

Forced Child Marriages and Sexual Violence: Legal Failures and Impunity Across Africa

Ypke Wu

Middle East and Africa Team – 30-07-2026



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Riviermark 5, 2513 AM The Hague, Netherlands



+ 31 62 72 41006



info@ghrd.org



<https://www.ghrd.org>

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Abbreviations	Full terms
ACHPR	African Commission on Human and Peoples' Rights
CEDAW	Convention on the Elimination of all Forms of Discrimination Against Women
CRC	Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
FGM	Female genital mutilation
ICC	International Criminal Court
SCSL	Special Court of Sierra Leone
UN	United Nations
UNICEF	United Nations International Children's Emergency Fund
WHO	World Health Organisation

INTRODUCTION

Violence against women and girls is a significant global problem that is not just a violation of human rights but also a profound crisis that has social, health, and economic impacts. Experienced by over one-third of the population worldwide, violence against women is especially concentrated in Africa, where 36 percent of these cases occur (Admassu et al., 2024). In the **African** continent, the problem is compounded by **traditional beliefs**, the lack of adequate legal frameworks, and **patriarchal** understandings of sexuality, which often reinforce the perception of women as the **property of men**. This is mirrored by the belief shared by many married men that sexual violence can only be perpetrated against unmarried girls, leaving a significant gap in the recognition and protection of women from **marital rape** and violence (Admassu et al., 2024).

Child marriage remains a grave issue that continues to plague African countries. When girls are thrust into adulthood **prematurely**, it exposes them to physical, mental, economic, and social risks, often forcing them to drop out of school (UNICEF, 2018). The devastating impact of child marriages on the lives of young girls in Africa is well-documented, but structural constraints mean that **40 percent** of girls aged between 15 and 19 are still married (Schwidrowski and Lipede, 2026). While human rights violations and health issues have garnered international attention, the less visible aspects behind child marriages have often remained hidden.

Weak implementation of existing laws, combined with **cultural barriers**, has allowed perpetrators of rape to evade accountability through legal loopholes and entrenched practices (Equality Now, 2024). The gaps have often enabled perpetrators to **avoid prosecution** by marrying their victims, effectively transforming sexual violence into a pathway to forced marriage and perpetuating cycles of **abuse** and **discrimination** (Cullinan, 2024). This report explores child marriages as a result of rape in Africa, highlighting the limitations of the existing legal framework and the need to strengthen child-centric protections to ensure girls' vulnerability is not exploited.

1. Child Marriage

According to the Convention on the Rights of the Child (CRC), a child is every individual under the age of 18. Child marriage therefore constitutes a violation of children's rights and,

in many circumstances, of human rights. Under Article 16 of the Universal Declaration of Human Rights, marriages must be entered into with free and full consent. This is later reaffirmed in the UN Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages in Articles 1-3. Additionally, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) states that marriages under the age of 18 should be non-binding with no legal effect.

Despite extensive international legal frameworks, child marriage remains prevalent across Africa, raising concerns about its impact on children within the region. Nearly 130 million girls are married before the age of 18 and forced into adulthood early; the challenge of child marriage therefore lies not in the lack of laws criminalising it, but in the failure to address its root causes (News Central TV, 2025). Alarming, Africa is also the continent where most countries do not have a minimum age for girls to marry legally (Women Alliance, 2016).

Two main factors contribute to the continued existence of child marriages. First, extreme poverty often forces families to marry off their daughters to relieve the economic strain on families (Fakomogban, 2021). In the poorest communities, child marriages also form communal ties and reduce living costs to escape poverty (Women Alliance, 2016). Second, cultural and religious beliefs often reinforce gender stereotypes. The deeply rooted patriarchal principles within certain communities devalue girls from the moment they are born, granting men greater decision-making powers (Women Alliance, 2016). Some cultures emphasise the importance of a girl's virginity, which is seen to reflect the family's honour. To ensure purity and childbearing potential, girls are often married off at an early age (Lee, 2023).

Other cultural practices have also influenced child marriages. In Nigeria, female genital mutilation signals a girl coming of age; this inhumane practice has therefore made girls more susceptible to marriage at a young age (News Central TV, 2025). In Ethiopia, child marriages are part of customs within the Orthodox Christian community (Lee, 2023). Conservative Islamic interpretations of girls reaching maturity have also allowed girls to be married off early, as puberty is often considered the baseline (Lee, 2023).

While these practices persist in peacetime, conflicts further exacerbate child marriages as girls become more prone to rape and other forms of sexual violence (UNICEF, 2017). Forced child marriages therefore become a method to protect family honour and prevent children from being born out of wedlock (UNICEF, 2017).

2. Rape

Rape is a criminal offence where a forced sexual act is performed against the person's will. Rape not only violates one's dignity and consent, but also violates one's autonomy (Equality Now, 2024). Given that the prevalence of rape across Africa is estimated to be over 33 percent, a clear and unified legal definition of rape must be recognised to minimise further harm to victims and hold perpetrators accountable (UN Women, 2022).

International instruments, such as the CEDAW, the Convention on the Rights of Persons with Disabilities (CRPD), and the CRC, have all recognised the rights of women and girls. Regionally, Article 18 of the African Charter also views sexual violence as discrimination against women. The Niamey Guidelines further draw on the African Commission's jurisprudence on combating sexual violence, providing African countries with the basis to implement domestic legislation.

