



MINUTES OF THE SADC PF STANDING COMMITTEE ON GENDER EQUALITY, WOMEN ADVANCEMENT AND YOUTH DEVELOPMENT VIRTUAL MEETING UNDER THE THEME “STRENGTHENING PARLIAMENTS’ RESPONSE IN ERADICATING CHILD MARRIAGE DURING AND POST COVID 19” HELD ON 28TH OCTOBER

PRESENT

- | | | |
|----|--|--------------|
| 1. | Hon. Peete Peete Ramoqai | Lesotho |
| 2. | Hon. Marie Jeanne d’Arc MASY GOULAMALY | Madagascar |
| 3. | Hon Maria do Carmo do Nascimento | Angola |
| 4. | Hon. Talita Monnakgotla | Botswana |
| 5. | Hon. Lonnie Chijere Phiri | Angola |
| 6. | Hon. Nkhensani Kate Bilankulu | South Africa |
| 7. | Sen. Busisiwe Dlamini | Eswatini |
| 8. | Hon. Ponde Chunga Mecha | Zambia |
| 9. | Hon. Goodlucky Kwaramba | Zimbabwe |

ABSENT WITH APOLOGY

1. Democratic Republic of Congo
2. Mauritius
3. Mozambique
4. Namibia
5. Seychelles
6. Tanzania

IN ATTENDANCE

Ms Boemo Sekgoma Secretariat	Secretary General, SADC PF
Ms Agnes M Lilungwe	Namibia

Ms Zanele Mazibuko	South Africa
Mr Ivan R Mouenkoula	South Africa
Mr Sheuneni Kurasha	SADC PF Secretariat
Ms Paulina Kanguatjivi	SADC PF Secretariat
Ms Nomonde Nkayi	Mozambique
Ms Mompolo Mosheti	Botswana
Mr Ferdinand Paiva	South Africa
Ms Veronica C Ribeira	Angola
Mr Becas Mateus	Mozambique
Ms Betty Zulu	Zambia
Ms Soatsara M D Benandrasana	Madagascar
Ms Sharon Nyirongo	Zambia
Mrs Edna Zgambo	Zambia
Mr Chawapiwa Mahlaya	Botswana

The meeting was called to order at 09:20 hours

AGENDA

1. Credentials of Delegates and Apologies.
2. Adoption of Agenda.
3. Welcome Remarks by the Chairperson.
4. Consideration of Minutes of the Previous Meeting Held at the Southern Sun Hotel, O. R Tambo International Airport, Johannesburg, South Africa on 31st October, 2019, ahead of the 46th Plenary Assembly Session.
5. Matters Arising from the Minutes of the Previous Meeting held at Southern Sun Hotel, O.R Tambo International Airport, Johannesburg, South Africa on 31st October, 2019, ahead of the 46th Plenary Assembly Session.
6. Presentation discussion of the theme “*Strengthening Parliaments’ Response in Eradicating Child Marriage During and Post COVID 19*”
7. Any Other Business.

1.0 CREDENTIALS OF DELEGATES AND APOLOGIES

Quorum for the meeting was duly constituted and the meeting proceeded.

2.0 ADOPTION OF AGENDA

On a motion by Zimbabwe and seconded by Botswana, the agenda was adopted without amendments.

3.0 WELCOME REMARKS BY THE CHAIRPERSON

In his welcoming remarks, the Chairperson expressed his profound gratitude to the SADC Parliamentary Forum for creating a platform for national parliaments to continue engaging despite the unprecedentedly uncertain times of COVID 19 and emphasised the pivotal role parliamentarians had to play in eradicating child marriage in the SADC region by ensuring the establishment and implementation of a robust legal and policy framework.

The Standing Committee on Gender Equality, Women Advancement and Youth Development met under the theme “*Strengthening Parliaments’ Response in Eradicating Child Marriage During and Post COVID 19*” whereupon the Chairperson observed that child marriage was a serious human rights violation rooted in gender inequality, poverty and tradition. The Chairperson further observed that eradicating child marriage would require long term, sustainable action across many different sectors since the causes of the practice were multifaceted.

