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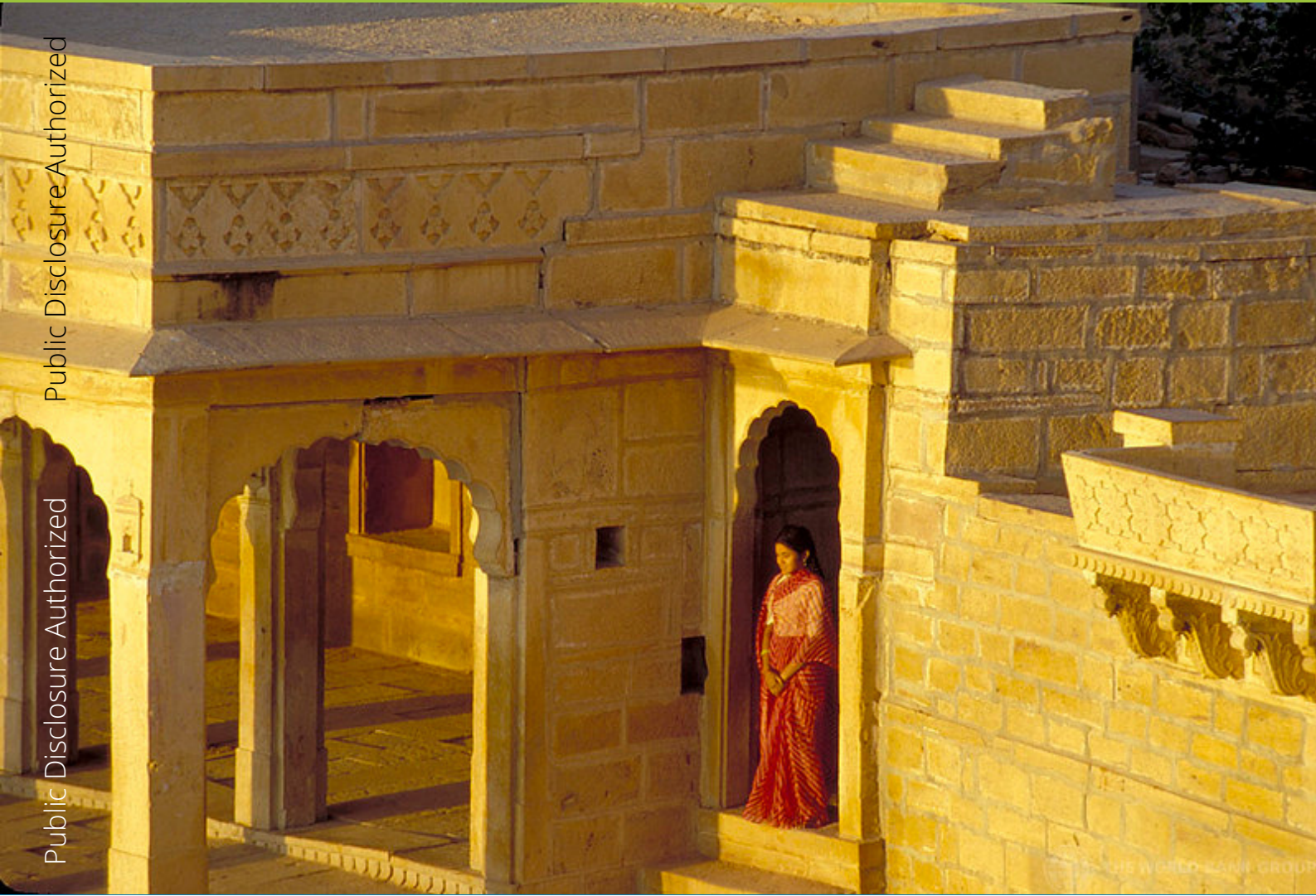


EMPOWERING WOMEN
BY BALANCING THE LAW

Compendium of International and National Legal Frameworks on Child Marriage

SECOND EDITION, JUNE 2022

Volume II of VI



COMPENDIUM OF INTERNATIONAL AND NATIONAL LEGAL FRAMEWORKS ON
CHILD MARRIAGE

**COMPENDIUM OF INTERNATIONAL AND NATIONAL
LEGAL FRAMEWORKS ON CHILD MARRIAGE**

Volume II of VI

JUNE 2022

THE WORLD BANK GROUP

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Cover Photo

Woman in doorway. India. © Photo: World Bank / Curt Carnemark.

This compendium – developed in the framework of the Empowering Women by Balancing the Law (EWBL) initiative of the Legal Vice Presidency of the World Bank – is a working document intended as reference tool for anyone interested in the topic of child marriage (development practitioners, lawyers, community leaders, academics, researchers, students, etc.). It does not constitute an exhaustive treatment of the legal framework on child marriage and may be updated from time to time.

COMPENDIUM OF INTERNATIONAL AND NATIONAL LEGAL FRAMEWORKS ON
CHILD MARRIAGE

Volume II of VI

**This Compendium on Child Marriage is divided in VI volumes.
Each volume should be observed as part of the whole.**

ACKNOWLEDGMENTS

The initial idea for this compendium came out in 2016 of a collaboration between the Legal Vice Presidency and the Education Global Practice at the World Bank on the role of law to end child marriage. The discussions took place within the context of a global study being conducted by the World Bank and the International Center for Research on Women on the economic and social costs of child marriage with funding from the Bill and Melinda Gates Foundation and the Children Investment Fund Foundation, as well as additional support from the Global Partnership for Education under a grant for work on out of school children.

In 2022, the Empowering Women by Balancing the Law (EWBL) initiative of the Legal Vice Presidency of the World Bank decided to update and upgrade the first edition of the Compendium. The EWBL aims to advance gender equality through substantive legal contributions to promote gender inclusivity in the law. It is rooted in the conviction that gender equality and equity under the law are preconditions for enabling women's full participation in society and for countries to achieve tangible development outcomes. However, to date, billions of women and girls worldwide face systemic barriers due to outdated and discriminatory laws that hinder their rights and opportunities.

We wish to thank the following organizations and individuals for their outstanding contribution, assistance, and guidance on this project.

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FOREWORD

Millions of women around the world continue to experience violence because of their gender. Gender-based violence (GBV) is a pandemic that is often intractable and knows no boundaries.

The United Nations Declaration on the Elimination of Violence Against Women states that “violence against women is a manifestation of historically unequal power relations between men and women” and that it is “one of the most crucial social mechanisms by which women are forced into a subordinate position compared with men”. This violence comes in many forms and includes child marriage, female genital mutilation, intimate partner violence, sexual violence during conflict, and sexual harassment among others.

The marriage of children, which affects girls overwhelmingly, is widely recognized in international and regional agreements as an extreme violation of a number of fundamental human rights. It is directly addressed as a development issue by the international community within UN Sustainable Development Goal (SDG) 5.3 “to eradicate all harmful practices such as early and forced marriage and female genital mutilation”. UNICEF estimates that 25 million child marriages have been prevented over the last decades thanks to multisectoral efforts. Still, today, 21% of girls are married before their 18th birthday—that is 1 in 5 girls in the world—and UNICEF estimates that at the current rate of efforts, more than 110 million girls will be married during their childhood before 2030.

Child marriage affects not only millions of women and girls in the world directly, but the practice also drastically impacts the development of entire societies. Child marriage is correlated with other forms of GBV such as female genital mutilation and sexual abuse, lower rates of school participation and educational achievement for girls, weaker health outcomes, higher incidence of domestic violence, lower rates of female labor force participation, higher rates of poverty and wider gaps of inequalities.

This Compendium has been developed with the conviction that for economies to reach peaceful, just and inclusive societies, they must accelerate action towards enacting and promoting enforcement of gender equality legislation, including the prohibition of child marriage. The law can be an extremely effective empowerment tool: it condemns practices that are no longer tolerated in society and protects the rights of those who in the absence of the law would otherwise be victims of intersectional forms of discrimination. For justice and the rule of law to work, better knowledge of the law, better promotion of the law and better law enforcement are crucial.

We hope that this Compendium can participate in the protection of women and girls’ fundamental rights and the promotion of strong, peaceful, and just societies, as well as to the achievement of our mission to end poverty and promote shared prosperity.

June 15, 2022

J. Clifford Frazier
Interim Senior Vice President and Group General Counsel

DISCLAIMERS AND LIMITATIONS

This Compendium is based on information on international and regional instrument on child marriage as well as domestic law, regulation, and policy as they relate to child marriage and as available online, offline, or both, based on information collected from research conducted, verified, and updated up to June 2022. Because this Compendium is carried out primarily based on information publicly available online, it has more than several hundred URLs and links to publicly available laws, regulations, and electronically published documents. Links to international and regional treaties, agreements, conventions, and other documents are hyperlinked in the title of said treaty, agreement, convention or other document. Similarly, links to national legislations are hyperlinked in the title of said legislation. All referenced URLs and links were checked at the time when they were inserted into the footnotes or in the hyperlinks. There is no guarantee as to their future accessibility. There is also no guarantee as to the continued accuracy of any information included in this Compendium after the last date on which it was verified. The findings, interpretations, and conclusions expressed in this work do not necessarily reflect the views of The World Bank.