Despite clearly recognising rape as a crime, the act is recognised differently across countries. Under the legal frameworks of the majority of countries, rape only refers to vaginal penetration by the male sexual organ, thereby excluding acts involving tools or other body parts (Equality Now, 2025). This distinction in sexual offences essentially categorises acts hierarchically, belittling the victim's violation and resulting in lighter penalties under domestic law. Moreover, the legal definition of rape differs between countries. In Morocco and Tunisia, for instance, rape is a sexual act that lacks consent and is forcefully performed (Tunisia Organic Act No. 58, 2017). Conversely, countries like Somalia and Libya define rape without the mention of consent (Somalia Penal Code, 1962).

A difficulty in the implementation and recognition of the crime of rape in Africa also often lies in the high burden of proof placed on victims (Equality Now, 2025). Perversely, women who make complaints without substantial evidence can in turn be stigmatised for having committed sexual acts outside of marriage (CEDAW Committee, 2023). This not only undermines the recognition of rape and sexual violence as a grave violation of bodily autonomy, but also allows impunity to persist.

Additionally, the legal enforcement of rape is further limited in two scenarios across Africa. First, marital rape exemptions across countries like Ethiopia, South Sudan, Eritrea, Tanzania, Gambia, and Côte d'Ivoire still exist. In Lesotho, marital rape can only be prosecuted in extreme cases, for example, where sexually transmissible diseases are present or if there is a

restraining order against the rapist (Equality Now, 2024). This narrow definition of rape means that, in these countries, non-consensual sex within marriages is not recognised (Cullinan, 2024).

The second form of rape exemption laws concerns forcing girls into marrying their rapists. Several countries in Africa allow perpetrators of sexual violence to avoid prosecution by marrying their victims. This legislation not only exonerates perpetrators, but also repeatedly fails to protect victims. The manifestation of institutionalised patriarchy and the social construct of virginity has resulted in girls being married off before adulthood (Prasad, 2025). While some countries have repealed this law, including Egypt in 1999, Morocco in 2014, and Tunisia in 2018, many continue this practice.

3. Legal Framework on Violence Against Women and Girls

Legal frameworks on rape are not new. Since the Code of King Hammurabi of Babylonia in 1780 BC, rape was prohibited as women were the property of men, as were their virginities (Duque, 2021). The modern understanding of rape began with the rise of feminist movements, where the status of women became central to discussions. The traditional definition of rape excluded sexual assaults committed by a husband against his wife, while still placing significance on chastity and virginity (Duque, 2021).

The only universal legal instrument on women's rights is CEDAW, which came into force in 1979. Its significance in recognising discrimination against women and the obligation of states to protect women against all forms of discrimination marked an important step. The CEDAW Committee further expanded its interpretation to include gender-based violence as a form of discrimination under General Recommendation 19. Following this, multiple declarations were implemented, including the Vienna Declaration and Program of Action and the Declaration on the Elimination of Violence Against Women (Duque, 2021). Since then, regional instruments have been adopted. The Inter-American Belém do Pará Convention, the Council of Europe's Istanbul Convention, and the African Union's Maputo Protocol now all explicitly define violence against women.

A landmark case, *Karen Tayag Vertido v. the Philippines*, before the CEDAW Committee, reaffirmed that rape cases must focus on the element of explicit consent. This is reiterated in the United Nations (UN) Handbook for Legislation of Violence against Women, suggesting that legal frameworks should focus on asserting actual consent instead of requiring force to

be present (UN Women, 2012). In 1995, the Beijing Declaration was drafted, criminalising marital and inter-partner rape, highlighting the wife's right to choose and refuse sexual relations (UN Women, 2015).

Similarly, the Guidelines on Combating Sexual Violence and Its Consequences in Africa and the Belém do Pará Convention have classified marital rape as sexual violence. On the issue of rape-marriage laws, the CEDAW Committee calls on states to repeal these domestic frameworks, as this violates women's rights to access justice and constitutes trafficking of women (Equality Now, 2017).

Forced marriages have also been tried successfully in world courts. The first successful case before an international court appeared in the Special Court of Sierra Leone (SCSL), where forced marriages were seen as a crime against humanity. This was later repeated in the *Ongwen* case before the International Criminal Court (ICC), where Ongwen took women as his wives to bypass rape and forced labour charges. While forced marriages are not an individual crime under international criminal law, the criminalisation of such acts lies in the sexual and gender-based aspects (Bunting et al., 2021).

3.1 Challenges in Implementation

3.1.1 Lack of Consent-Based Definitions

One of the main barriers to the effective prosecution and protection of rape is the reliance on a force-based definition of rape. International human rights bodies have repeatedly recognised the lack of consent as the defining element of rape, rather than the use of force or resistance. A force-based approach does not consider situations where one may feel threatened or intimidated, leaving them unable to give consent freely or to resist. Essentially, this means that the exploitation of the victim's vulnerability and unequal power dynamics is left out of the scope of rape (Equality Now, 2024).

Many African legal systems continue to require the demonstration of force or violence as an element of rape. Notably, the African countries that have clear definitions of rape based on consent also do not contain a 'marry-your-rapist' provision. Conversely, countries such as Cameroon, Equatorial Guinea, Eritrea, and Gabon lack a rape definition that aligns with international human rights standards (Equality Now, 2024).

A force-based definition of rape also places an unnecessary burden of proof on the victims. It fails to recognise the coercive nature of sexual violence. Legal frameworks should focus on the presence of informed consent rather than requiring evidence of force.

