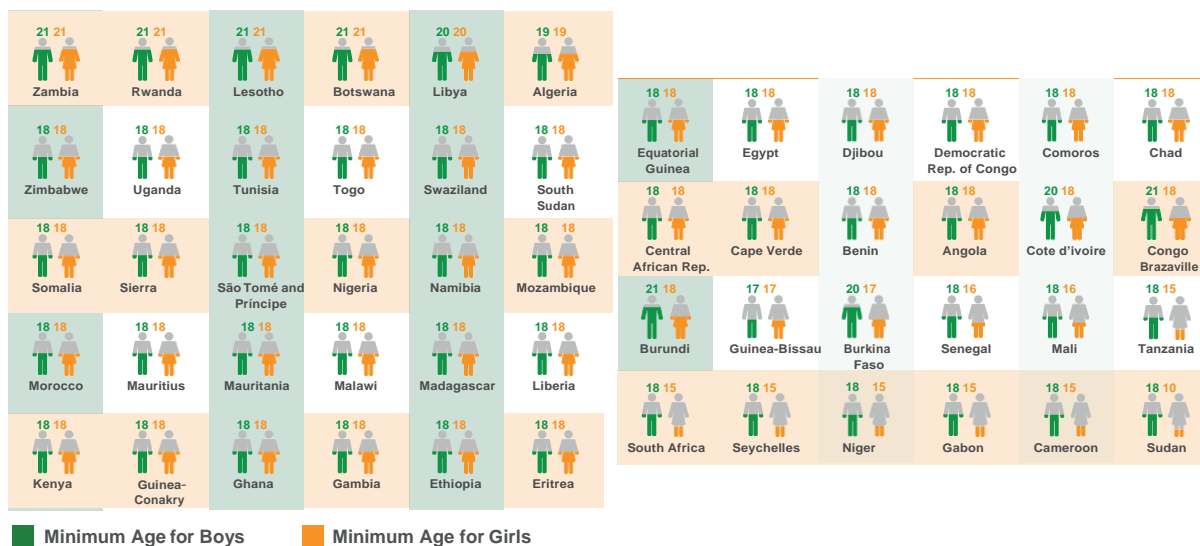
²² Botswana: Does not consider itself bound by Article 2 which defines the child

²³ Sudan: Does not consider itself bound by Article 10 regarding the protection of privacy, Article 11(6) regarding the education of children who become pregnant before completing their education or Article 21 (2) regarding child marriage

²⁴ Egypt: Does not consider itself bound by Article 21(2) regarding child marriage; Article 24 regarding adoption (although this is under review and a similar reservation to the CRC has already been removed); Article 30(a-e) regarding the special treatment of children of imprisoned mothers; Article 44 which establishes that the Committee can receive Communications; and Article 45(1) regarding the Committee conducting investigations in Member States

²⁵ Mauritania: Does not consider itself bound by Article 9 regarding the right to freedom of thought, conscience and religion

MINIMUM AGE MARRIAGE BOYS AND GIRLS ²⁶



Countries Where Child Marriage is Legalized

(Minimum Age <18, Exceptions within Law, Contradicting Laws, No Minimum Age)

Algeria, Angola, Benin, Burkina Faso, Burundi, Cape Verde, Cameroon, Central African Republic, Comoros, Congo Brazzaville, Cote d'Ivoire, Djibouti, Eritrea, Ethiopia, Gabon, Guinea, Guinea-Bissau, Lesotho, Libya, Madagascar, Mauritius, Mali, Morocco, Mozambique, Namibia, Niger, Nigeria, Saharawi Arab Democratic Republic, São Tomé and Príncipe, Senegal, Seychelles, Somalia, South Africa, Sudan, Tanzania, Togo, Tunisia, Zambia and Zimbabwe.

Exemptions within the law allowing child marriage in Africa include: With parents' consent, approval by judge, signature by minister or senior public official, in best interest of child, request by him or his legal representative, granted by President, under serious voluntarily agreement and permission from his/her parents, for compelling reasons, with consent from spouses, under special circumstances, in the best interest of both spouses or with written letter from minister.

²⁶ The African Child Policy Forum (ACPF). Available at <http://www.africanchildforum.org> (March 2013)

ANALYSES OF CHILD MARRIAGE LAWS BY REGION ²⁷

Regional Summaries	Central Africa	East Africa	North Africa	Southern Africa	West Africa	Total
Legal Age 18+ without exceptions	3 Democratic Republic of Congo, Equatorial Guinea	3 Kenya, Rwanda, Uganda	2 Egypt, South- Sudan	3 Botswana, Malawi, Swaziland	5 Gambia, Ghana, Liberia, Mauritania, Sierra Leone	16
Legal Age 18+ with exceptions	2 Central African Republic, Congo Brazzaville	7 Burundi, Comoros, Djibouti, Eritrea, Ethiopia, Madagascar, Mauritius	5 Algeria, Libya, Morocco, Somalia, Tunisia	6 Angola, Lesotho, Mozambique, Namibia, Zambia, Zimbabwe	7 Benin, Cabo Verde, Côte d'Ivoire, Guinea, Nigeria, São Tomé and Príncipe, Togo	27
Legal Age below 18	2 Cameroon, Gabon	2 Seychelles, Tanzania	1 Sudan	1 South Africa	5 Burkina Faso, Guinea-Bissau, Mali, Niger, Senegal	11
No minimum Age			1 Sahrawi Arab Democratic Republic			1

Analysis of data obtained from desk review in June 2018 showed that forty-three Member States (78 per cent) have legal frameworks that put the minimum age of marriage at 18 years old or above for both girls and boys, however twenty-seven Member States (63 per cent) have exceptions legalizing child marriage either with parental/guardian consent, judge's approval and many more with the court/State's approval.

Eleven Member States (20 per cent) do not have legal frameworks putting the minimum age as 18 years old and above for both boys and girls, and ten (91 per cent) of these countries have further exceptions reducing the age of marriage to as low as 10 years old for girls. Ten (18 per cent) Member States have unequal minimum ages for boys and girls ranging from as low as 14 years old for girls and 15 years old for boys and one Member State (2 per cent) has no minimum age for marriage. This brings the total number of countries where child marriage is legalized to thirty-nine (71 per cent).

²⁷ Data based on desk review conducted in June 2018

CHILD MARRIAGE LAWS BY MEMBER STATE (Updated June 2018)

Country	Existence of legal framework (Min ages at 18)	Minimum age of marriage	Relevant provisions that puts the minimum ages of marriage at 18 and above	Is child marriage legalized?	Relevant provisions legalizing child marriage
Algeria ²⁹	Yes	19 Years of Age (Boys and Girls) (Exemption by judge in case of necessity)	Under the Algeria Family Code, "Code de la Famille, 2005": Art. 7. (Modified) Marriage capacity is deemed valid at 19 years of age for both men and women. However, the judge may grant an exemption of age for a reason of interest or in case of necessity, when the aptitude for marriage of both parties is established. (...) Art. 13. (Modified) It is forbidden for the wali, whether father or otherwise, to compel the marriage of a minor under his guardianship, just as he cannot marry her without his consent.	Yes	Under the Algeria Family Code, "Code de la Famille, 2005": Art. 7. (Modified) Marriage capacity is deemed valid at 19 years of age for both men and women. However, the judge may grant an exemption of age for a reason of interest or in case of necessity, when the aptitude for marriage of both parties is established. (...)