This Compendium is limited to 194 countries (54 countries in Africa; 44 countries in Asia; 14 countries in Oceania; 23 countries in North and Central America ; 12 countries in South America ; 47 countries in Europe).

"I'll Marry When I Want."

I'll marry when I want.

My mother can't force me to marry.

My father cannot force me to marry.

My uncle, my aunt, my brother or sister, cannot force me to marry.

No one in the world can force me to marry.

I'll marry when I want.

Even if you beat me, even if you chase me away, even if you do anything bad to me, I'll marry when I want.

I'll marry when I want, but not before I am well educated, and not before I am all grown up.

I'll marry when I want.

Eileen Piri, 13 years old, Malawi¹

¹ Extracted from TED Talk of Memory Banda, Memory Banda, A warrior's cry against child marriage, July 2 2015 available at http://www.ted.com/talks/memory_banda_a_warrior_s_cry_against_child_marriage/transcript

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AFRICA

ALGERIA

Family Code, 1984 (as amended)

Art. 7 (modified)

Marriage capacity is considered valid upon reaching the age of 19. However, a judge can grant an age exemption for a reason of interest or in case of necessity, when the aptitude for marriage of both parties is established.

The spouse who is a minor acquires judicial capacity with regards to the rights and obligation arising from the marriage contract.

Art. 9 (modified)

The marriage contract is concluded with the exchange of the consent of the two spouses.

Art. 9 bis (new)

The marriage contract is entered into by satisfying the following conditions:

capacity of the two spouses

dowry

the presence of the marriage guardian (wali)

two witnesses, and

the absence of legal impediments to the marriage

Art. 10

Consent results from request by either part or consent of the other using any term to indicate that the marriage is legal. [...]

Art. 11 (modified)

[...]

Without prejudice to what stated in article 7, entering into marriage contract for a minor is the responsibility of her guardian (wali) who is either her father or one of her close relatives.

A judge is the guardian of a person who has no relatives.

[...]

Art. 13 (modified)

It is forbidden for the wali, whether father or otherwise, to compel the marriage of a minor under his guardianship, just as he cannot marry her without his consent.

Art. 33 (modified)

The marriage is declared null if the consent is invalid. [...]

ANGOLA

[Family Code, 1988](#)

Art. 24 Validity of marriage

1. Only those over 18 years of age can marry.
2. Exceptionally, a man who has turned 16 and a woman who has turned 15 may be allowed to marry, when considering the circumstances of the case and taking into account the interests of the minors, marriage is the best solution.
3. The authorization referred to in the previous section will be granted by the parents, guardians or whoever has the minor in their care, and may be granted by the Court, after hearing the opinion of the Family Council, when the non-authorization proves to be unjustified.

Article 28 Preliminary process

The marital capacity of the spouses is proven by means of a preliminary process organized before the competent Civil Registry Office. [...]

Article 29. Initial declaration

[...]

2. The declaration for marriage is made under oath and the false declaration subjects the bridegroom to criminal and civil responsibility. [...]

Article 30. Declaration of the existence of impediments

1. Any citizen who is aware of the existence of impediments to the performance of the marriage must declare it until the moment of its celebration.
2. The declaration is mandatory for civil registry officials.

Article 35 Mutual consensus

1. It is essential for the validity of the marriage that each spouse expressly manifest the will to contract marriage. [...]

BENIN

[Personal and Family Code, 2004](#)

BOOK SECOND - FAMILY

TITLE ONE – MARRIAGE

CHAPTER II - CONDITIONS OF MARRIAGE

Article 119: Each of the future spouses, even minors, must personally consent to the marriage.

Article 120: A minor under eighteen (18) years cannot marry without the consent of the person exercising parental authority over him. This consent must include the designation of the two future

spouses. It is given either by the statement made to an officer of civil status, or before a notary prior to the marriage, and is valid, even during the celebration.

[...]

Article 123: The marriage may be contracted only between a man who is at least eighteen (18) years and a woman who is at least eighteen (18) years, unless an exemption is granted for serious reasons by order of the president of the first instance tribunal on motion by the prosecutor.

[...]

Article 126: All marriages must be celebrated by the officer of the civil state under conditions provided for by this law. Only the marriage celebrated by a civil registrar has legal effects. [...]

Article 127: Each of the future spouses must personally hand over to the competent civil registrar to proceed with the celebration of the marriage:

- a copy of his birth certificate dated less than three months issued with a view to marriage;
- a copy of the deeds granting exemptions in the cases provided for by law; [...]

Article 129: When one or both of the future spouses are minors, the civil registrar reminds them that it will not be possible to proceed the celebration of the marriage unless proof of the consent by the person authorized to give it, or judicial authorization in lieu thereof, is provided beforehand. [...]

Article 131: For fifteen (15) clear days, the civil servant will make a publication, by way of poster at the door of the center of civil status. This publication must state the names [...] ages [...] of the future spouses [...]

Article 132: During the publication period, when a fact likely to constitute an impediment to marriage under Articles 120 to 125 is brought to the attention of the civil registrar competent to proceed with the celebration, he must postpone it and notify the prosecutor within seventy-two (72) hours. The latter can either ask the civil registrar to waive the impediment or oppose the marriage. The prosecutor must oppose it when an impediment is brought directly to his attention. Within forty-eight (48) hours, the public prosecutor notifies its administrative opposition to the future spouses and the civil status official [...]

Article 133: Rejection of the opposition may be requested by the future spouses, even minors, who address a request for this purpose to the president of the court. The grounds for the opposition may be proven by any means. The president of the court rules within ten (10) days. However, it may exceptionally be suspended from ruling if verifications are necessary. [...]

Article 136: The future spouses appear personally before the civil registrar on the day chosen by them and at the time determined by him. [...] If one of the future spouses is a minor, he must show consent to the marriage as given by the person exercising parental authority over him, or by judicial authorization. [...]

Article 138: In the event that one of the future spouses is a minor, the civil registrar calls, if present, the parent whose consent is required; if he is absent, he reads out the act by which this consent is given.

Article 144: The nullity of marriage can only be pronounced by court decision. Nullity can be absolute or relative. [...]

Article 145: The relative nullity of the marriage celebrated by the civil registrar may be pronounced:
- for lack of consent of one of the spouses if his agreement was obtained by violence or given as a result of an error;
- for lack of parental authorization in the case of minors; [...]

Article 146: The action for nullity belongs:
- to the spouses whose consent has been vitiated;
- in the event of lack of parental authorisation, to the person whose consent was required or to the spouse who needed this consent; - [...]

Article 147: However, the action for nullity ceases to be admissible:
- for lack of consent, when there has been cohabitation for six (6) months since the spouse acquired full freedom or when the error was recognized by him;
- for lack of parental authorization, when the marriage has been expressly or tacitly approved by the person whose consent was necessary or when the latter, before the majority of the spouse, has allowed a year to pass without exercising the action while he knew of the marriage, or finally if the spouse has reached the age of nineteen (19) without having made a claim; -[...]

Article 148: The nullity of the marriage must be pronounced:
- when it was contracted without the consent of one of the spouses;
[...]
- when one of the spouses was not of the required age in the absence of an exemption; [...]

[Law on the prevention and repression of violence against women, 2012](#)

TITLE 1 - GENERAL PROVISIONS

CHAPTER I - PURPOSE AND DEFINITION OF CONCEPTS

Article 1 –

The purpose of this Act is to combat all forms of violence against women and girls in the Republic of Benin. Through its criminal, civil and social components, it aims to provide a multidisciplinary response to violence against women and girls.

Article 2 –

Violence against women is defined, in this Act, as any act of gender-based violence that causes or is likely to cause physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether in public or private life.

The infringements concern:

- Physical or moral, sexual and psychological violence within the family [...] forced or arranged marriages, "honour" crimes and other traditional practices harmful to women. [...]

Article 3-

In this Act, the following definitions apply:
[...]

- forced marriage: any marriage or cohabitation contracted or decided without the free and informed consent of both parties concerned;

[...]

TITLE III - THE RIGHTS OF WOMEN VICTIMS OF VIOLENCE

CHAPTER I THE RIGHT TO INFORMATION, SOCIAL ASSISTANCE AND FREE LEGAL ASSISTANCE

Article 17 - The State must ensure that women enjoy their rights to physical and moral integrity, freedom, security, equality and nondiscrimination on grounds of gender.

Article 18 - In each department, the social promotion centres must take care of women victims of violence in order to provide them with emergency social services, reception and assistance. These services are organized to meet urgent needs and provide sustainable multidisciplinary support. The multidisciplinary services provided for in this framework include specifically:

- information for victims;
- psychological and psychiatric support;
- social support;
- medical support;
- the service of judicial police officers;
- the follow-up of legal and administrative procedures;
- preventive training on gender equality;
- support for job training and professional reintegration;
- easy access to reception centres.

Article 20 - Women victims of violence, including young girls threatened with forced or arranged marriage, young girls in care, sexually abused girls are considered as priorities in accessing reception centres. [...]

TITLE V - CIVIL AND CRIMINAL PROVISIONS

[...]

CHAPTER II - CRIMINAL PROVISIONS

[...]