3.1.2 Unregulated Forms of Rape

While most jurisdictions recognise rape as an offence, several countries retain provisions that exclude certain forms of sexual violence. Historically, marital rape exemptions reflected the common law doctrine under which a wife consented to sexual intercourse upon marriage. The marital rape exemption from prosecution remains in countries such as Ethiopia, Côte d'Ivoire, and South Sudan. Eritrea and Lesotho share similar exemptions but criminalise marital rape when spouses do not cohabit (Equality Now, 2024).

Another difficulty in several African jurisdictions is the idea that rape can only be performed against girls and women, or only against virgins. The gender-specific definitions of rape, restricted to penile-vaginal penetration of a female, fundamentally exclude male victims or penetrative acts through objects or other body parts (Equality Now, 2024). This is partly due to the understanding of rape as an honour crime, leaving a prejudiced judgement of the idea of chastity and purity (Equality Now, 2024).

More difficulties arise where statutory law coexists with customary and religious legal systems. Despite the domestic system criminalising rape, customary practices continue to enable conduct that undermines protection.

3.1.3 Conflict

Armed conflicts significantly exacerbate the risk of sexual violence. When combined with the breakdown of public institutions and the displacement of citizens, armed conflict creates vulnerable conditions where perpetrators act with near impunity. Sexual violence during conflict is also repeatedly recognised as a strategy to terrorise the wider population. By asserting dominance over women and girls through rape and forced marriage, perpetrators also reflect the wider patriarchal society and reinforce gender inequalities. As rape continues to be used as a weapon of war to disempower and demoralise communities, girls and women remain vulnerable and face violence (Cullinan, 2024).

4. Marry-Your-Rapist Laws and Customs

Rape offenders often escape criminal liability, which undermines women's rights and fosters impunity for gender-based violence. In certain African countries, the penal code provisions allow charges to be dropped or suspended if the perpetrator and victim end up in a marriage. This often reflects the lack of recognition of marital rape and the importance placed upon honour and the construct of virginity (Prasad, 2025). The idea that rape is not rape within marriage, because women become the property of the family, is an unjust approach to sexuality (Johnson, 2021).

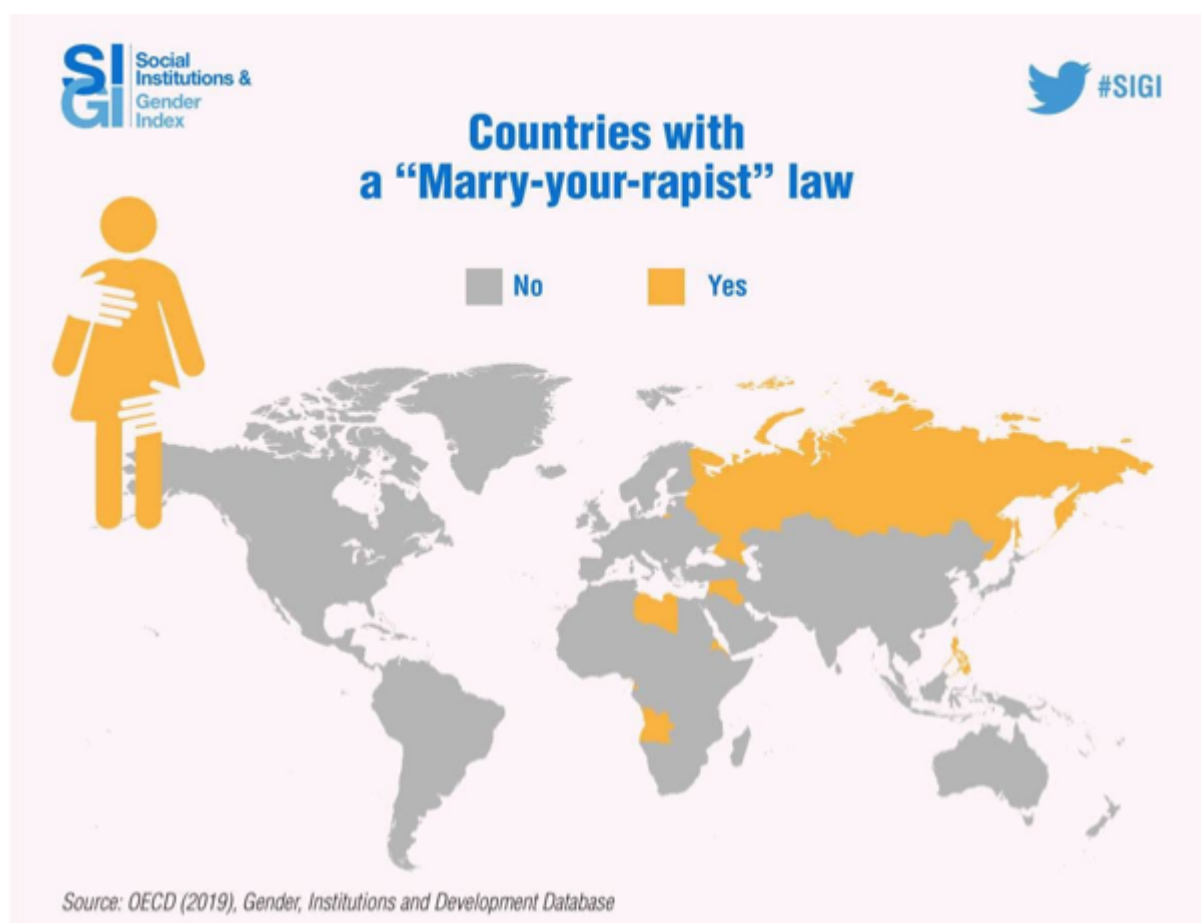


Photo Source: OECD, 2019 (image shows countries in 2019 that had a marry-your-rapist law)

