

Open Session on Ending Child Marriage

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Tomorrow (14 August), the Peace and Security Council is scheduled to hold an open session under the theme 'Ending child marriage in Africa through African peace efforts'. Apart from the statement that the Chair of the month, Ambassador of Zambia (whose President is the African Union (AU) Champion for ending child marriage), the PSC is expected to receive a statement from the AU Department for Social Affairs. The AU Special Rapporteur on Ending Child Marriages, Madame Marie-Christine Boucoum, is expected to deliver a briefing. Others expected to intervene include representatives of UNICEF, Save the Children and Plan International. This theme was first introduced into the agenda of the PSC in June 2017 when Zambia was the chair of the month. As a follow up to the session, the PSC issued a press statement, which noted the request of participants to dedicate an annual open session on 'Ending child marriage'. Tomorrow's session is accordingly initiated as a follow up to that request.

The briefing and statements are expected to review the scourge of child marriage in Africa including its prevalence. Other issues expected to be addressed in the briefing and statements include the impact of child marriage and the applicable legal and policy instruments as well as the ongoing efforts including the AU campaign for ending child marriage that was initiated in 2014.

In terms of applicable norms, the African Charter on the Rights and Welfare of the Child of 1990 (African Children's Charter) and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa of 2005 (Maputo Protocol) prohibit marriage below the age 18 years. In

line with the overall purposes of the Maputo Protocol and the African Children's Charter, States Parties to either or both treaties are required to take legislative, institutional and other measures to give effect to this prohibition.

With respect to the implementation of these legal requirements, it is expected to call on states that are not party to these instruments to ratify both the Maputo Protocol and the African Children Charter. Additionally, the session could also highlight the importance of adopting the various institutional, policy, advocacy and socio-economic measures that have been outlined in the Joint General Comment of the African Commission on Human and Peoples' Rights and the African Committee of Experts on the Rights and Welfare of the Child adopted in 2017.

By any standard of measurement, this is one of the themes that is least connected to the core mandate of the PSC. This was particularly apparent during the first session of the PSC on this theme held last year. From the perspective of devoting the resources of the PSC to its core mandate, it is recognized that the theme needs to fit into the focus of the PSC on peace and security. Accordingly, unlike last year, this year's agenda makes an attempt to establish some link between child marriage and conflicts.

The background note for the session indicates that conflict and situations of humanitarian crisis create greater risks of child marriage, although no statistics is given. Various reports on the conflicts involving the Lord's Resistance Army (LRA) and Boko Haram indicated that abduction of children, one of the serious violations and crimes, often lead to forced marriage of girls and their sexual servitude. The concept note also identifies what it calls three of 'the six grave violations of children's rights in armed conflicts that are directly linked to child marriage'. The first of these involves attacks against schools, a phenomenon that has been particularly common in the conflict involving Boko Haram. It

is to be recalled that Boko Haram abducted the Chibok girls from their schools, with some of them forced into marriage with or otherwise impregnated by Boko Haram members. The second is abduction of children, a violation for which the LRA achieved particular notoriety. Finally and third is the direct killing or maiming of children by armed groups to instill fear in the community. As noted in the concept note, such attacks induce parents to submit their kids into marriage for avoiding their killing or maiming.

As outlined in the concept note, the objectives of the session include, among others, to:

- a) enable the PSC to recognize and prioritize child marriage as a critical issue in times of crisis and to deploy requisite resources to respond to and prevent such challenges;
- b) to enable the PSC better identify risks and needs of girls in conflict situations, and mainstream risk reduction strategies into the AU mission cycle; and
- c) Integrate child marriage prevention and support to married girls across AU Peace Support Missions and member states interventions.

The foregoing clearly registers marked improvement from the previous year. Yet, it remains unclear if the best way of addressing the links between conflict and child marriage is through a theme that is specific to child marriage. If the three violations identified in the concept note as being linked to child marriage show anything, it is the fact that a narrow focus on child marriage is inadequate. Indeed, the issues raised would perhaps be best pursued as a sub theme of a broader agenda on the protection of children in conflict situations.

Additionally, beyond what has been outlined in the concept note of the session, a more effective engagement by the PSC can be realized if there is data that particularly shows the

prevalence rate and patterns of manifestations of child marriage in conflict or situations of humanitarian crisis. This should cover among other things conditions of internal displacement and refugees, where the pressure for and vulnerability to child marriage is also very high. Such an approach allows the elaboration of targeted intervention for addressing the exposure of communities vulnerable to the challenge of child marriage in conflict or situations of humanitarian crisis.

The expected outcome of the session is a press statement. The statement is expected to call the PSC to institutionalize the ending child marriage in conflict and humanitarian settings, as a standing agenda item in the PSC. The concept note also anticipates as one of the outcome of the session the inclusion of periodic reporting by Zambian President Edgar Lungu, as AU Champion on Ending Child Marriage, and the Special Rapporteur on Children Affected by Armed Conflict, at the AU Heads of States Summit and to the Peace and Security Council, respectively, on the implementation of state responsibility to end child marriage in conflict and humanitarian settings