Article 31 – Any person who is guilty of, or complicit in a forced or arranged marriage, or forced cohabitation, as defined in Article 3 of this Law, shall be punished by imprisonment from one (1) to three (3) years and a fine of five hundred thousand (500,000) to two million (2,000,000) francs. All persons who are complicit in the planning and/or realization of such a marriage or cohabitation are also guilty.

BOTSWANA

[Marriage Act, 2001](#)

2. This Part shall apply to all marriages solemnized in Botswana except marriages contracted in accordance with any customary law of Botswana or Muslim, Hindu or other religious rites.

[...]

11. (1) Every marriage officer shall keep a register of marriages solemnized under this Part by him; and immediately after solemnizing any marriage he shall enter in the register [...] the place and date thereof, the full names of the parties, their ages [...]

14. No insane person who is incapable of giving consent to a marriage and no person below the age of 18 years may marry.

15. No minor or person below the age of 21 years not being a widower or widow may marry without the consent in writing of his or her parents or guardians:

Provided that —

(i) where such consent is given by one parent but refused by the other parent, the minor may apply to a magistrates' court, in the administrative district in which such minor resides, or to the High Court, for consent to the marriage and such minor shall not, for purposes of such application, require the legal assistance of his or her legal guardian,

(ii) where a minor is born out of wedlock the consent of the mother or other lawful guardian only shall be required, or

(iii) where a minor has no parents or guardian, an administrative officer in the district in which such minor resides may give an order in writing authorizing the marriage of such minor, and

(iv) where consent cannot be obtained from the parents or guardian of a minor for reasons other than their unwillingness to give the same or when such consent is manifestly unreasonably withheld, an administrative officer in the district in which such minor resides or if the minor is resident outside Botswana, an administrative officer in the district in which the parents or guardian reside, may give an order in writing authorising the marriage of such minor.

[...]

19. Any marriage officer who solemnizes a marriage knowing or having reason to believe that there exists any of the legal impediments to such marriage specified in this Act other than as specified in section 13 shall be guilty of an offence and liable to a fine not exceeding P200 or, in default of payment, to imprisonment for a term not exceeding three months.

[...]

21. (1) Any person making a willfully false statement to the Minister or an administrative officer in order to procure or prevent the issue of a special licence or an authorization for a minor to marry or to a marriage officer in order to procure or prevent the solemnization of a marriage shall be deemed to be guilty of the crime of perjury. [...]

PART II — Registration of Customary, Muslim, Hindu and Other Religious Marriages

[...]

24. (1) The Registrar of Marriages shall issue to the spouses a certificate of registration, bearing the prescribed particulars.

(2) If the Registrar of Marriages is not satisfied that a valid Customary, Muslim, Hindu or other religious marriage was entered into by the spouses, he shall not register the marriage. [...]

[Children's Act, 2009](#)

Art. 2. In this Act, unless the context otherwise requires-

[...]

“child” means any person who is below the age of 18 years. [...]

Art. 62. (1) Subject to section 61 (3), and section 90, every child has a right not to be subjected to social, cultural and religious practices which are detrimental to his or her well-being.

(2) A child shall not be subjected, by any person, to —

(a) a forced marriage,

(b) a child betrothal [...]

Art. 63. A person who contravenes the provisions of section 59 to 63 shall be guilty of an offence and liable to a fine of not less than P 30,000 but not more than P 50,000, or to imprisonment for a term not less than seven years but not more than ten years, or both.

Art. 64. (1) Where a parent, other relative or guardian or other person having custody of the child, is convicted under this Act, a social worker shall, within 14 days of such conviction, apply to children’s court for an order to place the child into alternative care. [...]

BURKINA FASO

Family Code, 1989

Art. 238. Marriage can only be contracted between a man over the age of twenty and a woman over the age of seventeen, unless an age exemption is granted for serious reasons by the civil court. The age exemption cannot be granted in any case for a man under the age of eighteen years and a woman under the age of fifteen.

Art. 239. The request for age exemption is addressed by petition to the civil court, which decides within eight days as a last resort.

Art. 240. There is no marriage without the consent of the future spouses expressed at the time of the celebration of the marriage.

Art. 241. A minor cannot contract marriage without the consent of his father and mother or that of the person exercising parental authority by virtue of a judicial decision or a statement by the family council, or the guardian as recorded in the minutes.

This consent is reflected in a writing addressed to the civil registrar who must celebrate the marriage.

[...]

Art. 242. When the father and the mother or the person exercising parental authority refuse their consent to the marriage of the minor, the latter may request the lifting of this opposition by a petition addressed to the civil court of the place of her domicile. The court decides within eight days of the request as a last resort.

[...]

Art. 253. The marriage file includes the following elements:

1) an extract from the birth certificate of each of the future spouses or a supplementary judgment in lieu thereof;

[...]

6) where applicable, the consent of the father and mother or that of one of the persons referred to in Articles 241 and 243; [...]

Art. 256. When he has serious reasons to believe that the conditions necessary for the validity of the marriage have not been met or that there is an impediment, the registrar notifies the future spouses in writing of his refusal to celebrate the marriage, indicating to them the reasons for his decision and the text of the law on which it is based.

This decision is subject to appeal before the civil court which rules in the last resort within eight days, at the request of the future spouses, even minors.

Art. 264. The following may oppose [celebration of the marriage]:

1) the father, mother or, the person whose consent is required in the case of a minor [...];

Art. 266. Any person who knows of a fact likely to lead to an impediment to marriage is required to notify the registrar who is to solemnize the marriage. The latter issues a receipt for this declaration. [...]

Art. 269. The future spouses, even minors, can ask the civil court to lift the opposition, which will rule as a last resort within eight days of the request.

Art. 281. The nullity of the marriage must be declared:

[...]

2) when one of the spouses was under the required age in the absence of an exemption;

[...]

However, when one of the spouses was not of the required age, nullity can no longer be invoked after he has reached this age, or when the wife has conceived.

[...]

Art. 283. The action in nullity for the causes enumerated in articles 281 and 282 may be brought by any person who has an interest therein and by the public prosecutor. [...]

[Law Preventing, Punishing and Repairing Violence Against Women and Girls and Caring for Victims, 2015](#)

CHAPTER 1: OBJECT AND SCOPE

Article 1: The purpose of this Act is to prevent, punish and remedy violence against women and girls, to protect and take care of victims.

Article 2: This law applies to all forms of violence against women and girls, including physical, moral, psychological, sexual, economic, patrimonial and cultural violence. No tradition, culture or religion can be invoked to justify these forms of violence against women and girls or to exonerate any perpetrator of such violence.

[...]

CHAPTER 4: REPRESSION OF VIOLENCE AGAINST WOMEN AND GIRLS

Section 1: Offenses

Article 8: An abduction or kidnapping takes place when a person forcibly removes a woman or a girl to impose on her a marriage or a union without her consent. Any person guilty of abduction or kidnapping is punished by imprisonment from six months to five years and a fine of five hundred thousand (500,000) to one million (1,000,000) CFA francs or one of these two penalties. The accomplice is punished with the same penalties. When the perpetrator of abduction or kidnapping has sexually assaulted or raped the victim, the penalty is an imprisonment of five to ten years.
[...]

Section 2: Criminal and civil proceedings

[...]

Article 16: Anyone who is aware that violence is being committed or has been committed against a woman or a girl must inform the police, the prosecutors of Burkina Faso, or any competent services or institutions.

Article 17: Any woman or girl who is a victim of violence as defined in this law may seize by complaint or by any other means the competent authorities including the judicial or administrative authorities. Any natural or legal person with knowledge of the same offenses may refer to the same authorities through a detailed report or by way of report or denunciation. [...]

Article 21: Before the competent courts, the victim, if he/she cannot afford a lawyer, is assisted by a public defender. The victim may also be represented by a person of his/her choice or by a recognized non-governmental organization defending human rights, in case of incapacity or in case of extreme vulnerability certified by medical professionals.

Article 22: When a police officer from a special unit is informed of acts of violence against a woman or a girl, he/she must proceed in accordance with the provisions of the Code of Criminal Procedure applicable to crimes caught in the act ("flagrante delicto"). He/she must also:
- guarantee, from the moment he/she is informed, the protection of the victim and of his minor children, if any;
- immediately inform the competent prosecutor of Burkina Faso; [...]

Article 28: Urgent measures are taken by the Prosecutor of Burkina Faso or his substitute and applied immediately. They may be reinforced or readjusted as the procedure or the consequences of the acts of violence over the physical or psychological health of the victim progresses. [...]

Article 40: A center for the care and protection of women and girls who are victims of violence is created within each municipality.

Article 41: A support fund for the care of women and girls who are victims of violence is created [...]

Article 49: Women who are victims of violence, especially girls threatened with forced or arranged marriage, girls who are domestic workers and are sexually abused, are given priority in shelter centers.

BURUNDI

Persons and Family Code, 1993

TITLE VI - MARRIAGE

CHAPTER I. CELEBRATION OF MARRIAGE

Section 1: General provisions

Art. 87

Marriage is the voluntary union of a man and a woman, in accordance with civil law.

Section 2: Qualities and conditions required to contract marriage

Art. 88

The man before twenty-one (21) and the woman before the age of eighteen (18) cannot contract a marriage. Nevertheless, the provincial governor may grant exemption of age for serious reasons.