4.1 Algeria

In Algeria, like many other African countries, rape is recognised as a crime against honour instead of violence against women and girls (Regional Observatory on VAWG, n.d.). Raping a woman or girl is often understood as forcing her into adultery, rather than as an act committed without her consent that negates her choice (Faiza and Janah, 2023). In Algeria, rape is defined as sexual intercourse without a woman's consent, punishable under Article

336 of the Algerian Penal Code. While rape carries penalties of imprisonment of five to ten years, with an increased penalty when committed against minors, the law still contains major loopholes that allow perpetrators to escape punishment (Algerian Penal Code, 1966).

The understanding of marriage in Algeria is also strongly influenced by Islamic roots, where a union signals the husband's exclusive right to the wife (Faiza and Janah, 2023). Article 4 of the Algerian Family Code states that a marriage must be entered into consensually. However, minors may marry when judicial authorisation is obtained, as stipulated under Article 7 of the Family Code.

Thus, Algeria's legislative framework strongly highlights the essence of consent for marriages. The issue of girls and women marrying their rapists thus contradicts this. The logic of allowing rapists to marry their victims stems from the desire to protect women from social stigmatisation for committing a 'sin'. Yet, it also forces women to live in constant oppression and with no security.

Article 334 of the Algerian Penal Code underlines the criminalisation of indecent assault against minors under the age of 16 (Algerian Penal Code, 1966). While Article 326 of the Penal Code makes sexual assault of a minor a directly punishable act, it also creates the exception of marriage (Algerian Penal Code, 1966). This acts as a loophole that shields perpetrators from accountability.

Following the amendments made to the Algerian Penal Code in 2015, penalties for violence within families were introduced under Articles 264 and 276 (Ghanem, 2021). Despite the lack of marital rape recognition, the law now makes assaulting spouses a punishable act. However, the narrow scope limits cases to spouses living in the same residence, leaving out unmarried couples and other non-marital relationships (Ghanem, 2021). Moreover, the law fails to consider societal and family pressure that often dissuades victims from reporting violence.

4.2 Equatorial Guinea

In Equatorial Guinea, domestic violence is often not criminalised. As its Penal Code dates back to the Spanish colonial period, it often fails to consider contemporary circumstances and international obligations. Having acceded to international conventions such as CEDAW

and CRC, Equatorial Guinea commits itself to ending child marriages and gender discrimination and violence. However, the lack of enforcement and cultural history have placed barriers to the protection of women and girls.

The Criminal Code of Equatorial Guinea prohibits rape under Article 429. The narrow definition of rape only covers sexual intercourse through the use of force and coercion, with a woman deprived of reason or understanding, or with children under the age of 12. The large gap in the protection of children between the ages of 12 and 18 thus leads to a significant percentage of child brides. Article 296 of the 1963 Penal Code sets out the penalties for rape, but does not recognise marital rape as an offence. Moreover, Article 443 of the Penal Code allows rapists to escape punishment by marrying their victims (OECD, 2025).

Furthermore, under the Civil Code of 2011, children aged 14 and older can be married off at the request of their parents (Freedom House, 2023). The practice of forced motherhood in Equatorial Guinea also stands out as a traditional practice that clearly discriminates against women and their sexual orientation (Obono, 2020). This stems from the belief that forcing pregnancy and children onto a woman could heal and set right her thoughts.

Without formal child protection systems in Equatorial Guinea, young girls often bear the brunt of sexual violence and exploitation. The legal structure therefore not only allows perpetrators to avoid punishment by marrying their victims, but it further victimises survivors by permitting out-of-court settlements through forgiveness (Cullinan, 2024).

4.3 Ethiopia

Despite outlawing rape and child marriages in its Criminal Code, Ethiopia continues to grapple with harmful customary practices. Under Articles 620-628 of the Criminal Code, the definition and constituent acts of rape are clearly outlined, along with corresponding penalties. Similarly, Article 648 punishes marriages to a minor with imprisonment. While these acts are explicitly criminalised, they remain difficult to prosecute due to a wide range of reasons, including out-of-court settlements, social stigma, and deep-rooted cultural norms (UNFPA, n.d.).

The customary understanding of girls reaching adulthood is also often linked to female genital mutilation (FGM). The prevalence of FGM among women in Ethiopia is over 65 percent, and even higher in rural areas (FGM/C Research Initiative, 2025). While Articles

565-570 of the Criminal Code ban the practice of FGM, its weak enforcement fails to eradicate the social norm tied to ideas of marriageability and purity. As such, child betrothals continue to persist.

One of the most widely documented customary practices is *telefa*, a practice involving the abduction of girls for marriage (Sweid, n.d.). Made illegal in 1996, it is still widely practised in rural parts of Ethiopia. Rape is often central to the abduction, diminishing the girl's marriageability and indirectly legitimising violence and the patriarchal social construct (Sweid, n.d.). By weaponising rape as a way of ensuring the girl is unable to enter future marriages, the abductor forces her family into customary bride price negotiations (Garcia-Hombrados and Novak, 2024). Although different details have been documented, the common outcome includes physical violence and marriage that violates a girl's autonomy.