Angola ³⁰	Yes	18 Years of Age (Boys and Girls) (Exemption in the best interest of child)	Under the Angola Family Code, "Código da Família, 1988": Art. 24.1. Only persons over the age of 18 may marry.	Yes	Under the Angola Family Code, "Código da Família, 1988": Art. 24.2. It may exceptionally be authorized to marry a man who has reached 16 and a woman who has reached 15, when, considering the circumstances of the case and taking into account the interests of the minors, marriage is the best solution. Art. 24.3. The authorization referred to in the previous number shall be granted by the parents, guardians or by whom the minor is responsible and may be supplied by the court, after hearing the advice of the Family Council (...)
Benin ³¹	Yes	18 Years of Age (Boys and Girls) (Exemption with parental consent)	Under the Benin Child Code, "Le Code de L'Enfant au Bénin, Chapitre II "Des Conditions De Fo Du Mariage" 2007: Art. 123. Marriage may only be contracted between a man who is at least eighteen (18) years old and a woman who is at least eighteen (18) years of ages, except where age is waived for cause by order of the presiding judge of the court, of the first instance at the request of the public prosecutor.	Yes	Under the Benin Child Code, "Le Code de L'Enfant au Bénin, Chapitre II "Des Conditions De Fond Du Mariage" 2007: Art. 120. A minor under the age of eighteen (18) cannot marry without the consent of the person who exercises parental authority over him. This consent must include the designation of the two future spouses. It is given either by the declaration made before a registrar or before a notary prior to the celebration of the marriage, or validly, during the celebration itself.
Botswana ³²	Yes	21 Years of Age (Boys and Girls)	Under the Botswana Marriage Act 18, 2001: Sec. 14. No insane person who is incapable of giving consent to a marriage and no person below the age of 18 years may marry. Sec. 15. No minor or person below the age of 21 years not being a widower or widow may marry without the consent in writing of his or her parents or guardians (...).	No	Not Available

Burkina Faso ³³	No	<p>20 Years of Age for Boys</p> <p>17 Years of Age for Girls</p> <p>(Exemption with court order and parental consent)</p>	Not Available	Yes	<p>Under the Burkina Faso Code of Persons and The Family, "Code des Personnes et de la Famille au Burkina Faso, Titre II, Chapitre I, Section 1, "Des Conditions De Fond Du Mariage" 1989:</p> <p>Art. 238. Marriage can only be contracted between a man over the age of twenty (20) and a woman over seventeen (17) years of age, unless the civil court grants a serious age exemption. The age exemption cannot be granted under any circumstances for a man under the age of eighteen (18) and a woman under the age of fifteen (15).</p> <p>Under Titre II, Chapitre I, Section 1, "Des Conditions De Fond Du Mariage" 1989:</p> <p>Art. 241. A minor may not enter into a marriage without the consent of his father or mother or of the parent exercising parental authority by virtue of a judicial decision (...).</p> <p>Under "Titre VII, Chapitre II, "De La Tutelle Des Mineurs":</p> <p>Art. 554. A minor is an individual of one or the other sex, who is not yet twenty (20) years old.</p>
Burundi ³⁴	Yes	<p>21 Years of Age for Boys</p> <p>18 Years of Age for Girls</p> <p>(Exemption for serious reasons)</p>	<p>Under the Burundi Person and Family Code, "Du Code Des Personnes et Famille, 1993", Titre VI, Section I:</p> <p>Art. 88. The man before twenty-one (21) and the woman before the age of eighteen (18) cannot contract a marriage. Nevertheless, the provincial governor may grant exemption of age for serious reasons.</p>	Yes	<p>Under the Burundi Person and Family Code, "Du Code Des Personnes et Famille, 1993", Titre VI, Section I:</p> <p>Art. 89. Without prejudice to the provisions of paragraph 2 of the preceding article, men and women who have not reached the age of the majority may not marry without the consent of their father and mother.</p> <p>Under "Titre XII, Chapitre I, "De La Capacite Du Majeur et Du Mineur":</p> <p>Art. 335. The major is the person who has reached the age of twenty-one (21).</p> <p>Art. 337. The minor is the person who has not yet reached twenty-one (21) years of age.</p>

Cape Verde ^{35,36}	Yes	<p>18 Years of Age</p> <p>(Boys and Girls)</p> <p>(Under 16 Years of Age with request by him or his legal representative)</p>	<p>Under the Cape Verde Civil Code, "República De Cape Verde: Código Civil", 1997, Section V, Subsection I, Division II:</p> <p>Art. 133º. (Minors) A minor is a person who has not yet completed eighteen years of age.</p> <p>Initial state party report on the Convention on the Rights of the Child: Cape Verde, 1999:</p> <p>56. In general, minors may not marry. However, the law allows them to do so in exceptional circumstances. The courts authorize a minor under age 16 to marry, based on a substantiated request by him or his legal representative. The marriage of a minor under age 18 is invalid.</p>	Yes	<p>Initial state party report on the Convention on the Rights of the Child: Cape Verde, 1999:</p> <p>56. In general, minors may not marry. However, the law allows them to do so in exceptional circumstances. The courts authorize a minor under age 16 to marry, based on a substantiated request by him or his legal representative. The marriage of a minor under age 18 is invalid.</p>
Cameroon ³⁷	No	<p>18 Years of Age for Boys</p> <p>15 Years of Age for Girls</p> <p>(Exemption for serious reasons by a waiver granted by the President of the Republic)</p>	Not Available	Yes	<p>Under the Cameroon Order Organizing the Civil Status, "Portant Organisation de l'état civil et dispositions relatives à l'état personnes physiques", 1981 in Ordonnance N° 81/002, Titre V, Chapitre III:</p> <p>Art. 49. The marriage certificate shall specify the following: (...)</p> <p>-The consent of each spouse: parental consent in case of minor children; (...).</p> <p>Art. 52. No marriage may be celebrated:</p> <p>(1) If the girl is a minor of 15 years old or the boy of 18 years old, unless for serious reasons a waiver has been granted by the President of the Republic; (...).</p> <p>(4) if the future spouses do not consent; (...).</p>

Central African Republic ³⁸	Yes	18 Years of Age (Boys and Girls) (Exemption on serious grounds)	Under the Central African Republic Family Code, "Code de la famille", 1998: Art. 209. No one may marry before the age of 18, except where the State Prosecutor has dispensed with age on serious grounds at the request of the person concerned. Art. 214. No person may contract marriage before the age of 18.	Yes	Under the Central African Republic Family Code, "Code de la famille", 1998: Art. 211. A minor under the age of 18 cannot marry without the consent of the persons who exercise parental authority over him.
Chad ^{39, 40, 41}	Yes	18 Years of Age (Boys and Girls)	The enactment of Law N029/PR/2015 of 21 st July 2015, ratifying Ordinance N006/PR/2015 of 14 th March 2015, outlawed child marriage and set the minimum legal age of marriage at 18 years old for boys and girls. The ordinance also establishes accountability measures as adults who partake in the marriage of a minor are punishable with 5 to 10 years imprisonment, in addition to fines of 500,000 to 5 million francs.	No	Not Available
Comoros ⁴²	Yes	18 Years of Age (Boys and Girls) (Exemption for serious reasons)	Under the Comoros Family Code, "Code de la famille", 2005: Titre II, Chapitre II, Section II: Art. 14. A man and woman before the age of eighteen (18) cannot contract marriage.	Yes	Under the Comoros Family Code, "Code de la famille", 2005: Titre II, Chapitre II, Section I: Art. 15. it is open to the competent judge who must celebrate the marriage to grant age exemptions for serious and legitimate reasons, when there is mutual consent of the future spouses. Art. 21. The marriage is between the marital guardian of the girl (the wali) and the future spouse or his agent before a competent judge. Art. 23. Marriage cannot be contracted without the authorization of the "wali" and the consent of the woman (...). The woman does not conclude the marriage act herself. She is represented by her "wali" (...).