Art. 89

Without prejudice to the provisions of paragraph 2 of the preceding article, men and women who have not reached the age of the majority may not marry without the consent of their father and mother.

Art. 90

In the event of refusal by one of the parents, the family council may decide on an application for consent to the marriage, as requested by one of the parents or the future spouses.

Art. 91

The decision of the family council shall result in consent to the marriage, confirmation of the refusal, or imposition on the future spouses of a period of reflection which cannot exceed six months and at the end of which the marriage can be celebrated.

Art. 92

In the event of the death of both parents, or if they are absent or interdicted, consent is given by the family council of the future spouse.

Section 5: Opposition to the Celebration of Marriage

Art. 104

The right to oppose the celebration of a marriage belongs to any interested party, to the public prosecutor, as well as to the civil registrar.

Art. 105

On pain of nullity, the opposition must be motivated. The following may be invoked as grounds for opposition:

- a) the absence of one of the qualities and conditions required to contract marriage; [...]

Art. 107

Any opposition is made in the form of an administrative report drawn up by the civil registrar before whom the marriage is to be celebrated.

It is notified via the municipal administrator to each of the future spouses and transmitted as soon as possible to the public prosecutor.

[...]

Art. 110

If the judgment confirms the opposition, the celebration of the marriage is suspended until the realization of the quality or condition, or the cessation of the impediment.

[...]

Art. 116

Before the celebration of the marriage, each of the future spouses gives the civil registrar an extract from his birth certificate or an act of notoriety in lieu thereof.

If necessary, each of the future spouses gives him the following documents:

- a) the deeds containing the necessary exemptions;
- b) extracts from the death certificates of one or both parents;
- c) the irrevocable judgment establishing that his parents or one of them are absent or interdicted; [...]
- e) the decision of his family council giving consent to the marriage;
- f) the irrevocable judgment giving consent to the marriage;
- g) the irrevocable judgment ordering the lifting of the objection; [...]

Art. 118

In the case of article 89, the parents of the future spouses give their consent to the marriage in person, either at the time of its celebration, or by separate document delivered within at least three working days preceding it.

[...]

Section 7: Sanctions

Art. 120

The civil registrar who solemnizes a marriage in violation of the provisions of this chapter is liable to a penal servitude of ten months to two years and a fine of four thousand to twenty thousand francs or to one of these two penalties only. [...]

Art. 148

The causes of relative nullity are in particular:

- the lack of consent of one of the spouses;
- the lack of consent of the parents or the family council; [...]

Art. 335

The age of majority is when the person has reached the age of 21.

[Law on the Prevention, Protection of Victims and Punishment of Gender-Based Violence, 2016](#)

CHAPTER I - GENERAL PROVISIONS

SECTION I: SCOPE

Article 1. Without prejudice to the relevant provisions of the Penal Code and the Code of Criminal Procedure, the purpose of this law is the prevention, protection and punishment of gender-based violence. [...]

SECTION II - DEFINITIONS

Article 2: For the purposes of this law, except where criminal law otherwise defines, the following definitions shall apply:

- a) Gender-based violence: any act of violence directed against a person by reason of his or her sex by causing or being able of causing physical, sexual, economic, psychological or emotional harm or suffering, including the threat of such acts, forced or arbitrary deprivation of liberty, whether in public or private life; [...]
- aa) Forced marriage: marriage entered into without the consent of the spouses or one of them;
- bb) Early marriage: marrying a person who is under the legal age of marriage or who does not have the biological, physical and psychological capacity;
- cc) Rapt: a form of forced marriage in which a girl is abducted to marry her by force; [...]

CHAPTER III - PROTECTION OF VICTIMS OF GENDER-BASED VIOLENCE

[...]

Article 19: The State creates reception centers and shelters that take care of the victim from the first moments after the facts and protect him/her against the aggressor while waiting for the implementation of the adequate solution to the problem by the competent authority.

Article 20: As soon as they arrive at reception centers, victims of gender-based violence benefit from emergency social services. [...]

Article 21: The direct neighbors of a victim of gender-based violence and the administrative officials have the obligation to intervene as soon as they have the information and to take all the necessary measures to help and protect against the continuation of the act under penalty of being punished in accordance with the Criminal Code.

Article 22: Subject to other legal provisions relating thereto, evidence or testimony relating to gender-based violence shall be provided to the courts by any interested person who has the information. [...]

CHAPTER IV - REPRESSION OF GENDER-BASED VIOLENCE

[...]

Article 25: In the absence of any denunciation or complaint by the victim or any other person, as soon as the Prosecutor becomes aware of a gender-based offense, the principle of automatic referral is applicable and the Prosecutor can act on his own initiative. [...]

Article 26: For any offense relating to gender-based violence, the fact that the victim and the offender enjoy a domestic relationship is considered an aggravating circumstance.
[...]

Article 28: The prosecutor's offices of the Republic must integrate Magistrates specialized in gender-based violence. A specialized chamber on gender-based violence is created within each district court.
[...] The Public Ministry is required to take special measures for their physical protection.

Article 30: The State shall ensure that victims have the right to legal assistance and legal aid.

Article 38: is punishable with deprivation of liberty for three months to five years and a fine of fifty thousand to one hundred thousand francs any person who kidnaps a girl to marry her or marry her with another person. The regularization of the marital status does not exonerate the alleged perpetrator and his accomplice from criminal liability.

Article 39: is punished by deprivation of liberty for three months to two years and a fine of fifty thousand to one hundred thousand Burundian francs any person who is guilty of a forced union as defined in Article 2. Such a union is void in accordance with the relevant provisions of the Code of Persons and the Family for lack of consent of the victim. The prosecution of the offense of forced marriage can only be carried out on the complaint of the victim or any other interested person. Are punished with the same penalties: [...]
- Forcing a girl to marry the husband of her deceased sister. [...]

Article 47: Any act of intimidation aimed at the abandonment of legal proceedings concerning gender-based violence is punishable by deprivation of liberty for ten-year and a fine of fifty thousand to one hundred thousand Burundian francs.

Article 58: The victim of gender-based violence and any other affected person has the right to apply to the competent courts for damages. [...]

CABO VERDE

[Civil Code, 1997](#)

Book IV – Family Law

Title II – Marriage

Art. 1567 (Absolute Legal Impediments)

The following are absolute legal impediments, preventing the marriage of a person who is affected by them with any other person:

a. an age below sixteen years; [...]

Article 1570 (Legal Impediments)

1. The following are impediments, in addition to others provided for in special laws:

[...]

d. Opposition of the minor's parents or guardian.

Art. 1575 (Opposition from Parents or Guardian)

1. When their consent has not been given, the opposition of any parent or guardian of the minor to the marriage may be implied under the terms prescribed in the laws of the civil registry.

2. If the opposition is implied, the marriage may be concluded only if the competent court finds said opposition unjustified.

Article 1593 (Causes of nullity)

The marriage is void and null:

a. if contracted with some legal impediment;

Article 1595 (Marriage Validation)

1. The nullity is considered to have been resolved and the marriage valid from the moment of celebration, if any of the following facts occur before the annulment decision becomes final:

a. the marriage of a non-nubile minor must be confirmed by the latter, before the civil registry official and with two witnesses, after reaching the age of majority; [...]

Article 1600 (Nullity based on legal impediment)

1. The spouses or any of their relatives in direct line or up to the fourth degree of the collateral line, as well as the heirs and adoptive parents of the spouses and the Public Prosecutor's Office are intitled to initiate a judicial process of nullity based on a legal impediment.

2. In addition to the persons mentioned in the preceding section, the guardian or curator, in the case of a minor, in the case of incapacity or disqualification due to mental anomaly, as well as the first spouse of the offender, in the case of bigamy, may also initiate the judicial process or maintain it.

Article 1604 (Nullity based on a legal impediment)

1. The action in nullity based on a legal impediment must be initiated:

a. In cases of minority, incapacity or disability due to a mental disorder or notorious dementia, when initiated by the incapable person, up to six months after the ban or disqualification has been lifted or the dementia has ceased and, when initiated by another person, within three years following the celebration of the marriage, but never after the age of majority, the lifting of incapacity or the cessation of dementia;

[...]

Art. 1610 (Marriage of minors)

1. The minor who marries without having requested the consent of the parents or guardian, even being able to do so, or without waiting for a favorable decision of the court in the event of an opposition, shall continue to be considered a minor in the administration of the property which he/she brings to the couple or that subsequently he/she receives graciously (for free) until the age of majority, but from the income from those assets, the food necessary for his/her condition will be attributed.

2. The assets subtracted from the administration of the minor are administered by the parents, guardian or legal administrator, and in no case may be handed over to the administration of the other spouse during

the minority of the consort and, moreover, these cannot cover debts contracted by one or both spouses in the same period.

3. The approval of the marriage by the parents or guardian terminates the sanctions prescribed in the preceding sections.

Article 1659 (Ability to enter prenuptial agreements)

1. Those who have the capacity to contract marriage are capable of entering into prenuptial agreements.
2. Minors, as well as incapacitated or disabled persons, are only allowed to enter into prenuptial agreements with the authorization of their legal representatives.

CAMEROON

[Order organizing the civil status, 1981 \(as amended\)](#)

TITLE VI – MARRIAGE

Art. 49 – (new) The marriage certificate includes the following information: [...] surnames, first names, date and place of birth, nationality [...] of the spouses; the consent of the parents, in the event the person is a minor; [...]