The practice of abduction was revised in 2004 as illegal under Article 587 of the Penal Code, with no exemption through marriage. The challenge now lies in the social resistance and the belief among some communities that these laws interfere with their cultural identity (Peveri, 2014). Moreover, the legal framework also does not take into account social stigma, where a raped woman is viewed as unmarriageable by society. Combined with disincentives to report abduction and rape, the incompatibility between customary practices and domestic legislation thus allows *telefa* to continue.

In 2007, the African Commission on Human and Peoples' Rights (ACHPR) received the complaint by Equality Now against Ethiopia's failure to prevent child abduction and rape (*EWLA v. Federal Republic of Ethiopia, Communication 341-2007*). The case concerned a 13-year-old girl who was abducted and raped by several men, and later forced to sign a marriage contract with her rapist. During the domestic trial, the prosecutor's bias and argument that "rape could not be performed against someone who was not a virgin" eventually led to the overturning of the convictions against the perpetrators. In 2015, the ACHPR ruled in favour of Equality Now, agreeing that forced marriage through abduction and rape constitutes grave violations.

4.4 Gabon

Historically, women in Gabon have had very limited rights and have experienced inequalities compared to men. In 2021, Gabon passed a new law designed to reduce violence against women and prohibit discrimination (Tavares, 2022). Under these new Civil Code revisions, women should be perceived as more equal to men economically and socially, without requiring permission from their husbands or male head of household (Tavares, 2022).

Rape is a punishable offence under the Gabonese Penal Code, carrying penalties of imprisonment and fines. Although rape is a criminalised offence regardless of the victim's gender, cases largely go unheard because of victims' unwillingness to testify and a lack of motivation to prosecute such crimes (US Department of State, 2023). The stigmatisation around rape continues to deter Gabonese women and girls from seeking legal protection due to shame and fear of reprisals.

Similar to several other countries discussed, Gabon defines rape as “sexual penetrations committed with violence, coercion, threats, surprise, or deception, including if they are married” (Official Journal, 2021). Alongside the criminalisation of rape, the Penal Code also punishes forced marriages of women and girls under Article 264, and the abduction of girls under Article 279 (Official Journal, 2021).

However, Article 279 creates a loophole allowing perpetrators to escape prosecution by marrying abducted or coerced girls under the age of 18, with immunity lasting until the marriage is annulled (Official Journal, 2021).

4.5 Libya

Recent coverage on rape and sexual violence in Libya has predominantly focused on the use of rape by authorities and non-state actors against migrants and refugees (ICJ, 2025). This does not take away the fact that sexual violence and discrimination are committed every day against women and girls. Women and girls experience discriminatory practices in their daily lives, especially through the male guardianship system (Law No. 10, 1984). The gender

hierarchy significantly impacts women's rights and the way the Libyan judicial system recognises certain acts.

Article 407(1) of the Libyan Penal Code defines rape in a gender-neutral tone, defining it as sexual intercourse by force, threat, or deceit. However, the judiciary has persistently interpreted this to be limited to vaginal or anal penetration by male reproductive organs (HRC, 2020). Moreover, the judiciary interprets consent to sexual relations in a very broad sense, often inferring consent to sexual relations from consent to an unrelated act, such as getting into the perpetrator's car (HRC, 2020). As such, Libya also does not recognise marital rape as rape.

Due to the significance placed upon honour and morals, rape is not understood as a violation of one's integrity and autonomy (ICJ, 2025). This allows rape perpetrators to be exonerated of rape perpetrators by marriage. Article 424 renders the crime of rape inadmissible if the rapist marries the girl and the marriage lasts for more than three years. It should also be noted that Articles 407(4) and 408(4) of the Penal Code and Article 1 of the Law No. 70 of 1973 criminalise sexual relations outside of marriage. Women are perceived to have committed the crime of adultery if found pregnant and unwed, resulting in an additional, perverse, unwanted incentive for girls to marry their rapists (Amnesty International, 2024).

Child marriages also continue to be prevalent in Libya due to traditional practices and societal influences. Despite Law No. 10 of 1984 setting the legal age of marriage at 20 years old, judicial authorisation can easily bypass this provision. For fear of stigmatisation and dishonouring her family, girls seldom refuse marriage proposals (OMCT, 2024). Furthermore, because particular importance is placed on customary weddings under Sharia law, guardianship and prospective husbands are able to circumvent the legal age restrictions (OMCT, 2024). In essence, potential rape perpetrators can easily bypass age restrictions either by receiving guardian permission and court authorisation, or simply conducting traditional Sharia marriages.

In 2023, the Draft Law on the Protection of Women from Violence was introduced. The draft legislation would criminalise marital rape, domestic violence, and other forms of sexual and physical harassment and violence against women (ICJ, 2025). While the draft is seen as an important first step towards aligning Libya with its international obligations, it must be accompanied by reforms to the Penal Code, which currently undermines women's equality.

4.6 South Africa

South Africa has one of the most comprehensive legal frameworks in Africa, clearly addressing sexual violence and guaranteeing children's rights. The Constitution of the Republic of South Africa protects every individual's right to freedom and security, including the right to be free from all forms of violence in public and private. These protections have been progressively reinforced through legislative reforms that strengthened prosecution and enhanced the protection afforded.