Congo Brazzaville ⁴³	Yes	21 Years of Age for Boys 18 Years of Age for Girls (Exemption for serious reasons)	Under the Congo Brazzaville Family Code, "Code de la fa- mille", 1984: Art. 128. The man before 21 years old and the woman be- fore 18 years old cannot con- tract marriage. Nevertheless, the Public Prosecutor at the District or District People's Court may grant age exemptions for serious reasons.	Yes	Under the Congo Brazzaville Family Code, "Code de la famille", 1984: Art. 130. The minor cannot marry without the authorization of his father or mother or, failing that, of the person who, according to the law, has the authority over him. (...) Art. 318. A minor is the per- son of one or the other sex who is not yet 18 years old.
Cote d'Ivoire ⁴³	Yes	20 Years of Age for Boys 18 Years of Age for Girls (Exemption for serious reasons)	Under the Cote d'Ivoire Mar- riage act, "Loi relative au mi- rage" 1983, Law N 83-800: Art. 1. (New) The man be- fore twenty years old and the woman before eighteen years old cannot contract marriage. Nevertheless, the Public Prosecutor may grant exemptions for serious reasons.	Yes	Under the Cote d'Ivoire Marriage act, "Loi relative au mi- rage" 1983, Law N 83- 800: Art. 5. A minor under the age of twenty-one cannot marry without the consent of his father and mother who exercises the rights of parental power.
Democratic Republic of Congo ⁴³	Yes	18 Years of Age (Boys and Girls)	Under the Democratic Re- public of Congo Law on Child Protection, "Loi portant protection de L'Enfant" Law No. 04-2010; Art. 1 (age): Under this law, a child refers to any human being under the age of eighteen years and who has not yet reached the age of majority by a special provision. Art. 37: The right to refuse pre-marriage and marriage is acknowledged for any child. Any marriage or pre-marriage contracted by a child who is coerced into it, shall be null and void.	No	Not Available
Djibouti ⁴⁴	Yes	18 Years of Age (Boys and Girls) (Exemption with consent of guardians)	Under the Djibouti Family Law, "Code de la Famille" 2002; Titre Deux, Chapitre II: Art. 13. The two future spouses must not be in one of the cases of impediment provided by law. The future spouses must be 18 years old to marry.	Yes	Under the Djibouti Family Law, "Code de la Famille" 2002; Titre Deux, Chapitre II: Art. 14. The marriage of minors who have not reached the legal age of majority is subject to the consent of their guardians. (...)

Egypt ⁴⁵	Yes	18 Years of Age (Boys and Girls)	Under the Egyptian Child Law, 2008; Annex: Art. 31-bis. The marriage contract shall not be registered for those who did not reach eighteen years of age. (...) Without prejudice to any criminal penalty stipulated in any other law, anyone who registers a marriage that violates provisions of this article shall receive disciplinary punishment.	No	Not Available
Equatorial Guinea ⁴⁶	Yes	18 Years of Age (Boys and Girls)	Under the Equatorial Guinea Civil Code, 2011: Art. 46. Those who cannot get married are: 1. The non-emancipated minors. (...) Art. 315. The oldest age begins at 18 years of age. For the calculation of the years of coming of age, the day of birth will be included in full.	No	Not Available
Eritrea ⁴⁷	Yes	18 Years of Age (Boys and Girls) (Exemption with parental permission)	Under the Transitional Civil Code of Eritrea (TCCE), as amended by Article 46 of Proclamation 1/1991: Art. 581. No contract of marriage shall be valid if either of the parties is under eighteen years of age.	Yes	Under the Transitional Penal Code of Eritrea: Art. 309. (1) For an underage person to marry, he/she must voluntarily agree and get the permission from his/her parents
Ethiopia ⁴⁸	Yes	18 Years of Age (Boys and Girls) (16 years for serious reasons)	Under the Ethiopian Revised Family Code, Proclamation No. 213/2000, 2000, Chapter 1, Section 1: Art. 7. (Age) 1. Neither a man nor a woman who has not attained the full age of eighteen years shall conclude a marriage. (...)	Yes	Under the Ethiopian Revised Family Code, Proclamation No. 213/2000, 2000, Chapter 1, Section 1: Art. 7. (Age) (...) Notwithstanding the provisions of Sub-Article (1) of this Article, the Minister of Justice may, on the application of the future spouses, or the parents or guardian of one of them, for serious cause, grant dispensation of not more than two years.

Gabon ⁴⁹	No	18 Years of Age for Boys 15 Years of Age for Girls (Exemption for serious reasons)	Not Available	Yes	Under the Gabon Civil Code, 1995: Art. 203. A man, before the age of eighteen, and a woman, before the age of fifteen, cannot contract a marriage. Nevertheless, the President of the Republic or, failing that, the President of the Supreme Court, may grant age exemptions for serious reasons. Art. 205. Even if the conditions required by Article 203 are met, the young man or the girl who has not reached the age of 21 years cannot contract marriage without the consent of his father and mother.
Gambia ⁵⁰	Yes	18 Years of Age (Boys and Girls)	Under the Gambia Children's Act, 2005, Part IV Heading A: (Interpretation) Section 2. (1) "In this Act, unless the context otherwise requires – - "child" means a person under the age of eighteen years;" (Prohibition of child marriage) Section 24. "Subject to the provisions of any applicable personal law, no child is capable of contracting a valid marriage, and a marriage so contracted is voidable." (Prohibition of child betrothal, etc.) Section 25. 1) No parent, guardian or any person shall – a) betroth a child to any persons; b) make a child the subject of a dowry transaction; or c) give out a child in marriage. A betrothal or marriage in contravention of subsection (1) is voidable.	No	Not Available

Ghana ⁵¹	Yes	18 Years of Age (Boys and Girls)	Under the Ghana Children's Act, 1998 (ACT 560): (Right to refuse betrothal and marriage) Section 14. 1. No person shall force a child: a) To be betrothed; b) To be the subject of a dowry transaction; or c) To be married The minimum age of marriage or whatever kind shall be eighteen years.	No	Not Available
Guinea ⁵²	Yes	18 Years of Age (Boys and Girls) (Exemption for serious reasons)	Under the Guinea Child Code, "Code de L'Enfant Guineen (ACT 560)" 2008, Titre II, Chapitre III: Art. 268. The child is automatically emancipated by marriage. Boys and girls under 18 cannot marry. Nevertheless, the President of the Republic, upon report of the Minister of Justice, may, by decree, grant age exemptions for serious reasons. (...) Art. 269. A minor may not enter into marriage without the consent of his father or mother or, failing that, the person who, according to the law, has authority over him. (...)	Yes	Under the Guinea Child Code, "Code de L'Enfant Guineen (ACT 560)" 2008, Titre II, Chapitre III: Art. 268. The child is automatically emancipated by marriage. Boys and girls under 18 cannot marry. Nevertheless, the President of the Republic, upon report of the Minister of Justice, may, by decree, grant age exemptions for serious reasons. (...) Art. 269. A minor may not enter into marriage without the consent of his father or mother or, failing that, the person who, according to the law, has authority over him. (...)
Guinea-Bissau ⁵³	No	17 Years of Age (Boys and Girls)	Not Available	Yes	CEDAW, Combined Initial, Second, Third, Fourth, Fifth and Sixth, periodic reports - 2009; Articles 1 and 2 of Act No. 5/76, of May, led to the fixing of the marriageable age at 17 years for both sexes.

Kenya ^{54, 55}	Yes	18 Years of Age (Boys and Girls)	<p>Under the Kenya Marriage Act, 2014 (No. 4 of 2014, Rev. 2016):</p> <p>Part I, Sec. 2. (Interpretation)</p> <p>"In this Act, unless the context otherwise requires –</p> <p>- "child" means an individual who has not attained the age of eighteen (18) years; (...)</p> <p>Part II, Sec. 4. (Minimum Age)</p> <p>A person shall not marry unless that person has attained the age of eighteen (18).</p> <p>Part II, Sec. 11.</p> <p>(Void Marriages) A union is not a marriage if at the time of making the union-</p> <p>a) Either party is below the minimum age for marriage: (...)</p> <p>Part XII, Sec. 87 (Marriage to a person under minimum age) Any person who marries a person who is under the minimum age commits an offense and shall on conviction be liable to imprisonment for a term not exceeding five years or a fine not exceeding one million shillings or to both.</p>	No	Not Available
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Lesotho ⁵⁶	Yes	21 Years of Age (Boys and Girls)	Under the Lesotho Marriage Act, 1974: 25. (1) No marriage officer shall solemnize a marriage between parties of whom one or both are minors unless the consent of the party or parties which is legally required for the purpose of contracting the marriage has been granted and furnished to him in writing: - Provided that for purposes of this subsection a minor does not include a person, who is under the age of twenty-one years and who has previously contracted a valid marriage which has been dissolved by death or divorce. 25. (2) Subject to other provisions of this Act relating to the giving of consent in respect of a marriage of a minor, the consent of the parents or guardian of that minor shall be furnished to the marriage officer in writing (...)	Yes	Under the Lesotho Marriage Act, 1974: 27. (1) No boy under the age of eighteen years and no girl under the age of sixteen years shall be capable of contracting a valid marriage except with the written permission of the Minister, which he may grant in any particular case in which he considers such marriage desirable: - Provided that such permission shall not relieve the parties to the proposed marriage from the obligation to comply with all other requirements prescribed by law: Provided further that such permission shall not be necessary if by reason of any such other requirement the consent of a judge in the matter is necessary and has been granted. (...)
		(16 Years of Age for girls and 18 Years of Age for boys with written permission from Minister)			