The Chairperson noted that child marriage in the SADC region had been greatly exacerbated by COVID 19 due to lockdowns, curfews, movement restriction, and school closures and implored parliamentarians to set the political agenda as opinion leaders on ending child marriage by working closely with traditional leaders, pass budgets, monitor implementation, and ensure accountability for both national and international commitments on eradicating child marriage during and post pandemic.

4.0 CONSIDERATION OF MINUTES OF THE PREVIOUS MEETING HELD AT THE SOUTHERN SUN HOTEL, O. R TAMBO INTERNATIONAL AIRPORT, JOHANNESBURG, SOUTH AFRICA ON 31ST OCTOBER, 2019, AHEAD OF THE 46TH PLENARY ASSEMBLY SESSION

On a motion by Zimbabwe and seconded by Zambia, the minutes of the previous meeting were adopted, without amendments.

5.0 MATTERS ARISING FROM THE MINUTES OF THE PREVIOUS MEETING HELD AT SOUTHERN SUN HOTEL, O.R TAMBO INTERNATIONAL AIRPORT, JOHANNESBURG, SOUTH AFRICA ON 31ST OCTOBER, 2019, AHEAD OF THE 46TH PLENARY ASSEMBLY SESSION.

There were no matters arising from the minutes.

6.0 PRESENTATION ON THE AFRICA COMMON POSITION ON ENDING CHILD MARRIAGE – DR NYARADZAYI GUMBONZVANDA, AFRICAN UNION GOODWILL AMBASSADOR ON ENDING CHILD MARRIAGE

Dr Gumbonzvanda thanked the SADC PF Standing Committee on Gender Equality, Women Advancement³ and Youth Development and the SADC region for the leadership it had exhibited in the promotion and protection of the rights of children and informed the meeting that Africa had the highest prevalence of child marriage. She stated that it was pleasing that the efforts in Southern Africa were showing a reduction in numbers although the situation in Central Africa was still concerning.

The meeting heard that the African Union (AU) had in 2014 launched a campaign to end child marriage to implement further the African Charter on the Rights and Welfare of the Child. This was upon the realisation that Agenda 2063 could not be achieved until issues confronting the continent, including gender inequality, disempowerment of girls, abuse and violation of the rights of the girl child were combated.

It was submitted that child marriage was a critical indicator that spoke to a range of violations of human rights and a range of development interventions that the African continent was yet to take. Therefore, the launch of the AU campaign and subsequent adoption in 2015 of the Africa Common Position on Ending Child Marriage was a step towards implementation, monitoring and prioritisation of resources on the continent towards these issues.

The presenter noted that most countries in the SADC region had already launched action plans and aligned the age of consent in the SADC Model Law on Ending Child Marriage and Protecting Children Already in Marriage to their national legislations and this was why the model law fundamental in driving the implementation of the African Union campaign. She, however, emphasised the need to do more for all SADC states to follow suit.

Dr Gumbonzvanda declared that the AU recognised that there were interventions that needed to be undertaken by the Executive arms of Government with regard to delivering public service in health, education, employment, food security, access to justice and social services, but also recognised that Parliaments had the role to ensure that adequate and appropriate legislation to inform policy and national laws, particularly on child marriage were in place. She also pointed out that the AU recognised the role that human rights institutions had to play in the delivery of the commitment to ending child marriage, and it was in this regard that the African Union Commission on Human Rights and the African Union Committee on the Rights and Welfare of the Child adopted a Common Statement or joint recommendation on child marriage. Within the same framework, the AU had appointed a Goodwill Ambassador on Ending Child Marriage to support the advocacy work, guide and support member states as well as to work with civil society organisations (CSOs) and the Special Rapporteur on Ending Child Marriage, who was part of the Committee on the Rights and Welfare of the Child, and a cluster of special mandate holders such as the Special Rapporteur

on the Rights of Women, Special Envoy on Women, Peace and Security and the Special Envoy on Youth.

The meeting was also informed that the role of civil society was critical in the work of the AU in driving the awareness, advocacy work and pushing for legislative reform and added that the AU had worked closely with a number of key partners, including Girls Not Brides and Plan International and other partners and donors working at continental and international level as well as UN agencies such as the United Nations Children's Fund (UNICEF).