Art. 52. No marriage may be celebrated:

- (1) if the girl is a minor of 15 years old or the boy of 18 years old, unless for serious reasons a waiver has been granted by the President of the Republic;
- (2) if it was not preceded by the publication of the intention of the spouses to marry;
- (3) if the future spouses are of the same sex;
- (4) if the future spouse does not consent;

[...]

CHAPTER II – OPPOSITIONS

[...]

Article 58. - Within the period provided for in Article 53 above, any person proving a legitimate interest may oppose the celebration of the marriage, in particular: the father, the mother, the guardian of future minor spouses; [...]

Article 60. - The civil registrar in charge of the celebration suspends it and transmits to the President of the Court of First Instance the oppositions formulated within the deadlines [...] as well as the results of his research [...]. He notifies the opposition to the future spouses.

Section 61. - (1). The President of the Court decides on the opposition within ten days; he prohibits the marriage or rejects the opposition by an order issued free of charge, after hearing the parties.

CHAPTER III - CONSENT OF THE SPOUSES

Section 64. - (1). The consent of the future spouses is personally notified by them to the civil registrar at the time of the celebration of the marriage.

(2). The consent of a minor future spouse is only valid if it is supported by that of his father and mother.

(3). The consent of only one of the parents is sufficient:

a) for illegitimate children, when their filiation is legally established with respect to only one of the [parents];

b) in the event of the death or judicially confirmed absence of one of the [parents] or if one of them is incapable or unable to express his consent;

c) in the event of disagreement between the father and the mother, if the consenting parent is the one who exercises paternal power or assumes custody of the child, unless the judge decides otherwise under the conditions of article 61 above.

(4). The consent of the guardian or the customary representative validly replaces

(a) that of the father and mother of the child born of parents who have remained unknown;

(b) that of the father and mother of the orphan child;

c) that of the father and mother of the child whose parents are incapable or unable to express their consent.

Section 65. - (1). The marriage is not celebrated if the consent has been obtained by violence.

(2) There is violence when abuse or threats are exerted on the person of one of the future spouses, his father, his mother, the legal guardian, the customary head or his children in order to obtain his or her consent or refusal thereof.

[...]

TITLE VIII - MISCELLANEOUS AND TRANSITIONAL PROVISIONS

Section 81. - (1). Customary marriages must be transcribed in the civil status registers of the place of birth or residence of one of the spouses. [...]

Article 82. - If a person is in possession of two birth certificates, only the oldest certificate is taken into account, without prejudice to criminal proceedings.

Article 83. - (new) (1) Is subject to the penalties provided for in Article 151 of the Criminal Code, the civil registrar who:

[...]

5. transcribes a customary union not attested by the customary officials of the two spouses.

(2) Shall be punished with the same penalties, any person required to communicate a civil status document in accordance with the provisions of this law who, without legitimate reason, omits to do so, or communicates a false or inaccurate act.

[Civil Code, 2005](#)

Art. 488

Majority is fixed at the full age of eighteen years; at that age one is capable of all the acts of civil life.

[Penal Code, 2013](#)

Section 356 – Forced Marriage

(1) Whoever compels any one to marry shall be punished with imprisonment for from five to ten years and with fine of from twenty-five thousand to one million francs.

(2) Where the victim is under the age of eighteen the punishment may not be less than two years imprisonment, whatever the mitigating circumstances.

(3) Whoever gives in marriage a boy under sixteen years of age or a girl under fourteen, shall be punished as under the two last forgoing subsections.

(4) Upon conviction, the court may deprive the offender of parental power and disqualify him from being the guardian or curator of any person for the time prescribed by section 31(4) of this Code.

CENTRAL AFRICA REPUBLIC

[Family Code, 1998](#)

Art. 209

No one may marry before the age of 18, except where the State Prosecutor has dispensed with age on serious grounds at the request of the person concerned.

Art. 210

There is no marriage without the consent of both spouses. Consent must be given at the moment of the celebration of the marriage.

Art. 211

A minor under the age of 18 cannot marry without the consent of the persons who exercise parental authority over him.

Art. 213

The future spouse must create a dossier containing the following:

Extract of the official birth certificate or a substituting decision issued within three months [...]

Art. 215

When one or both future spouses are minors, the civil status officer shall remind them that it will not be possible to proceed to the marriage unless there is proof of the prior consent of the individuals authorized to give it or unless there is a dispensation from the public prosecutor.

Art. 238

The relative nullity of the marriage may be pronounced:

[...]

2. where authorization by the family is missing.

CHAD

[Law N029/PR/2015 ratifying Ordinance N006/PR/2015](#)

Art. 1. Marriage under the age of 18 is prohibited from the date this law enters into force.

Art. 2. The minimum age of marriage is 18 years.

Art. 3. The consent of minor spouses cannot be invoked to justify marriage of children.

Art. 4. Any person who pressures, by whatever means, a minor to enter into marriage shall be punished with 5 to 10 years imprisonment, in addition to fines of 500,000 to 5 million francs.

Art. 5. It is equally subject to the penalties foreseen in the preceding article the civilian, religious, customary authority that celebrates the marriage.

Civil Code

Arts. 148, 158, 159

COMOROS

[Family Code, 2005](#)

Chapter II

On Marriage

Section I

Qualifications and conditions required for the validity of the marriage.

Article 14 – Men and women under the age of eighteen (18) may not enter into marriage.

Article 15 – Nevertheless, it is within the discretion of the judge who is to perform the marriage to grant age exemptions for serious and legitimate reasons where there is mutual consent on the part of the future spouses.

Paragraph I

On consent

Article 17 – Marriage is validly formed through the consent of both spouses, under the conditions permitted by the *Fiqh*.

Article 18 – If, at the time of the celebration of the marriage, one of the spouses is unable to express themselves, consent may be given by mandate, a written document or a sign by which that spouse has expressed his or her consent.

Article 19.- Men and women may enter into marriage themselves or by their authorized representatives. The latter are chosen by the *wali* (guardian) of the woman on the one hand, and by the future husband on the other. The mandate must be made in writing.

Article 20 - Consent to marriage must be binding and unconditional.

A marriage that has been contracted without the free consent of both spouses or of one of them is null and void. However, it can only be challenged by the spouses or by the spouse whose consent was not free.

Paragraph II

Matrimonial guardianship

Article 21 – The marriage is concluded between the young woman's matrimonial guardian (the wali) and the future husband or his representative before the court with jurisdiction.

Article 22 – The legal right to matrimonial guardianship (awliya) of the young woman is vested in:

- the father
- the paternal grandfather
- a brother by the same father and the same mother
- a brother by the same father
- paternal uncles
- paternal cousins
- close paternal relatives
- an appropriate judicial authority

and failing that, to the supreme state authority or its representative.

In every instance, consultation with the mother and her lineage is indispensable.

Article 23.- Marriage may not be contracted without the authorisation of the *wali* and the consent of the woman as provided for in articles 17 and 20 of the preceding paragraph.

The woman does not conclude the marriage act herself. She is represented by her *wali*.

In the case of a first marriage, the *wali*, the woman's father, cannot force her to enter into marriage without her consent.

Article 24 - If the *wali* abusively opposes the marriage of the woman under his guardianship, the judge may order him that she be married. In the event of a refusal, the judge will proceed with the celebration of the marriage.

[Penal Code, 1995](#)

ART.172.- Where the law requires the consent of the father or any other person authorised to give it, the Registrar of Civil Status, the Cadi or his substitute, who have not ascertained the existence of such consent, shall be punished by imprisonment for a period of not less than six months and not more than one year, and by a fine of 15,000 to 150,000 francs.

ART.173.- The Registrar of Civil Status, the Cadi or his substitute who has not ensured, in accordance with Article 59 of the Civil Status Act, that the formal and substantive, civil and religious requirements, other than consent, are fulfilled, [...] will be punished by imprisonment of one to six months and a fine of 15,000 to 150,000 francs.

[...]

The above penalties shall be doubled in the event that the Registrar of Civil Status, the Cadi or his substitute has celebrated the marriage knowing the existence of an impediment to the marriage.

ART.174.- The penalties set out in the preceding articles against Registrars of Civil Status, Cadis or their substitutes shall be applied to them, even if the nullity of the act has not been requested or has been concealed, and this without prejudice to more severe penalties for faults they may have committed.

ART.299.- Whoever, in the case of the consummation of a marriage celebrated according to traditional law, performs or attempts to perform a sexual act on a child under the age of 13 years or who is prepubescent shall be punished by two to five years' imprisonment.

If the child suffers serious injury or even temporary disability as a result, or if the sexual relations lead to the death of the child or if they are accompanied by violence, the offender shall be punished by imprisonment of five to ten years.

In the circumstances provided for in the first paragraph of this article, the guilty party may also be deprived of the rights mentioned in Article 33 for a period of not less than five years and not more than ten years from the day on which they have served the sentence.

ART.347.- Any person who, without fraud or violence, abducts or attempts to abduct a minor below the age of eighteen years shall be punished by imprisonment for a term of two years to five years and a fine of a fine of 15,000 to 200,000 francs.