Liberia ⁵⁷	Yes	18 Years of Age (Boys and Girls)	<p>Under the Liberia Children's Law of 2011:</p> <p>Art. I, Sec. 3. (Definitions) In this law, unless the context otherwise requires -</p> <p>–“child” shall mean any person below the age of eighteen (18) years;</p> <p>Art. VI, Sec. 4 (Harmful Practices Prohibited for a Child) No person or society shall subject a child to any of the following practices: -</p> <p>a) Marry any person when she or he is still under the age of 18;</p> <p>b) Betrothing a child into marriage or a promise for marriage; (...)</p> <p>(An Act to Amend Sections 14, 16, 17 and 18 of the Penal Law, Title 26, Liberian Code of Laws Revised and to Add Thereto a New Section 20)</p> <p>Section 3. (Chapter 16 of the Penal Law is amended in section 16.6 by substituting section 16.6 and adding other subsections as follows:)</p> <p>Sec. 16.15. (Subjecting a Child to Harmful Practices) A person commits a felony of second degree if she or he subjects a child to any of the following practices:</p> <p>a) facilitating the marriage of any person when she or he is still under the age of 18;</p> <p>b) forcing a child to marry another person</p>	No	Not Available
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Libya ⁵⁸	Yes	20 Years of Age (Boys and Girls) (Exemption with consent of Guardian)	Under the Law No. (10) of 1984 on the provisions concerning marriage, divorce and their effects: Art. 6. a) The eligibility of marriage requires reason and maturity. b) The eligibility of marriage shall be completed by the age of twenty (20). c) The court may authorize marriage prior to reaching that age for the benefit or necessity of which it shall be accessed after the consent of the guardian. (...)	Yes	Under the Law No. (10) of 1984 on the provisions concerning marriage, divorce and their effects: Art. 6. states that: (C) The court may authorize marriage prior to reaching that age for the benefit or necessity of which it shall be accessed after the consent of the guardian. (...)
Madagascar ⁵⁹	Yes	18 Years of Age (Boys and Girls) (Exception upon request by father, mother, or guardians and with consent of minor)	Under the Madagascar Law Relating to Marriage and Matrimony, "LOI N° 2007-022 of 2007 relative au mariage et aux régimes matrimoniaux", 2008, Chapitre II: Art. 3. The marital age is set at 18 years. However, before this age and for serious reasons, without prejudice to the criminal prosecution for offences against morals, the President of the Court of First Instance may authorize the marriage upon request of the father and mother, or the person who exercises the authority over the child and with the consent of the child. (...)	Yes	Under the Madagascar Law Relating to Marriage and Matrimony, "LOI N° 2007-022 of 2007 relative au mariage et aux régimes matrimoniaux", 2008, Chapitre II: Art. 3. The marital age is set at 18 years. However, before this age and for serious reasons, without prejudice to the criminal prosecution of offences, the President of the Court of First Instance may authorize the marriage upon request of the father and mother, or the person who exercises the authority over the child and with the consent of the child. (...)

Malawi ^{60, 61, 62}	Yes	18 Years of Age (Boys and Girls)	<p>Under the Malawi Marriage, Divorce and Family Relations Bill, 2015, Part III:</p> <p>No. 14. Subject to section 22 of the Constitution, two persons of the opposite sex who are both not below the age of eighteen years, and are sound of mind, may enter into marriage with each other.</p> <p>Under "The Revised Constitution of Malawi", 2017, Chapter IV:</p> <p>No. 22. (Family and Marriage) (...)</p> <p>(3) All men and women have the right to marry and found a family.</p> <p>(4) No person shall be forced to enter into marriage.</p> <p>(5) Subsections (3) and (4) shall apply to all marriages at law,</p> <p>custom and marriages by repute or by permanent cohabitation.</p> <p>(6) No person over the age of eighteen years shall be prevented from entering into marriage.</p> <p>(7) [Repealed by 15 of 2017.]</p> <p>(8) [Repealed by 15 of 2017.]</p>	No	Not Available
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Mali ⁶³	No	18 Years of Age for boys 16 Years of Age for girls (Exemption by civil court for serious reasons)	Not Available	Yes	Under the Mali Person and the Family Code Act, "LOI N° 2011-087, Portant Code Des Personnes et de la Famille", 2011, Livre II, Titre II, Chapitre I, Section I: Art. 281. The minimum age for marriage is eighteen years for men and sixteen for women. The head of the administrative district may, nevertheless, by decision subject to appeal, before the civil judge, grant an exemption from age for serious reasons. This authorization can only be issued for spouses who are at least fifteen years old. A copy of the waiver is attached to the marriage solemnization act. Art. 284. The future spouse, in principle, cannot contract marriage, in the event of exemption from age, without the consent of his father and mother. (...)
Mauritania ⁶⁴	Yes	18 Years of Age (Boys and Girls)	Under the Mauritania Personal Status Code, "Loi Portant Code Du Statut Personnel", 2001, 'Loi N° 2001-052': Article 6. The capacity to marry is fulfilled for any reasoned person who has reached the age of 18. An incapable person can be married by her guardian "weli" if he approves of the marriage. Article 9. The tutelage (wilaya) is exercised in the interest of the woman. The adult woman cannot be married without her consent and the presence of her guardian "wali". The silence of the girl is consent.	No	Not Available
Mauritius ⁶⁴	Yes	18 Years of Age (Boys and Girls) (Exemption with parental consent)	Under the Mauritius Civil Code, 1990: Art. 144. No one can marry before the age of eighteen.	Yes	Under the Mauritius Civil Code, 1990: Art. 145. Nevertheless, a minor aged 18 but over the age of 16 years may enter into marriage with the consent of his father and mother or of both who exercise exclusive parental authority. (...)

Morocco ⁶⁴	Yes	18 Years of Age (Boys and Girls) (Exemption by authority of the Family Affairs Judge)	Under the Moroccan Family Code, "Code de la Famille" 2004: Art. 19. Marital capacity is acquired for the boy and the girl enjoying their marital faculties, at eighteen Gregorian years of age.	Yes	Under the Moroccan Family Code, "Code de la Famille" 2004: Art. 20. The Family Affairs Judge in charge of the marriage may authorize the marriage of the boy and the girl before the age of matrimonial capacity envisaged in article 19 above, by reasoned decision specifying the interest and the reasons justifying the marriage. He will have heard, beforehand, the parents of the minor or his legal representative. (...) The judge's decision authorizing the marriage of a minor is not subject to appeal.
Mozambique ⁶⁵	Yes	18 Years of Age (Boys and Girls) (Exemption in recognized special circumstances with parental or legal representative consent)	Under the Mozambique Family Law, "Lai de Família, Lei n.º 10/2004" 2004, Title II, Chapter II: Art. 19. (Ineffectiveness of the promise) (...) (2) The promise of marriage is null if any of the prospective couples is under 18 years. Art. 30. (Impediments) 1. These are detrimental impediments hindering the marriage of a person to another: a) The age of less than eighteen years; (...) Under the Mozambique Family Law, "Lai de Família, Lei n.º 10/2004" 2004, Title IV, Chapter I, Section III, Sub-Section II, Division II; Art. 261. (Capacity) I. Any person who is 18 years or older, if not prohibited by a psychic anomaly or who is not known to be insane at the time of profiling, has capacity to marry. (...)	Yes	Under the Mozambique Family Law, "Lai de Família, Lei n.º 10/2004" 2004, Title II, Chapter III, Section II, Sub-Section I: Art. 30. (Impediments) states that: 2. A woman or man who is over sixteen (16) years of age may marry, in cases of exception, when circumstances of recognized public or family interest occur, and there is consent of parents or legal representatives.