The presenter informed the meeting that COVID 19 was an unprecedented crisis which had seen member states taking lock down measures on the most basic operations of life which impacted negatively on children, particularly the girl-child, in ways that no one had anticipated. The closure of schools had resulted in the increase of early pregnancies and child marriage, and its impact on education, livelihoods and employment was unparalleled. The AU through the Centre for Disease Control (CDC) and other institutions engaged strongly around the impact that COVID 19 had on communities with the most critical discussions relating to livelihoods and the economy.

The Members were informed that when COVID 19 first emerged, many African Parliaments were not in session. There was, therefore, no strong legislative voice to speak to the issue of resources and prioritisation of interventions that could not only prevent child marriage but also support and protect children already in marriage. In this vein, there was a gap in the legislative leadership in terms of emergency response. The other gap regarded decisions which lay in the purview of Parliaments relating to resourcing COVID 19. It was observed that significant resources went to the health sector, and even within the health sector, certain issues critical to young people which impacted on child marriage were not prioritised. There were less services being offered on sexual and reproductive health and rights (SRHR), HIV and maternal health, considering that most women likely to die due to pregnancy-related complications were between fourteen and twenty-four years.

The other area that was critical was that although many countries had social protection measures such as grants, food assistance or special support to young people, there was no sufficient focus on how to integrate issues around girls at risk or young women at risk of child marriage, teen moms or child-headed households. It was, therefore, very important that within these social protections measures, because these were big envelopes that Parliaments had oversight over, some should have been directed to cushioning young people, particularly girls, so that they did not resort to child marriage.

To conclude, the presenter talked about the role of Parliaments with regard to borrowing. The presenter mentioned that as AU Goodwill Ambassador, and as advisor to the International Monetary Fund (IMF) managing director, the

discussions that were important for the continent was the role of Parliaments when Governments were negotiating for assistance on loans, grants or some other special assistance on budgetary allocations. It was in this process that issues to do with girls' education and health for young people as well as the critical indicators for the SADC Model Law was also resourced. The integration of child marriage into the COVID 19 response was, therefore, critical.

7.0 PRESENTATION ON THE IMPACT OF COVID 19 ON EDUCATION AND CHILD MARRIAGE AND HOW TO MITIGATE THE CHALLENGES PRESENTED BY THE PANDEMIC – MS YVETTE KATHURIMA, HEAD OF ENGAGEMENT, GIRLS NOT BRIDES

The presenter started by informing the meeting that in 2020, the prevalence of child marriage in East and Southern Africa, Sub Saharan Africa and West and Central Africa was 31 per cent, 35 per cent and 39 per cent, respectively. This state of affairs had been exacerbated by the lockdowns, restrictions on movement and the closure of schools, which resulted in worsening cases of mental illness, gender-based violence and inaccessibility to sexual and reproductive health services for young women and girls. The Committee heard that the governments' restrictions had had severe impact on the global and local economies with families and communities facing extreme stress during the pandemic due to loss of employment. The loss of work meant no source of income, hence the increase in child marriage for dowry.

7.1 Pathways through which COVID 19 was Impacting on Child Marriage

The meeting heard that COVID 19 was impacting on child marriage as set out through the following pathways:

1. Education

- i) Disrupted learning through school closures and lockdowns
- ii) School closures had disproportionately impacted on the poor
- iii) Limited access to on-line learning for very few girls
- iv) Children, particularly girls would not return to school
- v) Cost of education may become unaffordable for many
- vi) Preference to educate boys over girls

2. Health

- i) Difficulty in accessing sexual and reproductive health services
- ii) Increase in unplanned pregnancies and sexually transmitted infections (STIs)
- iii) Lack of access to menstrual hygiene management products
- iv) Inability to access psychological support services

3. *Increase in Violence against Girls and Women*

- i) Increase in rates of sexual and gender-based violence
- ii) Shut down of emergency hotlines, services, shelters and police protection services
- iii) Increased practices in harmful practices such as female genital mutilation as a precursor to child marriage

4. *Economic Impact*

- i) Loss of income due to unemployment
- ii) Unequal burden of unpaid care and domestic work
- iii) Rural, isolated or slum-dwelling communities had become worse off
- iv) Increased reports of survival sex due to shrinking incomes

7.2 Child Marriage and the COVID 19 Response: Key Considerations

The meeting was informed that to mitigate the impact of COVID 19 on education and child marriage, it was important to ensure comprehensive measures in psychological support, education, and economic and sexual and reproductive health services. There was also a need to consider responses during the acute and recovery phase, including advocacy for girls' return to school after pregnancy their accessibility to sexual and reproductive health rights (SRHR) information and services.