As the first African state to criminalise marital rape in the 1990s, South Africa demonstrated its commitment to the importance of consent and individual autonomy. This recognition was further expanded through the Criminal Law (Sexual Offences and Related Matters) Act 32 of 2007, which introduced a gender-neutral definition of rape. Subsequent amendments in 2022 extended the legislation to address additional offences, including incest and other forms of sexual violence against children. Complementing this is the Prescription in Civil and Criminal Matters (Sexual Offences) Amendment Act 2021, which abolished prescription periods for sexual offences. These legislative reforms operated alongside the National Strategic Plan Against Gender-Based Violence and Femicide 2020-2030, seeking not only to improve preventive action, but also to strengthen the criminal justice system and hold perpetrators accountable.

The judiciary has similarly affirmed the state's commitment to protecting children from sexual abuse. In *M v. S*, the court found a father guilty of raping his minor daughter, underscoring the court's willingness to prosecute and protect children.

Despite extensive judicial guarantees and protections, South Africa continues to experience high levels of sexual violence against children. The high levels of sexual violence in South Africa have led to it being labelled as a culture of violence (Heinechen, 2020). Rooted in society's norms of discrimination, sexism, and cultural beliefs, a sense of entitlement over women becomes institutionalised through the patriarchal society.

The customary practice of *ukuthwala* in South Africa is the abduction of young girls with the intent of coercing their family into accepting a marriage proposal (Mutero, 2025). While initially a practice within the Xhosa community, it has spread across the country (Machaka, 2019). The modern version of the practice, however, has deviated from traditional "pretend abductions" into coercive, non-consensual, and often sexually violent acts (Karimakwenda,

2021). Additionally, the act has been seen as a way to bypass economic strains while keeping the family image upright. By abducting and raping a girl, fathers are often pressured into readily consenting to the marriage, avoiding shame but also forgoing the payment of *lobola* (Odendal, 2011).

As a cultural practice, the abolition of *ukuthwala* has faced resistance from traditional leaders and practitioners (Mutero, 2025). The continued cultural relevance of the practice is thus used to justify *ukuthwala* as a legitimate custom, rather than as an act of kidnapping and rape under criminal law (Karimakwenda, 2021).

The examples of these jurisdictions demonstrate that the relationship between child marriage and sexual violence is shaped not only by law itself, but also by its interaction with customary practices. While several states have enacted legislation criminalising child marriage and rape, significant gaps remain where weak enforcement and societal norms undermine the legal guarantees.

5. Human Rights Implications

The forcible marriage of girls to their rapists has severe impacts on young girls. Not only is it a violation of their right to bodily autonomy, but it also further strips their basic rights. Although child marriage is frequently justified through cultural norms, it must remain clear that this practice also infringes upon numerous international protections.

5.1 Health

Under Article 12 of the International Covenant on Economic, Social and Cultural Rights, and Article 24 of CRC, the right to the highest attainable standard of health is clearly recognised.

Forced child marriage poses significant risks to the physical and mental health of girls. Early marriages often result in early pregnancies, exposing girls to increased risks of complications and obstetric fistulas (Lee, 2023). According to data from the World Health Organisation (WHO) in 2024, pregnancy complications are the leading cause of death for girls aged between 15 and 19).

Adolescent fertility rate (births per 1,000 women ages 15-19)

Please see details tab for indicator definitions, original source, and methodology

Jump to: [Economy Comparison](#) | [Data Table](#) | [Related Indicators](#) | [Related Content](#)

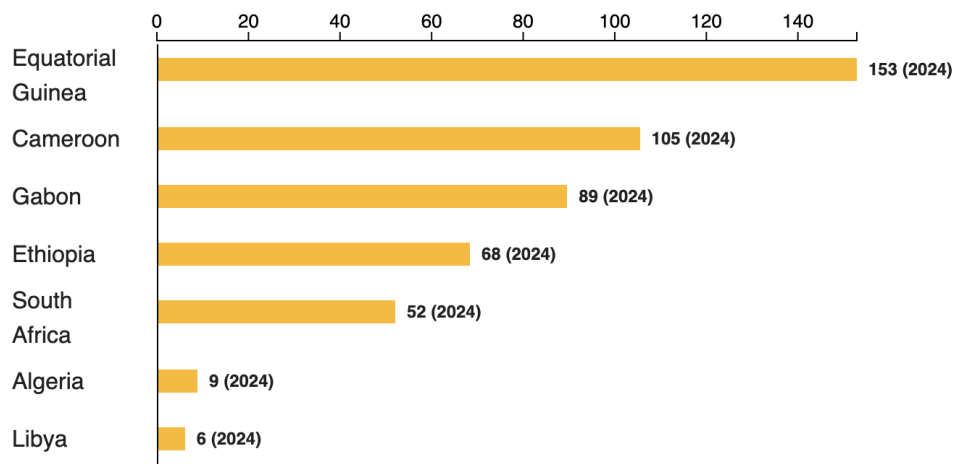


Image showing the adolescent fertility rate of the seven countries covered in this report (World Bank, 2026)

Beyond maternal health, child brides are also more vulnerable to HIV due to the unequal power dynamics in their marriage. The lack of bodily autonomy and the freedom to choose their sexual partners leaves girls forced into marriage unable to refuse sexual acts or contraceptive use (Lee, 2023). Moreover, the psychological impact of a marriage involving substantial age differences is also profound. Child marriage has been strongly linked to depression, post-traumatic stress disorder, and even suicidal tendencies.

The compounded consequences of the lack of mental health support and the continued exposure to the abuser also leave girls greatly traumatised. Countries where the law allows perpetrators to marry their victim as a way to escape punishment essentially trap the survivor in an abusive environment, where the cycle of sexual violence repeats. The shame and isolation victims face due to societal rejection also further victimises them.