Namibia ⁶⁶	Yes	<p>18 Years of Age</p> <p>(Boys and Girls)</p> <p>(Exemption with written permission of the Minister or any staff member in the Public Service authorized by the Minister)</p>	<p>Under the Namibia Married Persons Equality Act, 1996, (Act 1 of 1996), {amendment the 1961 Marriage Act}, Part V:</p> <p>(Amendment of section 26 of Marriage Act, 1961, as substituted by section 6 of Act 5 of 1987)</p> <p>Section 24. (1) No boy or girl under the age of 18 years shall be capable of contracting a valid marriage except with the written permission of the Minister or any staff member in the Public Service authorized thereto by the Minister, which he or she may grant in any particular case in which he or she considers such marriage desirable. (...)</p>	Yes	<p>Under the Namibia Married Persons Equality Act, 1996, (Act 1 of 1996), {amendment the 1961 Marriage Act}, Part III:</p> <p>(Guardianship of Minor Children of a Marriage)</p> <p>Section 14. (2) Where both the father and the mother have guardianship of a minor child, each one of them is competent, subject to any order of a competent court to the contrary, to exercise independently and without the consent of the other, any right or power or to carry out any duty arising from such guardianship: provided that, unless a competent court orders otherwise, the consent of both parents shall be necessary in respect of –</p> <p>a) the contracting of a marriage by the minor child; (...)</p>
Niger ⁶⁷	No	<p>18 Years of Age for Boys</p> <p>15 Years of Age for Girls</p> <p>(Exemption for serious reasons by the President of the Republic)</p> <p>(Minors with parental consent)</p>	Not Available	Yes	<p>Under the Niger Civil Code, 2005, Title 5, Chapter 1:</p> <p>Art. 144. The man before 18 years old, the woman before fifteen years old cannot contract marriage.</p> <p>Art. 145. Nevertheless, it is open to the President of the Republic to grant age exemptions for serious reasons.</p> <p>Art. 148. (Law of July 17th, 1927, and February 2nd, 1993) Minors cannot contract marriage without the consent of their father and mother; in case of disagreement between the father and the mother, this division entails consent.</p>

Nigeria ^{68, 69}	Yes	18 Years of Age (Boys and Girls) (Exceptions due to regional law variation)	Under the Nigerian Child Rights Act, 2003, Part III: Sec. 21. No person under the age of 18 years is capable of contracting a valid marriage and accordingly a marriage so contracted is null and void with no legal effect whatsoever. Under the Nigerian Child Rights Act, 2003, Part XXIV: Sec. 277 (Interpretation) In this Act: (...) - "child" means a person under the age of eighteen years; (...)	Yes	The Nigerian Child Right law (on minimum age) is not enforceable outside the FCT as it is not in the component States of the Federation. ¹¹ As of March 2013, only 23 of Nigeria's 36 states have adopted the Act. As a result, state laws on the minimum age of marriage vary. (18 – 21 years old in the south, 12 to 15 years old in the North, depending on region) ¹¹
Rwanda ⁷⁰	Yes	21 Years of Age (Boys and Girls)	Under the Rwanda Civil Code, 1988, Part XXIV: Article 171. The man and the woman, before twenty-one years old, cannot contract a marriage. Nevertheless, before the age of 21, for serious reasons, the Minister of Justice or his delegate may grant an age exemption ³¹ , provided the person involved is 18 years old ³² .	No	Not Available
Sahrawi Arab Democratic Republic	No	N/A	Not Available	N/A	Not Available
São Tomé and Príncipe ⁷¹	Yes	18 Years of Age (Boys and Girls) (14 Years of Age for girls, 16 Years of Age for boys with legal or parental authorization)	Under the São Tomé and Príncipe Judicial Family Institution Regulation, "Regula Juridicamente as Instituicoes de Familia" Act No. 2/77, 1977: Article 3. (1) A woman and a man over 18 years of age may freely marry.	Yes	Under the São Tomé and Príncipe Judicial Family Institution Regulation, "Regula Juridicamente as Instituicoes de Familia" Act No. 2/77, 1977: Article 3. (2) Notwithstanding the provisions of the preceding paragraph, in exceptional cases, and if there is a justifiable cause, the parents or the court, may authorize the marriage of minors under 18 years of age, provided the girl has attained 14 years of age and the man has completed 16 years.

Senegal ⁷²	No	18 Years of Age for Boys 16 Years of Age for Girls (Exemption by President of Regional court for serious reason)	Not Available	Yes	Under the Senegal Family Code, "Code de la Famille" 1989: Article 109. (Parental Consent) A minor cannot enter into marriage without the consent of the person exercising parental authority over him. (...) Article 111. (Sex and age) Marriage can only be contracted between a man over the age of 18 and a woman over the age of 16, except where the President of the Regional Court has granted an age exemption for serious reasons. Article 276. (Definition) A minor is a person of one or the other sex that has not yet attained the age of 18 years old.
Seychelles ⁷³	No	18 Years of Age for Boys 15 Years of Age for Girls (Exception with the permission of a designated government official)	Not Available	Yes	Consideration of Reports Submitted by States Parties, Seychelles, 7 February 2001: A child under the age of 18 requires parental consent in order to marry. In addition, no boy under the age of 18 years and no girl under the age of 15 may contract a civil marriage without the permission of a designated government official, currently the Minister (Civil Status Act, sect. 40 - repealed). 59. Under the Civil Status Act; Parental consent is required if a girl from 15 to 17 years wishes to marry. The age of consent of boys to marry is 18. Proposals to amend this piece of legislation are still under consideration.

Sierra Leone 74	Yes	18 Years of Age (Boys and Girls)	<p>Under the Sierra Leone Child Rights Act, 2007, Part III: Section 34.</p> <ol style="list-style-type: none"> 1) The minimum age of marriage of whatever kind shall be eighteen years. 2) No person shall force a child – <ol style="list-style-type: none"> a) to be betrothed; b) to be the subject of a dowry transaction; or c) to be married. 3) Notwithstanding any law to the contrary, no certificate, license or registration shall be granted in respect of any marriage unless the registrar or other responsible officer is satisfied that the parties to the marriage are of the age of maturity. <p>Section 46.</p> <ol style="list-style-type: none"> 1) Subject to subsection (1) of section 34, no person or association shall subject a child to any of the following practices: <ol style="list-style-type: none"> a) Early marriage b) Child betrothal <p>Any person or association that coerces a child to participate in any of the practices specified in subsection (1) shall be guilty of an offense punishable by a fine of not less than five hundred thousand Leones or imprisonment for a term not exceeding one year or both.</p>	No	Not Available
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Somalia ⁷⁵	Yes	18 Years of Age (Boys and Girls) (Exemption by Judge in cases of absolute necessity)	Under the Somali First Book on Marriage and Divorce, "Libro Primo Matrimonio e Divorzio", 1978, Chapter V: No. 16. (Minimum age limits) Anyone can freely contract marriage at the age of 18 (44 c.c.). The woman who has completed the 16 th year and not yet the 18 th year can contract marriage with the consent of the tutor (19-20). The judge, in case of absolute necessity, can dispense the contractors from the observance of the aforementioned terms.	Yes	Under the Somali First Book on Marriage and Divorce, "Libro Primo Matrimonio e Divorzio", 1978, Chapter V; No. 16 (Minimum age limits) Anyone can freely contract marriage at the age of 18 (44 c.c.). The woman who has completed the 16 th year and not yet the 18 th year can contract marriage with the consent of the tutor (19-20). The judge, in case of absolute necessity, can dispense the contractors from the observance of the aforementioned terms.