The presenter informed the meeting that mitigation against the impact of the pandemic could include understanding gender equalities and harmful norms, as well as understand gender and sex disaggregated data so as to inform the design, implementation and monitoring of interventions. Further, it was important to ensure that girls and women were engaged across countries and agencies as this was critical for amplifying their voices.

7.3 Protecting the Progress made on Girls' Right to Education

The presenter concluded by stating that because education had a profound effect on girls' and women's ability to claim other rights and achieve status, it was important to leverage teachers and communities; adopt appropriate distance learning practice; keep financing flowing into education systems and ensure it benefits girls and boys equally; consider the gender digital divide; safeguard vital services; engage young people; and ensure their return to school.

8.0 PRESENTATION ON THE REGIONAL FRAMEWORK ON ERADICATING CHILD MARRIAGE: UNPACKING THE SADC MODEL LAW ON ERADICATING CHILD MARRIAGE AND PROTECTING CHILDREN ALREADY IN MARRIAGE – MS ANANDITA PHILIPOSE, YOUTH AND GENDER SPECIALIST, UNITED NATIONS POPULATION FUND (UNFPA) EAST AND SOUTHERN AFRICA REGIONAL OFFICE

Ms Philipose started her presentation by informing the Committee that approximately one in three of all girls aged between twenty and twenty-four married before their 18th birthday. Notably, large variations existed between and within countries. In Mozambique, for example, nearly one in two girls, representing 48 per cent, married before their 18th birthday while in Nampula Province, more than three in five girls, representing 62 per cent, married before the age of eighteen and nearly one in five before the age of fifteen.

The Committee heard that while the percentage of child marriages had been decreasing in many countries across the region in the last decade, especially before the age of fifteen, population growth had outpaced the progress made, leading to a growth in the number of girls married. This was because adolescent girls faced multiple challenges, including child marriage, high levels of teenage pregnancy, high levels of violence and vulnerability to HIV transmission, which had been exacerbated in the COVID-19 context.

The Committee further heard that child marriage was likely the cause of three in four girls having children before the age of eighteen, not completing school, reducing future earnings of girl-children by 9 per cent and making them have less decision making ability as well as face higher risk of violence.

8.1 Unpacking the SADC Model Law on Eradicating Child Marriage and Protecting Children Already in Marriages

The presenter gave a brief history and objectives of the SADC Model Law on Eradicating Child Marriage and Protecting Children Already in Marriages and submitted that it was a framework for action which linked implementation to other efforts under the UNFPA and UNICEF global programme on child marriage. The SADC PF with the support of the UNFPA, through the UNFPA-UNICEF Global Programme, Girls Not Brides network and Plan International, developed the framework through an extensive consultative process with MPs, civil society organisations, and other collaborating partners of the region. The model law sought to, *inter alia*:-

- i) empower adolescent girls at risk of and affected by marriage
- ii) work with families and communities to promote positive behaviours towards girls and their rights

- iii) ensure that health, education, protection and other systems were responsive to the needs and demand of girls
- iv) support governments in creating a positive legal and policy environment in relation to child marriage
- v) use and build the data and evidence on what works to end child marriage and harmful practices

The Committee heard that the objective of the model law was to serve as a yardstick and an advocacy tool for legislators in the SADC region to provide best practice language which could be easily adopted or adapted by member states in their laws with regard to eradicating child marriage. The model law sought to assist policy makers, when developing policies and strategies, legislative drafters, when drafting national laws, lawmakers, when enacting laws, judicial officers when interpreting the laws on and related to child marriage, researchers, when carrying out research, and administrators, when applying and implementing the laws. This would address all the relevant areas in need of legislative reform without usurping the authority of national legislatures to determine the content, extent, style and form of their national laws.

