

THE AFRICAN DAY OF THE CHILD IS OVER ‘NOW WHAT?’

SOUTH AFRICA NEEDS TO DO MORE TO ELIMINATE CHILD MARRIAGES

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South Africa, along with the rest of the African continent, celebrated the Day of the African Child on 16 June 2015 under the theme “25 Years after the Adoption of the African Children’s Charter: Accelerating our Collective Efforts to End Child Marriage in Africa”. The African Children’s Charter places an obligation on governments to prohibit any custom, traditional, religious or cultural practices that interfere with the rights and welfare of children. Child marriages jeopardise the safety and well-being of children, it exposes them to health risks and risks of harm and violence.

Recent media reports give sad accounts of girls who are not safe in their communities and homes. They tell of a 14 year old girl who was married off, by her parents, to a man 12 years older than her who raped her and beat her for trying to escape¹; a 12 year old girl that was married off to a 58 year old man who was only found guilty of statutory rape and acquitted of sexual exploitation, trafficking and marrying a minor.²

Girls are also denied the right to access basic education: a 15 year old girl was made pregnant by a 30 year old man that ‘paid lobola for her’ and demanded that she stop school.³ The March 2015 judgment of *S v Jezile* is also an example of this, the Centre’s attorney, Karabo Ozah, made the following comment at the time the judgment was handed down:

“...The victim of Jezile’s crimes was in her school uniform when she was told to change into “makoti” (brides) clothes and in that moment she was forced to relinquish all her children’s rights and become an adult. This is a sorry tale of failure by family, community and society to protect its own children.”⁴

Media reports tell of a 22 year old young woman who, still traumatised, struggles to talk about the day she was abducted and forced to marry a man 10 years older than

¹ See: <http://www.iol.co.za/news/crime-courts/father-charged-with-selling-daughter-1.1871939>

² See: <http://www.sowetanlive.co.za/news/2015/04/21/5-years-for-marrying-minor>

³ See: <http://citizen.co.za/401096/ukuthwala-still-rife-in-kzn/>

⁴ See: <http://www.centreforchildlaw.co.za/media/press-releases>

her when she was 16 and thereafter beaten for trying to escape.⁵ These are all account of girls who managed to escape their captors and abusers but are scarred as a result of their experiences. The Centre is also concerned about other girls that have not been able to break free and still have to remain in these ‘marriages’.

The Centre calls for urgent legislative attention that:

- Strengthens provisions that protect children against harmful cultural practices;
- Ensures a clear and harmonised minimum age of marriage; and
- Clearly criminalises child and forced marriages.

The Centre is also aware that this issue goes beyond the need for legislative amendments. There need to be more strategic and directed advocacy campaigns that inform communities of the dangers and legal consequences of child marriages and that address the factors that drive parents and families to give out girl children to child marriages.

Ends.

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⁵See: <http://www.news24.com/SouthAfrica/News/She-was-abducted-to-be-married-off-but-this-young-woman-got-away-20150622>