South Africa 76	No	<p>18 Years of Age for Boys</p> <p>15 Years of Age for Girls</p> <p>(Exemption with written permission of Minister or any officer in the public service)</p>	<p>Under the South Africa Children's Act 38 of 2005, 2006, Chapter 1: (Interpretation)</p> <p>(1) In this Act, unless the context indicates otherwise- (...)</p> <p>- child means a person under the age of 18 years; (...)</p> <p>- marriage means a marriage-</p> <p>(a) recognised in terms of South African law or customary law; or</p> <p>(b) concluded in accordance with a system of religious law subject to specified procedures, and any reference to a husband, wife, widower, widow, divorced person, married person or spouse must be construed accordingly;</p> <p>Under Chapter 2;12. (Social, cultural and religious practices)</p> <p>(1) Every child has the right not to be subjected to social, cultural and religious practices which are detrimental to his or her well-being.</p> <p>(2) A child-</p> <p>(a) below the minimum age set by law for a valid marriage may not be given out in marriage or engagement; (...)</p> <p>17. (Age of majority) A child, whether male or female, becomes a major upon reaching the age of 18 years. (Commencement date of section 17: 1 July 2007)</p> <p>Schedule 4 Legislation Repealed 57 of 1972 Age of Majority Act</p>	Yes	<p>Under the South Africa Marriage Act 25, 1961:</p> <p>No. 26. (Prohibition of marriage of persons under certain age)</p> <p>(1) No boy under the age of 18 years and no girl under the age of 15 years shall be capable of contracting a valid marriage except with the written permission of the Minister or any officer in the public service authorized thereto by him, which he may grant in any particular case in which he considers such marriage desirable: Provided that such permission shall not relieve the parties to the proposed marriage from the obligation to comply with all other requirements prescribed by law: (...)</p> <p>(2) If any person referred to in sub-section (1) who was not capable of contracting a valid marriage without the written permission of the Minister or any officer in the public service authorized thereto by him, in terms of this Act or a prior law, contracted a marriage without such permission and the Minister or such officer, as the case may be, considers such marriage to be desirable and in the interests of the parties in question, he may, provided such marriage was in every other respect solemnized in accordance with the provisions of this Act or, as the case may be, any prior law, and there was no other lawful impediment there- to, direct in writing that it shall for all purposes be a valid marriage.</p> <p>If the Minister or any officer in the public service authorized thereto by him so directs it shall be deemed that he granted written permission to such marriage prior to the solemnization thereof.</p>

South Sudan 77	Yes	18 Years of Age (Boys and Girls)	<p>Under the South Sudan Child Act, 2008, chapter 1:</p> <p>Sec. 5. (Interpretation) In this Act, unless the context otherwise requires, the following words and expression shall have the meanings assigned to them respectively: (...)</p> <p>“child” means a human being under the age of eighteen years; (...)</p> <p>Sec. 23. (Right to Protection from Marriage and other Negative and Harmful Cultural and Social Practices). (1) Every child has the right to be protected from early marriage. (...)</p> <p>Under the Transitional Constitution of the Republic of South Sudan, 2011;</p> <p>(Right to found a family)</p> <p>Art. 15. Every person of marriageable age shall have the right to marry a person of the opposite sex and to found a family according to their respective family laws, and no marriage shall be entered into without the free and full consent of the man and woman intending to marry.</p> <p>Art. 17. (4) For the purposes of this Constitution, a child is any person under the age of eighteen years.</p>	No	Not Available
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Sudan ⁷⁸	No	<p>Puberty for Muslims</p> <p>(10 Years of Age with permission of judge)</p> <p>15 Years of Age for Non-Muslim boys</p> <p>13 Years of Age for Non-Muslim girls</p> <p>(If either one of the couple to be married is under 21 Years of Age, written and signed consent of father, mother or guardian is essential)</p>	Not Available	Yes	<p>Under the Sudan Personal Status Law of Muslims, 1991:</p> <p>Article 34 provides that a guardian can give a woman in marriage once she has reached puberty, under the conditions that she consents to the husband and to the dowry.</p> <p>Article 10 provides that a 10-year-old can be married by his guardian with permission of the judge, such permission is based on the considerations of advantage and good reason, provided that the husband is suitable, and the dowry equals that of the girl's peers.</p> <p>Under the Sudan Marriage of Non-Muslims Act of 1926;</p> <p>Article 10. The competent court may invalidate a marriage entered into under the Act by a male under 15 years of age or a female under 13 years of age.</p> <p>Article 29. If either one of the couple to be married is under 21 years of age and is not widowed or divorced, it is essential to obtain the written and signed consent of the father, or of the mother if the father is deceased, delinquent or outside the country, or of the guardian if both parents are deceased, delinquent or outside the country.</p>
Swaziland ⁷⁹	Yes	<p>18 Years of Age (Boys and Girls)</p>	<p>Under the Swaziland Children Protection and Welfare Act, 2012, Part 1;</p> <p>No. 2. In this Act, unless the context otherwise requires-</p> <p>- "Child" means – (a) a person under the age of eighteen years;</p> <p>No. 14. A child has the right to refuse to be compelled to undergo or uphold any custom or practices that are likely to negatively affect the child's life, health, welfare, dignity or physical, emotional, psychological, mental and intellectual development.</p>	No	Not Available

Tanzania ^{80, 81, 82}	No	<p>18 Years of Age for Boys</p> <p>15 Years of Age for Girls</p> <p>(14 Years of Age with permission of court and parental or guardian consent)</p>	<p>***UPDATE 1***</p> <p>In July 2016, Tanzania's High Court took steps to end child marriage for Tanzanian girls, stating that marriage under the age of 18 was illegal and thus ruled that Sections 13 and 17 of the Law of Marriage Act were unconstitutional. The Court directed the government to change the law within one year so that the minimum age of marriage for girls is 18 years -- the same as for Tanzanian boys.</p> <p>***UPDATE 2***</p> <p>In September 2017, Tanzania's Attorney General filed an appeal against the July 2016 ruling stating that the High Court erred in law:</p> <ul style="list-style-type: none"> - In holding that sections 13 and 17 of the Law of Marriage Act [Cap 29 R.E. 2002] are discriminatory for giving preferential treatment regarding the eligible ages of marriage between boys and girls. - In equating the age of the child with the age of marriage. - In holding that customary and Islamic laws do not apply in matters of marriage. <p>The respondent has also made submissions to the Court of Appeal in December 2017 and waiting for the Court of Appeal to mention the hearing Date.</p>	Yes	<p>Under the Tanzania Law of Marriage Act, 1971, Part II (b) Restrictions on Marriage: No. 13.</p> <p>1) No person shall marry who, being male, has not attained the apparent age of eighteen years or, being female, has not attained the apparent age of fifteen years.</p> <p>2) Notwithstanding the provision in subsection (1), the court shall, in its discretion, have power, on application, to give leave for a marriage where the parties are, or either of them is, below the ages prescribed in subsection (1) if –</p> <ul style="list-style-type: none"> a) Each party has attained the age of fourteen years; and b) The court is satisfied that there are special circumstances which make the proposed marriage desirable. <p>Sec. 17.</p> <p>1) A female who has not attained the apparent age of eighteen years shall be required, before marrying, to obtain the consent-</p> <ul style="list-style-type: none"> a) Of her father; or b) If her father is dead, of her mother; or c) If both her father and mother are dead, of the person who is her guardian. <p>But in any other case, or if all persons are dead, shall not require consent.</p>
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Togo ⁸³	Yes	<p>18 Years of Age (Boys and Girls)</p> <p>(16 Years of Age with parental or guardian authorization and for serious reason)</p>	<p>Under the Togo Code of the Child, "Code de L'Enfant", Loi No 2007-01" 2007:</p> <p>Art. 2. Under this Code, a child means any human being under the age of eighteen years. The term minor takes the same meaning as that of child.</p> <p>Art. 267. Child marriage is prohibited. The age of majority is set at eighteen (18) years of age. However, the President of the court of first instance may grant exemptions to children of both sexes above sixteen (16) years for serious reasons.</p> <p>Under the Togo Law on persons and family (Law n 2012-014 established on 8th July 2012/2nd edition, 2012 /amended in 2014);</p> <p>Art. 43:</p> <ul style="list-style-type: none"> - The boy and girl can freely choose their partner and cannot marry unless both parties give full consent. - The boy and girl aged less than eighteen (18) years old, cannot marry. - Nevertheless, the judge of the court or the judge in charge of matrimonial affairs of the place where marriages takes place, is authorized to grant age exemptions for serious reasons. <p>This age exemption cannot, in any case, be allowed for a boy and a girl aged less than 16 years old.</p>	Yes	<p>Under the Togo Code of the Child, "Code de L'Enfant", Loi No 2007-01" 2007:</p> <p>Art. 270. The child, even at sixteen (16) years old, cannot marry without the authorization of his father and mother or, failing that, of the person who, according to the law, has authority over him. (...)</p> <p>Under the Togo Law on persons and family (Law n 2012-014 established on 8th July 2012/2nd edition, 2012 / amended in 2014), 2014;</p> <p>Art. 43: (...)</p> <ul style="list-style-type: none"> - Nevertheless, the judge of the court or the judge in charge of matrimonial affairs of the place where marriages takes place, is authorized to grant age exemptions for serious reasons. <p>This age exemption cannot, in any case, be allowed for a boy and a girl aged less than 16 years old.</p>
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Tunisia ⁸⁴	Yes	18 Years of Age (Boys and Girls) (Exemption by judge for serious reason)	Under the Tunisia Personal Status Code, "Code de Statut Personnel", 2007: Art. 5 (Modified by Decree No. 64-1 of February 1964, ratified by Law No. 64-1 of April 1964 and by Law No. 2007-32 of 2007...) The two future spouses must not be in one of the cases of impediments provided by the law. In addition, each of the two spouses who have not reached the age of eighteen cannot enter into marriage. Below this age, the marriage can be contracted only by virtue of a special authorization of the Judge who will grant it only for serious reasons and in the best interests of the two future spouses.	Yes	Under the Tunisia Personal Status Code, "Code de Statut Personnel", 2007: Art. 6 (Amended by Law No. 93-74 of July 1993) The marriage of a minor is subject to the consent of his guardian and his mother. (...)
Uganda ⁸⁵	Yes	18 Years of Age (Boys and Girls)	Under the Constitution of the Republic of Uganda, 1995, Chapter 4: Article 31. (Rights of the family) Men and women of the age of eighteen years and above have the right to marry and to found a family and are entitled to equal rights in marriage, during marriage and at its dissolution.	No	Not Available
Zambia ⁸⁶	Yes	21 Years of Age (Boys and Girls) (Exemption with consent of the High Court Judge)	Under the Zambia Marriage Act, 1964, Part III: 17. If either party to an intended marriage, not being a widower or widow, is under twenty-one years of age, the written consent of the father, or if he be dead or of unsound mind or absent from Zambia, of the mother, or if both be dead or of unsound mind or absent from Zambia, of the guardian of such party shall be produced and shall be annexed to the affidavit required under sections ten and twelve and, save as is otherwise provided in section nineteen, no special license shall be granted or certificate issued without the production of such consent.	Yes	Under the Zambia Marriage Act, 1964, Part V: 33. (Void marriages) (1) A marriage between persons either of whom is under the age of sixteen years shall be void: Provided that this section shall not apply when a Judge of the High Court has, on application being made, and on being satisfied that in the particular circumstances of the case it is not contrary to the public interest, given his consent to the marriage. (2) Nothing in this section shall affect any marriage already solemnized or contracted before the 20th May 1949.