The presenter informed the Committee that the model law enshrined standards from different international human rights instruments and gave SADC member states a legal document on which they could adapt for incorporation in domestic legislation. She stated that while the focus of the SADC Model Law was on child marriage, it also contained provisions for the elimination of harmful, social and cultural practices affecting the welfare, dignity and development of the child, especially those practices which were prejudicial to the health or life of the child and practices which were discriminatory.

The Committee heard that Part III contained the fundamental provisions of the model law which were the prohibition of child marriage, betrothal of a child, and third party involvements to a child marriage such as solemnising, aiding or abetting. The contravention of these provisions constituted an offence and if the offender was a person on whom the child depended, such as a parental relationship, it would be considered as an aggravating circumstance. Further, a marriage contracted before the coming into operation of the law was voidable at the option of either party, and that the property acquired during marriage between partners of a child marriage after the latter is declared void would be equally distributed unless it was inherited.

It was submitted that while part IV of the model law covered measures and interventions to prevent child marriages, part V provided for these measures. In this regard, an obligation was placed on the competent minister to put in place such measures and interventions, in consultation with the appropriate authorities. The expenditure to carry out such measures should come from an anti-child marriage fund directly appropriated by government. Other provisions

included a restraining order to be made by the court, on application of a child marriage prohibition officer, appropriate authority or person having personal knowledge of circumstances. There was also an obligation on governments to establish multi-sectoral programmes and incentives to assist delay marriage, set up public safety homes and other public facilities for the residence, care and maintenance of victims of child marriage, strengthening community networks, including traditional leaders and religious authorities and the training of officials to prevent and enforce child marriage law.

Other parts provided for data collection, monitoring, evaluation and public awareness to be conducted by the ministry, and offences and enforcement. It provided, *inter alia*, for state reports to be sent to the forum on measures taken by the state towards eradicating child marriage and the protection of children already in marriage. Provision is also made for child marriage prohibition officers and the setting up of the anti-child marriage Fund.

In conclusion, the Committee was informed that the SADC Model Law was not an end in itself but a beginning for national Parliaments, CSOs, youth and other intended users of the law for policy and programme design. Continuous efforts were needed to guide advocacy for sustained ownership, capacity building and technical assistance to member states for the implementation of the model law as well as its coordination, financing and strengthening mechanisms for accountability for results.

9.0 PRESENTATION ON THE UPCOMING REGIONAL ASSESSMENT ON THE IMPACT OF COVID 19 ON MEASURES TO END CHILD MARRIAGE – MR LAZARUS MWALE, REGIONAL PROGRAMME MANAGER (ENDING CHILD MARRIAGE 18+ CENTRE OF EXCELLENCE ON ENDING CHILD MARRIAGE IN MIDDLE EAST, EASTERN AND SOUTHERN AFRICA

The Committee was informed that the purpose of the regional rapid assessment on the impact of COVID 19 on measures to end child marriage would be carried out between November and December and would be used to generate evidence to inform the development and alignment of programme and advocacy strategies. Further, the assessment was intended to outline strategies for utilisation of the SADC Model law on Eradicating Child Marriage and Protecting Children Already in Marriages during COVID 19 and in the pandemic recovery period. The assessment would seek responses to the following:

- (a) Situation of child marriage and teenage pregnancy in eastern and southern Africa during COVID 19

- (b) State of implementation of the SADC Model Law on Eradicating Child Marriage and Protecting Children Already in Marriages, AU Common Position on ending child marriage in the target countries
- (c) Measures in place to curb rising or expected spike in teenage pregnancies and child marriage during COVID 19 and to what extent were these implemented
- (d) Strategies to be employed to reduce the vulnerability of children to child marriage and enhance agency and protection of girls already in marriage, especially during and after COVID 19 pandemic
- (e) How the SADC Model Law on Eradicating Child Marriage and Protecting Children Already in Marriages could be utilised by SADC member states in addressing the impact of COVID 19 on ending child marriage

The meeting heard that the approach would be both qualitative and quantitative and would include desk review, primary data collection through key informants derived from the target population (girls, young women, and boys) United Nations agencies, community leaders, Members of Parliament, government departments, civil society organisations, traditional and community leaders. The presenter submitted that a representative sample of six countries would be drawn to ensure a balanced representation of the Eastern and Southern Africa region

The meeting further heard that the findings of the assessment would be used as programmatic recommendations for stakeholders, including young advocates, working to end child marriage in the region, used by the SADC-PF on implementation of the Model law during COVID-19 as well as member states and national parliaments.

