

AFRICAN UNION

**African Committee of Experts on the
Rights and Welfare of the Child**

الاتحاد الأفريقي



"An Africa Fit for Children"

UNION AFRICAINE

**Comité Africain d'Experts sur les
Droits et le Bien-être de l'Enfant**

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**The ACERWC issues a letter of urgent appeal to the Government
of the Republic of Mauritius**

The African Committee of Experts on the Rights and Welfare of the Child issued a letter of urgent appeal to the Government of Mauritius on 27 October 2019. The Committee issued the letter on the eve of adoption of a child rights bill by the Government of Mauritius. While commending the measures taken to adopt a child rights bill, the Committee expresses concerns about the protection of children from child marriage under the draft bill. The Committee notes that section 9 of the draft bill, which reads *"Forcing child to be married (1) No person shall force a child to be married civilly or religiously"* places the burden of refusing child marriage on a child, as opposed to protecting children from child marriage. The Committee also expresses concern that article 145 of the Civil Code of the Republic of Mauritius allows for children from 16 -18 years of age to be married with parental consent, and that the draft bill does not contain a provision to repeal this rule. Taking in to account the obligations of the Government of the Republic of Mauritius, among others, under article 21(2) of the African Charter on the Rights and Welfare of the Child, the Committee recommends the Government to take the following actions:

1. Explicitly provide for the repeal of article 145 of the civil code;
2. Ensure that the minimum age of marriage is set at 18 and no exceptions are allowed either in civil law, customary laws or religious laws;
3. Amend section 9 of the draft bill to prohibit child marriage in any condition.

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