5.2 Education

Education is not only a fundamental right recognised by both the CRC and the African Charter, but also an important means for children to develop and gain the knowledge and skills to build a future. Child marriages fundamentally undermine this. As World Bank data has shown, countries with higher levels of female education experience faster economic growth and better quality of life (Klasen, 1999).

Girls who marry before adulthood are more likely to leave school, either due to domestic responsibilities or societal expectations. In Equatorial Guinea, the 2016 Exclusion Decree introduced a legal prohibition on girls attending school when pregnant, eventually also making it difficult for girls to return to school afterwards (Abalaka, 2022). The loss of education not only has consequences during childhood, but also restricts wage-earning opportunities later in life, leaving these young mothers with diminished economic independence (Lee, 2023).

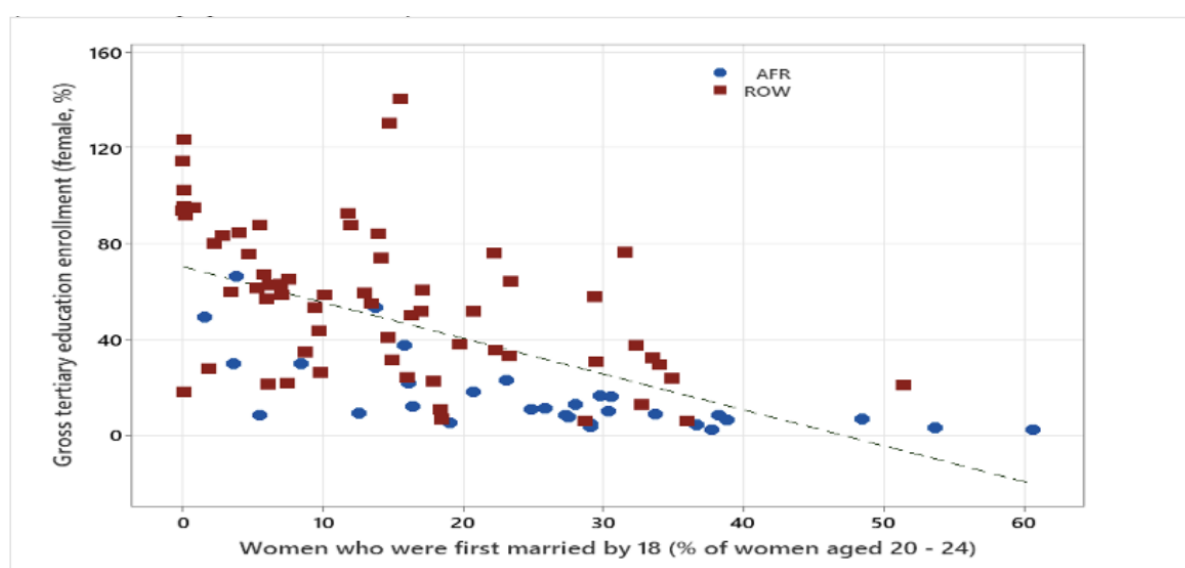


Image showing the prevalence of child marriages and female tertiary enrolment (percentage of female population aged 19 to 24) based on World Bank Gender Portal data (Schwidrowski and Lipede, 2026)

5.3 Poverty

The relationship between poverty and child marriage is causal and cyclical. Families experiencing economic hardship often perceive early marriage and child abductions as a strategy to reduce household expenses and secure support. In cultures where daughters left unwed by a certain age are considered unfortunate, families readily marry their daughters off

in exchange for a reduced bride price. Thus, poverty contributes to child marriage, which in turn perpetuates the cycle of poverty itself.

Girls are left dependent on their husbands due to a lack of qualifications and the fear of retaliation within abusive relationships. Moreover, social stigma ensures that girls are often not welcomed back home and are denied proper legal aid when reporting rape or abuse. The dependence on their abuser therefore also creates an environment where intimate partner violence persists. The patriarchal society perceives women as property of men, thereby reinforcing existing gender inequalities and contributing to the feminisation of poverty.