When a minor who has been kidnapped or abducted in this way marries the abductor, the latter may be prosecuted only on the complaint of persons entitled to request the annulment of the marriage and may be sentenced only after the annulment has been pronounced.

CONGO, REP. OF

Family Code, 1984

Article 128. - Age.

The man before the age of 21 and the woman before the age of 18 years of age, cannot contract marriage. Nevertheless, the Public Prosecutor at the District or District People's Court may grant age exemptions for serious reasons.

Article 129.- Consent of the spouses

Each of the future spouses, even minors, must personally consent to the wedding. Consent is not valid if it was extorted by violence or if it was given only as a result of an error in the physical, and civil identity [of the spouse] or in an essential quality such as that the other spouse would not have contracted marriage if she had known the mistake.

Article 130. - Consent of parents of minors.

A minor cannot contract marriage without the authorization of his father and mother or, failing that, of the person who, according to the law, has authority over him. In case of disagreement between the father and mother, authorization is implied.

[...]

Article 131. - Consent of only one parent.

If one of the parents is deceased or is in the impossibility of manifesting his/her will, the authorization of the other is sufficient.

[...]

Article 132.- Modality of consent.

Authorization shall be given verbally at the time of the celebration of the marriage or in writing if the person authorizing does not attend the wedding. In both cases it must be mentioned by the officer of civil status in the marriage certificate. [...]

Article 133. - Refusal of parental consent.

In the case of refusal by the father and mother, or the person who has authority over the minor, the other parent may seize the President of the Peoples' Court of the village or the district of the place of the celebration of the marriage if he considers that the refusal is against the interest of the minor. The President of Peoples' Court will rule in Council's chamber by reasoned order, subject to appeal.

Article 156. -Cases of absolute nullity.

The nullity of the marriage must be pronounced:

1° when it was contracted without the consent of one of the spouses; [...]

3° when one of the spouses was not of the required age, and there was no dispensation [...]

Art. 318. – Definition

A minor is the person [...] who is not yet 18.

DEMOCRATIC REP. OF CONGO

[Child Protection Law, 2010](#)

Art. 1: Under this law, a child refers to any human being under the age of 18 years who has not yet reached the age of majority by a special provision.

Article 36: The child has the right to well-being. The parents, guardians or any other person having custody of the child must guarantee his well-being.

Art. 37: The right to refuse pre-marriage and marriage is acknowledged for any child. Any marriage or pre-marriage contracted by a child who is coerced into it shall be null and void.

[Law N° 16/008 of 2016 \(amending the Family Code, 1987\)](#)

Section 351

Each of the future spouses must personally consent to the marriage.

However, whether the marriage is celebrated with the family or before the civil registrar, representation by proxy may be authorized for just cause by the justice of the peace.

Section 352

A man and a woman under the age of eighteen cannot enter into marriage.

Section 357

The child, even emancipated, cannot contract marriage.

Section 420

It is forbidden for any person who, by virtue of law or custom, has the right of custody over a person under the age of eighteen years, or any person exercising legal authority over that person, to give [that person] into marriage or with a view to marriage.

Section 422

The age of a person can only be established by means of a title which determines it with certainty, such as the act of civil status.

Section 423

The persons referred to in article 420 of this law shall be punished with a maximum of two months principal penal servitude and a fine not exceeding 250,000 Congolese francs, or either of these penalties.

Section 425

The officer of civil status who has celebrated or registered the marriage of an interdict shall be punished with the penalties provided for in article 395 paragraph 1 of this law, if he knew or should have known the quality of interdict.

The spouse of the interdict, and the persons who was a witness in the marriage, shall be punished with the same penalties.

DJIBOUTI

[Family Code, 2002](#)

Article 7:

The marriage is concluded in the Republic of Djibouti in the presence of Al Ma'doun Al Char-i and two reputable witnesses.

The status and remit of the Al Ma'doun Al Char-i will be defined by a law.

The marriage of Djiboutians abroad is celebrated in the presence of Djibouti's diplomatic or consular agents or according to local law.

Marriage is formed only with the consent of both spouses and the woman's guardian.

The presence of two reputable witnesses and the setting of the *Mahr* in favour of the woman are, in addition, required for the validity of the marriage.

Article 8:

The marriage certificate must state:

1) The names, occupation, age, date and place of birth, domicile, residence and nationality of each spouse;

[...]

5) Where applicable, the consent or authorisation required by law and the reference to the *Mahr*.

Article 10:

A union which is not concluded in accordance with the above-mentioned Article 7 is void. The two spouses whose union is declared null and void have three months to comply with the provisions of Article 7.

Spouses whose union has been declared null and void and who continue or resume living together after the expiry of the three-month period are liable to a six-month prison sentence.

The same penalty of imprisonment shall be imposed on anyone who concludes a marriage outside the provisions of Article 7 above.

Article 13:

The two future spouses must not be subject to any of the impediments provided for by law.

The future spouses must be at least 18 years of age to enter into marriage.

Article 14:

The marriage of minors who have not reached the age of legal majority is subject to the consent of their guardians.

In case of refusal of the guardians and persistence of the two future spouses, the marriage is authorised by the judge.

Article 16:

The father or his proxy, the grandfather or his proxy shall consent to the marriage of the minor child, whether male or female, in accordance with the provisions of Article 14.

Article 17:

The man and woman may attend their wedding by themselves or by proxy. A person who consents to the marriage of a minor may also do so by proxy. The guardian may also exercise his or her rights by means of a power of attorney.

Article 21:

The husband shall not, if he has failed to pay the *Mahr*, compel the wife to consummate the marriage.

Article 29:

A union which contains a clause contrary to the essential conditions of marriage or which is concluded in contravention of the provisions of the first paragraph of Article 7, the first paragraph of Article 13 and Articles 23, 24, 25, 26, 27 and 28 of this Code shall be null and void.

Spouses whose marriage has been declared void and who continue or resume living together are subject to imprisonment for six months.

Article 30:

The union referred to in the preceding article is null and void, without the necessity to resort to divorce. In this case, the celebration of the marriage in itself has no effect. The consummation of a marriage that has become void has the following effects only:

- a) the right of the woman to claim the *Mahr* set by the marriage certificate or by the judge,
- b) the establishment of parentage,
- c) the obligation for the woman to observe the period of waiting which commences upon separation,

d) impediments to marriage resulting from the alliance.

[Penal Code, 1995](#)

BOOK V: CONTRAVENTIONS

CHAPTER FIVE - FIFTH CLASS CONTRAVENTIONS

Art. R. 5:

A fine of 50,000 francs and one month's imprisonment shall be imposed on any person for:

[...]

Civil status

3) Being a civil registrar or their delegate:

- Contravenes legal or regulatory provisions concerning the management of the register and the publication of civil status records.
- Does not ensure the existence of the consent of the father and mother or other persons where required by law for the validity of the marriage.

Article 466

Sexual offences without violence, coercion, threat or deception against a minor over the age of fifteen not emancipated by marriage are punishable by two years' imprisonment and a fine of 500,000 francs. 1° when committed by a legitimate, natural or adoptive ascendant or by any other person having authority over the victim; [...]

EGYPT

[Child Law, 1996 \(as amended\)](#)

Article 2: For the purpose of this Law, the term “child” within the context of care and welfare, shall mean all individuals who have not reached the age of eighteen (18) complete calendar years. [...]

ANNEX

Second: The new article that has been added in accordance with Law no. 126 of 2008 to Law no. 143 of 1994 on Civil Status:

Article 31-bis was added, and reads as follows:

The marriage contract shall not be registered for those who did not reach eighteen (18) years of age.

The State ensures carrying out a medical examination for those wishing to get married to ensure that they are free from diseases that may affect their lives or the health of either one of them, or the health of their offspring; and informs them of the results of the examination.

[...]

The marriage contract shall not be registered, unless those wishing to get married submit to the registrar evidence that the said medical examinations referred to in the previous paragraph were carried out. Without prejudice to any criminal penalty stipulated in any other law, anyone who registers a marriage that violates provisions of this article shall receive disciplinary punishment.

[Penal Code, 1937 \(as amended\)](#)

Article 227

A penalty of detention for a period not exceeding two years or a fine not exceeding 500 Pounds shall be inflicted on whoever declares before the competent authority, with the aim of evidencing that one of the spouses has reached the age legally determined for concluding a marriage contract, statements which he knows to be incorrect, or writes or submits to the court papers to that effect, once the marriage contract is concluded on the basis of these statements or papers.

A penalty of detention or paying a fine not exceeding 500 Pounds shall be inflicted on any person vested with the authority to conclude a marriage contract, who contracts it while knowing that one of its parties has not reached the age determined in the law.

[Personal Status Law, 2000](#)

Article 17

The lawsuit arising from the marriage contract are not accepted if the wife's age is less than sixteen Gregorian years or the husband's age is less than eighteen Gregorian years at the time of filing the lawsuit. Marriage is established by an official document.

EQUATORIAL GUINEA

[Fundamental Law, 2011](#)

Art. 12 (2) The majority of the Equatoguinean citizen is acquired at the age of 18.

[Civil Code, 1889](#)

Art. 46

They cannot marry:

1. Unemancipated minors.

[...]

Art. 48

[...]