10.0 Deliberations and Recommendations

In its deliberations on the presentations, the Committee made the following resolutions and recommendations:

- (i) **URGED** national Parliaments to strongly support the SADC Model Law on Ending Child Marriage and Protecting Children Already in Marriages as an already existing framework and reposition it and its indicators within the COVID 19 context by ensuring that programmes, interventions and policy work started from the premise that the pandemic was here and it could be here for a number of years.
- (ii) **RECOMMENDED** a strong collaboration with traditional institutions because when laws to do with child marriage or monitoring the age of consent, education or realignment or sentencing are being passed, the main issue was usually tradition.
- (iii) **URGED** national governments to ensure that by-laws being put in place by many countries in the SADC region align with the SADC Model Law

Ending Child Marriage and Protecting Children Already in Marriages and the Africa Common Position on Ending Child Marriage.

- (iv) **CALLED** upon national governments to ensure that mainstream justice systems had in place effective monitoring and enforcement mechanisms to prevent or sanction child marriages. The justice system should criminalise the practice of child marriage as rape or sexual abuse and accord it a befitting sentence.
- (v) **APPEALED** to national governments to ensure that sufficient social welfare services are resourced. Serious discrepancies between regions in accessing mechanisms of redress, such as the existence of legal aid, children's advocates or a children's court, also meant that children did not have equal access to the help that they need within each country's justice system.
- (vi) **ENCOURAGED** national Parliaments to ensure that education spending is safeguarded through freeing up resources by relieving, postponing and restricting debt for low and middle income countries.
- (vii) **FURTHER ENCOURAGED** national governments to ensure comprehensive measures in psychological support, education, and economic and sexual and reproductive health services.
- (viii) **URGED** national governments to consider responses during the acute and recovery phase, including advocacy for girls' return to school after pregnancy and their accessibility to sexual and reproductive health rights (SRHR) information and services.
- (ix) **ENCOURAGED** national governments to close the finance gap by exploring new sources of support for education systems, ranging from debt restricting that protects human capital investment to blended finance.
- (x) **RECOMMENDED** a comprehensive post COVID 19 plan for re-opening schools. There was need for a multi-sectoral approach, particularly in health and education to develop and communicate well-defined timelines to re-open schools with clear benchmarks and standard.
- (xi) **FURTHER RECOMMENDED** building public awareness on child marriage prevalence, drivers and consequences, and call for greater government leadership and investment in its prevention and mitigation.
- (xii) **URGED** national governments to adapt innovative ways of ensuring protection for girls through platforms such as social media, radio, help

lines and girls' clubs to raise the voices and protect girls who were at increased risk.

- (xiii) **URGED** national Parliaments to ensure that their mandate of ensuring rigorous legal and policy frameworks related to child marriages was comprehensive and accompanied by proper training of the Judiciary, police and child protection officials and other stakeholders that are responsible for the implementation and enforcement. .
- (xiv) **STRONGLY URGED** national governments to ensure continuous capacity building of parliamentarians, civil society organisations, youth and other intended users of the Model Law.
- (xv) **EMPHASISED** the need for gender-sensitive approaches in the education response to COVID 19.
- (xvi) **REITERATED** the continuous capacity building, of parliamentarians, civil society organisations, youth and other intended users of the SADC Model Law

11.0 VOTE OF THANKS BY THE COMMITTEE CHAIRPERSON

The Chairperson of the Committee, Hon. Peete Peete Ramoquai, concluded the meeting by thanking all the Members, resource persons and attendees who contributed to the deliberations. He also expressed his profound gratitude to the Secretary-General of the SADC Parliamentary Forum and her good office for implementing this virtual meeting of the Committee, and reiterated that eradicating child marriage would require long term, sustainable action across many different sectors since the causes of the practice are multifaceted.

There being no further business to transact, the meeting was adjourned at 15:36 hours

Hon. Peete P Ramoquai
CHAIRPERSON

Betty Zulu
COMMITTEE SECRETARY