Zimbabwe 87,88	Yes	18 Years of Age (Boys and Girls) (Exemption with written permission of Minister)	<p>Under the Constitution of Zimbabwe Amendment (No. 20) Act, 2013:</p> <p>Chapter 4: (Declaration of Rights): Part 2</p> <p>Section 78. (Marriage rights)</p> <p>(1) Every person who has attained the age of eighteen years has the right to found a family.</p> <p>(2) No one may be compelled to enter into marriage against their will.</p> <p>(3) Persons of the same sex are prohibited from marrying each other.</p> <p>Chapter 2: (National Objectives)</p> <p>Section 26 (Marriage) The State must take appropriate measures to ensure that –</p> <p>(a) no marriage is entered into without the free and full consent of the intending spouses;</p> <p>(b) children are not pledged in marriage; (...)</p> <p>Under the Zimbabwe General Law Amendment Act, 2006;⁸³</p> <p>Section 15. (Reduction of age of majority from 21 to 18 years)</p> <p>(1) On and after the 10th December 1982, a person shall attain the legal age of majority on attaining eighteen years of age. (...)</p> <p>(3) Subsections (1) and (2) shall apply for the purpose of any law, including customary laws and, in the absence of a definition or any indication of a contrary intention for the construction of 'full age', 'major', 'majority', 'minor', 'minority' and similar expressions (...)</p> <p>⁴⁶In January 2016, the Constitutional Court ruled that the Marriage Act, which allowed girls as young as 16 to be married with their parents' consent, was unconstitutional and recognized 18 years as the legal minimum age of marriage.</p>	Yes	<p>Under the Zimbabwe Marriage Act, 1989:</p> <p>Section 20. (Marriage of Minors) (...)</p> <p>(2) The marriage of a minor shall not be solemnized without the consent in writing of the persons who are, at the time of the proposed marriage, the legal guardians of such minor or, where a minor has only one legal guardian, without the consent in writing of such legal guardian (...).</p> <p>Section 22. (Prohibition of marriage of persons under certain ages)</p> <p>(1) No boy under the age of eighteen years and no girl under the age of sixteen years shall be capable of contracting a valid marriage except with the written permission of the Minister, which he may grant in any particular case in which he considers such marriage desirable (...)</p> <p>***UPDATE 1***</p> <p>With effect from 20 January 2016, the Constitutional Court ruled that "no person may enter into any marriage, including an unregistered customary law union or any other union including one arising out of religion or religious rite, before attaining the age of 18 years". (Mudzuru and Tsapodzi v Minister of Justice, Legal and Parliamentary Affairs, Minister of Women Affairs, Gender and Community Development and the Attorney General CCZ 12/2015)</p> <p>***UPDATE 2***</p> <p>Two years after Zimbabwe's Constitutional Court declared child marriage unconstitutional and set 18 as the minimum marriage age, the government has yet to amend or repeal all existing marriage laws that still allow child marriage.</p>
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BEST PRACTICE STATES INCLUDING STATES WITH LAW REFORMS (2007 – 2017)

Best practice States have marriage laws stipulating a minimum age of 18 years old for marriage for boys and girls without any exceptions allowing marriages at a lesser age. **They include Botswana, Democratic Republic of Congo, Egypt, Equatorial Guinea, Ghana, Kenya, Liberia, Malawi, Mauritania, Rwanda, Sierra Leone, South Sudan, Swaziland and Uganda.**

A number of other States have made considerable strides towards reforming their marriage laws as far as ending child marriage. Find below a list of some marriage law reforms undertaken/in process in the last ten years by Member States in chronological order.

States	Reform	Date
South Africa	Intervention in respect of the recognition and regulation of marriages concluded in terms of the Islamic faith has included two bills on the recognition of Islamic marriages. The latest draft bill, released in 2010, contains a provision requiring that parties who wish to enter into a valid marriage must be 18 years old or older.	2010
Zimbabwe	New Constitution 2013, Chapter 4: Declaration of Rights. Section 4.30 - Marriage (1) Everyone who has attained the age of eighteen years has the right to marry a person of the opposite sex who is of marriageable age, and no such person may be prevented from entering into such a marriage. (2) Everyone who has attained the age of eighteen years has the right to found a family. (3) No one may be compelled to enter into marriage against their will. With effect from 20 January 2016, the Constitutional Court ruled that “ no person may enter into any marriage, including an unregistered customary law union or any other union including one arising out of religion or religious rite, before attaining the age of 18 years ”. (Mudzuru and Tsapodzi v Minister of Justice, Legal and Parliamentary Affairs, Minister of Women Affairs, Gender and Community Development and the Attorney General CCZ 12/2015)	2013
Kenya	Marriage Act, 2014- The Act seeks to consolidate existing marriage laws into a single Act. Section 4 - “ A person must be 18 years to marry ”, Customary Marriages- Notification to confirm, Sec 44(3) Both parties 18 years old at time of marriage. The provision does not make further provisions on marriage under Islamic or Hindu laws.	2014
Zambia	Draft Constitution 2015, Article 55(5): Every child has a right (d) to be protected from discrimination, neglect, abuse and harmful cultural rites and practices, including female genital mutilation and body mutilation, and to be protected from marriage before attaining the age of eighteen years. Zambia is one of four countries in the process of developing a SADC Model Law on Child Marriage.	2015
Seychelles	Proposals to amend the Civil Status Act which states “Parental consent is required if a girl from 15 to 17 years wishes to marry.” Proposals to amend this piece of legislation have been approved by the Cabinet of ministers and the amendment is expected to be finalized in 2016.	2016