The Judge of First Instance may waive, with just cause and at the request of a party, the impediments of the third degree between collateral and age from the age of fourteen. In the files of age dispensation, the minor and his parents or guardians must be heard.

The subsequent waiver validates, from its celebration, the marriage whose nullity has not been judicially requested by any of the parties.

Article 73.

It is null and void whatever the form of its celebration:

1. A marriage celebrated without marital consent.
2. A marriage celebrated between the persons referred to in articles 46 and 47, except in cases of dispensation in accordance with article 48.

3. The one that is contracted without the intervention of the Judge, Mayor or official before whom it must be celebrated, or without that of the witnesses.

Art. 75. If the cause of nullity is the lack of age, while the spouse is a minor, only one of his parents, guardians or guardians and, in any case, the Public Prosecutor's Office may take legal action.

When the minor reaches the age of majority, only him/her may take legal action, unless the spouses have lived together for one year after reaching the action.

[Penal Code, 1963](#)

Art. 478. The judge who authorizes a marriage prohibited by law for which there is an absolute impediment known or denounced in the file, will be punished with the penalties of suspension and fine of 5,000 to 25,000 pesetas. If the impediment is relative, the penalty shall be a fine of 5,000 to 10,000 pesetas.

ERITREA

[Constitution, 1997](#)

Article 22. Family

1. The family is the natural and fundamental unit of society and is entitled to the protection and special care of the State and society.
2. Men and women of full legal age shall have the right, upon their consent, to marry and to found a family freely, without any discrimination and they shall have equal rights and duties as to all family affairs.
3. Parents have the right and duty to bring up their children with due care and affection; [...]

[Civil Code, 2015](#)

Art. 287. Marriage.

- (1) The consent of the minor and of the guardian shall be required for the marriage of a minor.
- (2) The consent of the guardian can be substituted by the Court.

Art. 305. Marriage.

A minor shall be emancipated as of right by marriage.

Art. 306. Explicit Emancipation. Conditions.

- (1) A minor may be emancipated when he has attained the age of fifteen years.
- (2) A decision of the family council shall be required for this purpose.

Art. 307 Application.

The decision of the family council by which the minor is emancipated may be taken on the application of the minor himself or of one of his ascendants or of his guardian.

Art. 308. Inadmissibility if Application.

The family council may not grant the emancipation where the minor has his father and mother, unless at least one of them expressly agrees to the emancipation.

Art. 309 Effects.

An emancipated minor shall be deemed under the law to have attained majority in all that concerns the care of his person and the management of his pecuniary interests.

Art. 508. Existence of Obstacle to Marriage.

- (1) If there is a legal obstacle to the marriage of the future spouses, their betrothal shall be of no effect.
- (2) In particular, the betrothal shall be of no effect until both future spouses attain the marriageable age required by law."

Section 1. Conditions common to All Forms of Marriage

Art. 522. - Age.

- (1) A man and a woman who have not both attained the full age of eighteen years may not contract marriage.
- (2) Sub-Article (1) does not apply if the man and woman have both attained the full age of sixteen years and the woman submits to the authority who will celebrate the marriage a declaration made by a doctor stating that the woman is pregnant or has already given birth to a child, without prejudice to sub-article (1) of Article 527.
- (3) The Minister of Justice or a person specially appointed by him may for good cause' grant dispensation from the rule concerning age.

Art. 528. Marriage of Minors.

The conditions under which a minor may contract marriage are laid down in the title of this Code relating to Capacity of Persons.

Art. 530. Threat.

- (1) No consent shall be valid which has been extorted by threat.
- (2) Threat shall be deemed to have occurred where consent is given only with a view to protecting the person who has given it, or one of his ascendants or one of his descendants, from a menace of a grave and imminent evil.
- (3) Threat shall not be deemed to have occurred where consent is prompted by reverential fear towards an ascendant or another person.

Art. 532. Opposition By Whom Made.

(1) Opposition to the marriage may be made by the father or mother of the spouse or by the guardian of the spouse who is a minor. In default of the father or mother or if neither of them is in a position to oppose, one of the grandparents or great-grandparents may oppose. In default of ascendants or if no one of them is in a position to oppose, an elder brother or sister or a paternal or maternal uncle or aunt may oppose. [...]

Chapter 4. - Sanction of the Conditions of Marriage

Section 1. Principles Common to All Forms of Marriage

Art. 547. Age

- (1) Where a civil status officer or authority has celebrated the marriage of a man or a woman who has not attained the age mentioned in Article 522, the dissolution of the marriage shall be ordered on the application of any interested person or of the public prosecutor.
- (2) It may no longer be applied for after the conditions of age required by law for marriage are satisfied.

Art. 555. Fine and Damages.

- (1) The conditions and formalities required in the case of a religious marriage or of a marriage according to custom may be sanctioned by a condemnation to a fine or by a condemnation to pay damages to the injured party, according to the religion or custom concerned.
- (2) Notwithstanding any custom or stipulation to the contrary, the Court may reduce the amount of such fine or damages as are due where such amount appears to it to be excessive.
- (3) It may also refuse to give effect to the custom relating to such matter if it appears to it to be unreasonable or contrary to equity or to morality.

Chapter 7. - Termination of Marriage

Section 1. Causes of Termination of Marriage.

Art. 598. -Various Causes.

[...]

- (3) It shall terminate where the Court orders its dissolution as a sanction for breach of one of the conditions of the Marriage in accordance with Chapter 4 of the current Title. [...]

[Penal Code, 2015](#)

Chapter 5. - Offences against Marriage and the Family

Art. 320. - Fraud and Deceit in Marriage.

- (1) A person who intentionally, in contracting or in order to contract a marriage, conceals from his spouse a fact that would annul or invalidate the marriage on one of the grounds specified by civil law or procures a marriage by means of intentional misrepresentation, error or fraud or deceit, is guilty of

fraud and deceit in marriage, a Class 2 petty offence, punishable with a definite term of imprisonment of not less than 1 month and not more than 6 months, or a fine of 5,001 – 20,000 Nakfas, to be set in intervals of 1,000 Nakfas.

(2) Fraud and deceit in marriage may only be prosecuted upon the preferring of charges by the victim and after the marriage has been annulled.

Art. 321. - Solemnisation of an Unlawful Marriage.

A person who intentionally lends his offices, religious or civil, to the solemnisation of a marriage forbidden by law, is guilty of solemnisation of an unlawful marriage, a Class 2 petty offence, punishable with a definite term of imprisonment of not less than 1 month and not more than 6 months, or a fine of 5,001 – 20,000 Nakfas, to be set in intervals of 1,000 Nakfas.

ESWATINI

[Children's Protection and Welfare Act, 2012](#)

Article 15 (Right to refuse harmful cultural and religious practices)

[Marriage Act, 1964](#)

Minors. 3. (1) No male person below the age of eighteen years and no female person below the age of sixteen years may marry: Provided that if the special circumstances of any case, in the opinion of the Minister, warrant such a marriage, the Minister may grant special dispensation allowing such a marriage.

(2) Minors below the age of twenty-one years but above the ages specified in sub-section (1) may marry with the consent of their legal guardian, but persons who have previously been married, whether in accordance with Swazi law and custom or civil rites, shall not be regarded as minors.

(3) Where a minor legally competent to marry has no legal guardian, or where the consent of the legal guardian cannot be obtained for a reason other than the unwillingness of the legal guardian to give the consent, or where the consent is manifestly unreasonably withheld, the district commissioner of the district in which the minor resides, or, if the minor resides outside Swaziland, the Minister may, give a written authorization for the marriage of that minor.

22. A person who knowingly falsely declares to a marriage officer that he knows of no legal impediment to his marriage shall be guilty of an offence and liable, on conviction, to a fine not exceeding one hundred emalangenani or, in default of payment thereof, imprisonment for a period not exceeding six months: Provided that such penalty shall be in addition to any penalty he may incur on a conviction for bigamy.

23. A marriage officer who conducts a marriage ceremony otherwise than in terms of this Act shall be guilty of an offence and liable, on conviction, to a penalty of a fine not exceeding two hundred emalangenani or imprisonment for a period not exceeding one year.

ETHIOPIA

[The Revised Family Code, Proclamation N°213/2000](#)

Article 6 — Consent.

A valid marriage shall take place only when the spouses have given their free and full consent.

Article 7. — Age.

1) Neither a man nor a woman who has not attained the full age of eighteen years shall conclude marriage.

2) Notwithstanding the provisions of Sub-Article (1) of this Article, the Minister of Justice may, on the application of the future spouses, or the parents or guardian of one of them for serious cause, grant dispensation of not more than two years.

[...]

Article 14. — Consent Extorted by Violence.

1) Marriage concluded as a result of consent which is extorted by violence shall not be valid.

2) Consent is deemed to be extorted by violence where it is given by a spouse to protect himself or one of his ascendants or descendants, or any other close relative from a serious and imminent danger or threat of danger.

Article 27. — Customary Marriage.

1) The conclusion of customary marriage and the formalities thereof shall be as prescribed by the custom of the community concerned.

2) The provisions of this Code relating to the essential conditions of marriage shall be complied with in customary marriage.

Article 31. — Age

1) Without prejudice to Sub-Article (2) of Article 7 of this Code, marriage concluded by a man or a woman under the age of eighteen years shall dissolve on the application of any interested person or the public prosecutor.