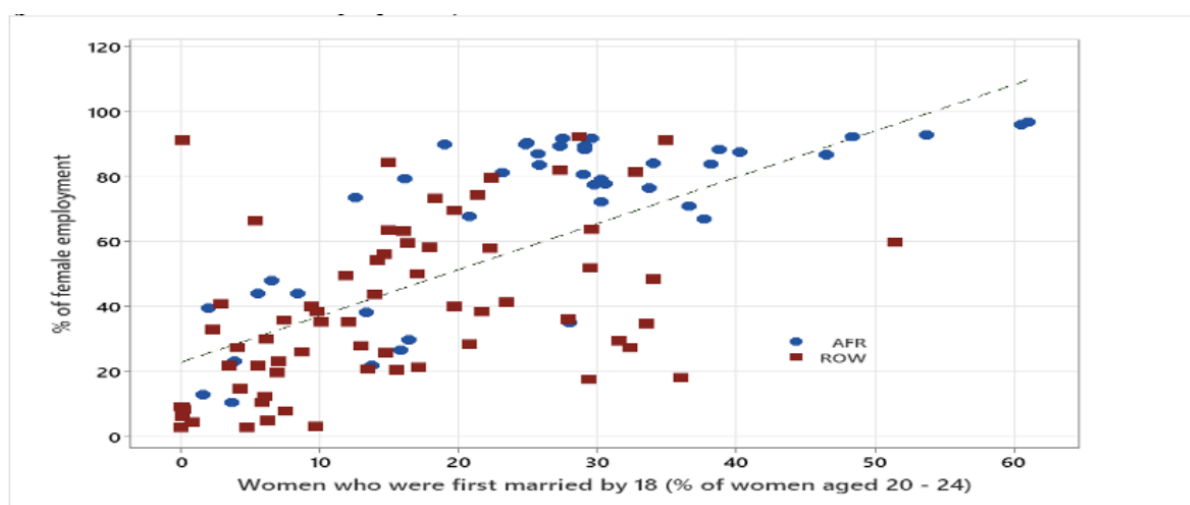


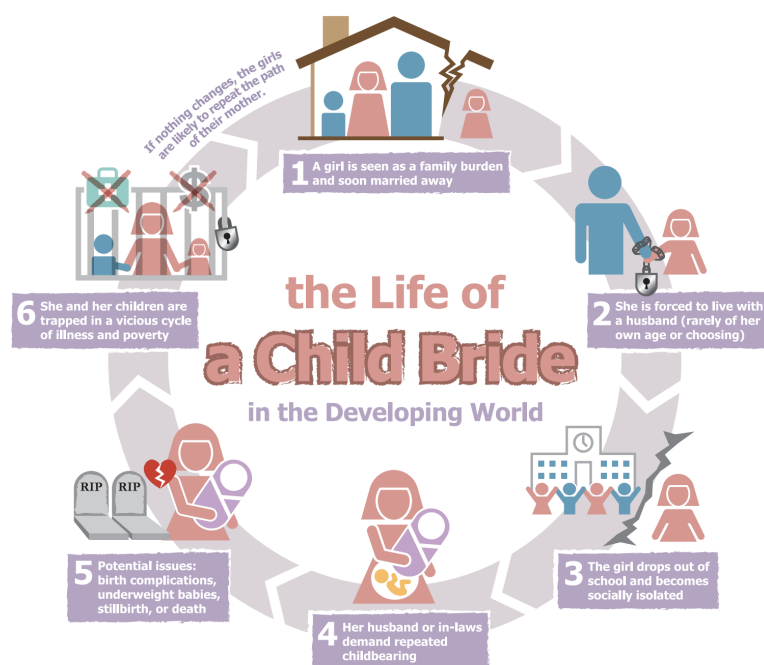
Image showing the prevalence of child marriage and female vulnerable employment (percent of total female employment), based on World Bank Gender Portal data (Schwidrowski and Lipede, 2026).

5.4 Violence and Abuse

Early marriages not only hinder the mental and physical state of young girls, but also force them into situations of unbalanced power dynamics. These girls are often cut off from their families and peers, leaving them without a support system. Many are unable to return home, as the social stigma surrounding rape and divorce disgraces the family that they would prefer to avoid. Moreover, their vulnerability within these relationships typically exposes them to further violence and abuse (Lee, 2023). As statistics show, intimate partner violence is the most common form of gender-based violence (UNICEF, 2022).

In addition to the cycle of abuse they face, young girls who are married off are stripped of their legal standing as children. In most countries, children enjoy certain provisions and

additional protection. Yet, in some countries, those protections are stripped when marriage occurs, as children are then perceived as adults (Lee, 2023).



(World Vision HK, 2013)

CONCLUSION

Despite significant progress made globally in the recognition of rape and child marriages as serious human rights violations, the **inconsistency in domestic legal frameworks** continues to leave gaps in the protection of children. International instruments, such as CEDAW, CRC, and region-specific protocols, all establish clear obligations on states to **criminalise sexual violence** and protect children from early marriage. However, the reality in several African states demonstrates the difficulties of implementation.

The countries discussed illustrate the range of challenges, ranging from **harmful customary practices** to weak legal definitions. As seen in the cases of Ethiopia and South Africa, despite extensive legal prohibitions, high levels of gender-based violence persist because of **social norms and institutional failures** to combat these practices. Similarly, in states where marriage is used as an **exemption** for rape charges, societal understandings and patriarchal social structures continue to influence how these laws are applied.

The consequences of the legal and social failures not only deprive girls of their **right to bodily autonomy**, but also their right to **education, health, equality, and freedom from violence**. These harms also reinforce the cycle of discrimination and inequality that extends to families and communities. Ultimately, early marriage resulting from rape constitutes a multidimensional human rights violation and must be addressed at its root causes.

RECOMMENDATIONS

First, education is one of the most effective mechanisms for preventing the practice of child marriage and reducing sexual violence. Governments should prioritise access to free education, especially for rural communities. By empowering young girls and incorporating comprehensive frameworks of human rights, gender equality, and consent, schools can help more people to recognise and challenge practices that clearly violate the bodily autonomy and rights of women and girls.

Second, legislative reforms must be accompanied by education campaigns to challenge social norms. Governments should collaborate with leaders, religious authorities, and civil society organisations to promote awareness. An important step will also be to adopt a consent-based definition of rape, rather than one based on the use of force. Legislation must also take cultural traditions into account, while emphasising that such traditions cannot justify violations of children's rights. Governments should also repeal any remaining laws that permit perpetrators to avoid criminal liability, thereby protecting victims from further intimidation, abuse, and secondary victimisation.

Third, the international community should continue to encourage these states to fulfil their international obligations. International organisations must also strengthen monitoring mechanisms to reinforce accountability. Nonetheless, international pressure should remain sensitive to local customs while supporting initiatives that promote social change.

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