Tanzania	On the 8 th of July 2016, the High Court of Tanzania took steps to end child marriage for Tanzanian girls. In its decision, the Court ruled that Sections 13 and 17 of the Law of Marriage Act were unconstitutional and directed the government to change the law within one year so that the minimum age of marriage for girls is 18 years old – the same as for Tanzanian boys. ²⁷ The Court's ruling comes after the introduction of tougher punishment – up to 30 years in prison – for men who marry schoolgirls or get them pregnant.	2016
Senegal	<p>A technical committee to review legal texts and rules discriminating against women has been instituted by decree n00936 on January 27th, 2016 issued by the Minister of Justice. The committee recommended the review of Article 11 of the family code for the minimum age required for marrying young girls to be raised to 18 years old.</p> <p>The draft law on children's law stipulates under Article 50 that "Engagement and Marriage of both boys and girls are forbidden. Forced marriage is a crime punishable by law. The minimum age required for boys and girls for marriage is 18 years. The State ensures mandatory birth registration for all marriages under State laws."</p>	2016

²⁷ Equality Now available at https://www.equalitynow.org/the_law_of_marriage_act_1971_as_amended_by_act_23_73_act_15_80_and_act_9_96

MEMBER STATE MARRIAGE LAW REFORM PROGRESS

States	Does Member State Have Laws with Minimum Ages for Marriage	Is the Minimum Age for Marriage 18 Years for Boys and Girls	Are There Exceptions Within the Law Allowing Marriage Under the Age Of 18 Years	Has Member State Ratified The ACRWC	Is Member State Undertaking Any Marriage Law Reform (Bill/Act/Law)
Algeria	YES	YES	YES	YES	YES
Angola	YES	YES	YES	YES	NO
Benin	YES	YES	YES	YES	NO
Botswana	YES	YES	NO	YES	NO
Burkina Faso	YES	NO	NO	YES	YES
Burundi	YES	NO	YES	YES	NO
Cabo Verde	YES	YES	YES	YES	NO
Cameroon	YES	NO	NO	YES	NO
Central African Republic	YES	YES	YES	YES	NO
Chad	YES	YES	NO	YES	NO
Comoros	YES	YES	YES	YES	NO
Congo Brazzaville	YES	YES	YES	YES	NO
Cote d'Ivoire	YES	YES	YES	YES	NO
Democratic Republic Congo	YES	YES	NO	NO	YES
Djibouti	YES	YES	YES	YES	NO
Egypt	YES	YES	NO	YES	YES
Equatorial Guinea	YES	YES	NO	YES	NO
Eritrea	YES	YES	YES	YES	NO
Ethiopia	YES	YES	YES	YES	YES
Gabon	YES	NO	NO	YES	NO
Gambia	YES	YES	NO	YES	NO

Ghana	YES	YES	NO	YES	NO
Guinea	YES	YES	YES	YES	NO
Guinea-Bissau	YES	NO	NO	YES	NO
Kenya	YES	YES	NO	YES	YES
Lesotho	YES	YES	YES	YES	YES
Liberia	YES	YES	NO	YES	NO
Libya	YES	YES	YES	YES	NO
Madagascar	YES	YES	YES	YES	NO
Malawi	YES	YES	NO	YES	NO
Mali	YES	NO	NO	NO	NO
Mauritania	YES	YES	NO	YES	NO
Mauritius	YES	YES	YES	YES	NO
Morocco	YES	YES	YES	NO	YES
Mozambique	YES	YES	YES	YES	NO
Namibia	YES	YES	YES	YES	YES
Niger	YES	NO	NO	YES	NO
Nigeria	YES	YES	YES	YES	YES
Rwanda	YES	YES	NO	YES	YES
Saharawi Arab Democratic Republic	NO	NO	NO	YES	NO
São Tomé and Príncipe	YES	YES	YES	NO	NO
Senegal	YES	NO	NO	YES	NO
Seychelles	YES	NO	NO	YES	YES
Sierra Leone	YES	YES	NO	YES	NO
Somalia	YES	YES	YES	NO	NO
South Africa	YES	NO	NO	YES	YES
South Sudan	YES	YES	NO	NO	NO

Sudan	YES	NO	NO	YES	NO
Swaziland	YES	YES	NO	YES	NO
Tanzania	YES	NO	NO	YES	YES
Togo	YES	YES	YES	YES	NO
Tunisia	YES	YES	YES	YES	NO
Uganda	YES	YES	NO	YES	YES
Zambia	YES	YES	YES	YES	YES
Zimbabwe	YES	YES	YES	YES	YES

SUMMARY AND POLICY RECOMMENDATIONS

Marriage laws that set a minimum age of marriage at 18 years old and above without exemptions and contradictions are an important tool to safeguard children from being married off at an early age and are of critical usage for those working to dissuade families and communities from marrying off their daughters as children. This Compendium of child marriage laws provides a collection of marriage laws across 55 AU Member States and serves as a comprehensive and accessible reference on legal frameworks related to child marriage to inform Governments, policymakers, researchers, advocates and other stakeholders on countries' marriage laws, track child marriage reform processes and best practice countries, and enable targeted advocacy in the countries that require review and reform in their marriage legislation and practice.

While the majority of Member States have adopted the African Charter on the Rights and Welfare of the Child, 12 Member States are yet to adopt 18 years old as the minimum age for marriage for both boys and girls in line with

the provisions. In addition, 27 Member States have laws providing for the minimum age of marriage as 18 years old or older but have a range of exemptions within the law allowing for legalization of marriage of children under the age of 18 years old. Furthermore, some Member States have conflicting laws with different minimum ages for marriage applicable in civil, customary and religious courts. Customary and religious statutes and laws, although subservient to civil law in most countries, continue to sanction child marriages, especially in some rural areas and villages. This is rampant where the civil law contains ambiguity and less clarity on prohibitions or in countries where religious laws determine civil laws.

To address these gaps, a holistic approach is required coupled with appropriate actions including the enactment of laws, harmonization of civil, customary and religious laws and enforcement of laws to ensure that child marriage is eliminated in Africa.

A number of key policy recommendations are being proposed to Member States, regional bodies and partners as follows:

- *Member States should ratify, domesticate and implement regional and international commitments including the African Charter on the Rights and Welfare of the Child and the Maputo Protocol on the Rights of Women in Africa.*
- *Implement all recommendations from the two-year report of the Campaign to End Child Marriage in Africa and the Algiers Specialized Technical Committee with strong mechanisms for monitoring the implementation of the Africa Common Position on Ending Child Marriage.*

- *Protect the rights of girls by instituting a minimum age of marriage law at 18 years old where none exists or is ambiguous, amending laws with lower ages of marriage to bring them to at least 18 years old, removing all exemptions within laws allowing marriage of girls under the age of 18 years old and amending discriminatory laws which allow difference in marriage age between males and females.*
- *Amend laws to ensure the harmonization of civil, customary and religious marriage laws to remove all conflicting or contradictory laws and ambiguity in marriage laws.*
- *Enact strong laws punishing offenders and amending laws exempting or providing light punishment for offenders.*
- *Strengthen the capacity of the legislature and law enforcement organizations through trainings and initiatives.*
- *Enforce and strengthen birth and marriage registration at all levels and involve religious leaders and community groups in the implementation of programs and interventions.*
- *Strengthen the documentation and dissemination of best practices and research to promote the elimination of discriminatory marriage and family laws in Africa.*

It is hoped that this Compendium will guide action among Member States that require review and reform in their marriage legislation, strengthening the enforcement of laws and of legal systems towards ending child marriage in Africa.

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