2) It may no longer be applied for after the age; required by law for marriage is satisfied.

[Criminal Code, 2004](#)

Article 648.- Early Marriage.

Whoever concludes marriage with a minor apart from circumstances permitted by relevant Family Code is punishable with:

a) rigorous imprisonment not exceeding three years, where the age of the victim is thirteen years or above; or

b) rigorous imprisonment not exceeding seven years, where the age of the victim is below thirteen years.

GABON

Civil Code, 1972

Article 203: A man before the age of eighteen, a wife before the age of fifteen, cannot contract a marriage. Nevertheless, the President of the Republic or, in his absence, the President of the Supreme Court may grant age exemptions for serious reasons.

Article 205: Even if the conditions required by section 203 are met, the young man or the girl who has not reached the age of 21 years cannot enter into marriage without the consent of his/her father and mother. In case of refusal by the father or the mother, the consent of only one of them is sufficient. In case of divorce or separation, the consent of the person who has the custody of the child is required. If one of the parents is dead or unable to express his will, the consent of the other shall suffice. [...]

Article 211: Each of the spouses must personally consent to the marriage at the time of its celebration.

Article 212: Consent is not valid if it has been extorted by violence and threats, [...]

Article 233: Without prejudice to disciplinary penalties, if applicable, is liable to a fine from 2,000 to 24,000 francs and a prison term from 5 days to 1 month, or only one of these two penalties, the Registrar who has solemnized a marriage when an impediment provided for in this chapter could have been revealed to him by an examination of the documents produced, or that should have been required of the future spouses.

The same will apply to the Registrar who has solemnized a marriage without complying with the requirements of this chapter. [...]

Article 237: Failure to observe the provisions of articles 203, paragraph one [...] results in the absolute nullity of the marriage. [...]

Section 238: [...]

The action for nullity based on the inobservance of the provisions of articles 203, first paragraph, can only be exercised by the spouse who has not reached the required age, by his father and mother, or guardian, or other ascendants called upon to consent to the marriage and, during the lifetime of the spouses, by the Public Prosecutor. The father, mother, guardian or other ascendants who consented to the marriage are not authorized to bring an action for nullity.

[...]

Article 239: Marriages contracted by spouses who did not have the required age or one of whom had not reached this age can no longer be challenged:

- 1) when the spouse or the spouses have reached the required age
- 2) when the woman has conceived.

[Penal Code, 2019](#)

Article 410: Anyone who gives in customary marriage or customarily marries a non-consenting woman or a minor under the age of sixteen is punished with imprisonment for up to five years.

Article 411: Anyone who performs or attempts to perform the sexual act with a person less than sixteen years old, for the purposes of consummating a customary marriage, is punished by imprisonment for up to five years.

If this results in serious injury to the minor, an infirmity, even temporary, or if this resulted in the death of the minor, the culprit is punished with time imprisonment.

GAMBIA, THE

[Women's Act, 2010](#)

Arts. 35 (consent of both parties to marriage)

[Children's Act, 2005](#)

Art. 2 (1) In this Act, unless the content otherwise requires:
"Child" means a person under the age of eighteen years [...]

Art. 24 Subject to the provisions of any applicable personal law, no child is capable of contracting a valid marriage, and a marriage so contracted is voidable.

Art. 25 (1) No parent, guardian or any person shall –
(a) betroth a child to any person
(b) make a child the subject of a dowry or a transaction, or
(c) give out a child in marriage
A betrothal or marriage in contravention of subsection (1) is voidable.

GHANA

[Children's Act, 1998](#)

Section 14. Right to refuse betrothal and marriage

- (1) No person shall force a child –
(a) to be betrothed;
(b) to be the subject of a dowry transaction; or
(c) to be married.
(2) The minimum age of marriage of whatever kind shall be eighteen years.

Section 15. Penalty for contravention.

Any person who contravenes a provision of this Sub-Part commits an offence and is liable on summary conviction to a fine not exceeding 5 million or to a term of imprisonment not exceeding one year or to both.

GUINEA

[Civil Code, 2019](#)

Section 241

Boys and girls under the age of 18 cannot enter into marriage.

Nevertheless, it is open to the president of the court of the place of celebration of the marriage, after consulting the public prosecutor, to grant by order exemptions from age for serious reasons.

Section 242

Marriage requires the consent of the spouses.

This consent is free and not vitiated.

It is expressed at the time of the celebration of the marriage and solemnly recorded by the registrar before whom the spouses appear personally.

Section 243

A minor cannot contract marriage without the consent of his father and mother or, failing that, of the person who, according to the law, has authority over him.

In the event of disagreement between the father and mother, the celebration of the marriage is subject to [when the] consent is given, either verbally during the celebration of the marriage, or in advance by notarial deed.

Section 273

Any marriage contracted in violation of the provisions of articles 241 and 242 of this code may be challenged for nullity by the spouses themselves, by all those who have an interest in it and by the public prosecutor.

Section 512

A minor is an individual of either sex who has not yet reached the age of 18.

Section 578

The age of majority is fixed at 18; at this age, one is capable of all civil acts.

[Children Code, 2019](#)

Section 314

Boys and girls who have reached the age of eighteen can enter into marriage.

However, the president of the court of the place of celebration of the marriage, after consulting the public prosecutor, may grant by order exemptions from age for legitimate reasons.

Section 317

The celebration of the marriage of minors benefiting from an age exemption may be opposed by the followings by invoking a legal impediment:

The father, the mother and, in the absence of the father and mother, the direct ascendants or any other person exercising parental authority;

The guardian of the child;

The public prosecutor;

Any association that has been duly authorized for more than five years to work in the field of child protection in the Republic of Guinea.

Section 321

Any marriage of minor children benefiting from an age exemption which has not been celebrated publicly and before the competent civil registrar is void.

This nullity can be invoked by the spouses themselves, all those who have an interest in it or the public prosecutor.

Section 322

The nullity of the marriage for lack of consent of the father and mother or of any person having authority over the minor, when such consent is required, can only be requested by the spouse himself and by the person whose consent is required.

Section 323

The action for nullity of marriage is extinguished:

- 1- By the tacit or express confirmation of the marriage by the person whose consent was required,
- 2- By the six-month prescription which has as its starting point, for the spouse, the day on which he reached the age of eighteen years and, for the person whose consent was required, the day on which he learned of the marriage.

Section 829

Child marriage is strictly prohibited in the Republic of Guinea.

Any person who, by any means whatsoever, promotes the marriage of a minor is liable to a prison sentence of 3 months to 1 year and a fine of 1,000,000 to 5,000,000 Guinean francs, or only one of these two penalties.

Section 830

Any civil registrar who knowingly solemnizes the marriage of a child is liable to imprisonment for 6 months to 2 years and a fine of 500,000 to 2,000,000 Guinean francs, or only one of these two penalties.

Section 831

Everyone has the obligation to report to the judicial or administrative authorities any child marriage brought to their attention.

Failure to inform the judicial or administrative authorities constitutes a criminal offense and is punishable by a prison sentence of 3 months to 1 year and a fine of 200,000 to 1,000,000 Guinean francs, or one of these two sentences.

GUINEA BISSAU

[Civil Code, 1966](#)

Art. 130 (Effects of adulthood) (modified through the Law 4/76 of May 3, 1976, article 1)

At [eighteen years old], a person acquires full capacity to exercise rights and is empowered to govern his/her person and dispose of his/her property.

Art. 132 (Constitutive facts of emancipation)

Emancipation can be the result of:

- a) the marriage of the minor;
- b) the authorization from the father, or from the mother when they fully exercising parental power;
- c) the authorization of the family council, in the absence of the parents or when those cannot exercise their parental power;
- d) by decision of the courts for children.

Art. 1601 (Absolute Legal Impediments)

They are impediments, preventing the marriage of a person affected by them with any other person:

- a) the age below 16 or 14 years, depending on whether they are male or female; [...]

Art. 1612 (Opposition from Parents or Guardian)

1. When their consent has not been given, the opposition of any parent or guardian of the minor to the marriage may be implied under the terms prescribed in the laws of the civil registry.
2. If the opposition is implied, the marriage may be concluded only if the court for children judges said opposition unjustified.

Article 1631 (Causes of nullity)

The marriage is null and void:

- a) if contracted with some legal impediment;

Art. 1649 (Marriage of Minors)

1. The minor who marries without having requested the consent of the parents or guardian, even being able to do so, or without waiting for a favorable decision of the court in the event of an opposition, shall continue to be considered a minor in the administration of the property which he/she brings to the couple or that subsequently he/she receives graciously (for free) until the age of majority, but from the income from those assets, the food necessary for his/her condition will be attributed.
2. The assets subtracted from the administration of the minor are administered by the parents, guardian or legal administrator, and in no case may be handed over to the administration of the other spouse during the minority of the consort and, moreover, these cannot, either before or after the end of the marriage, cover debts contracted by one or both spouses in the same period.
3. The approval of the marriage by the parents or guardian terminates the sanctions prescribed in the preceding sections.

[Law 5/76](#)

Art. 1 (Majority)

All individuals of both sexes who are eighteen years old reach the age of majority, acquiring full capacity to exercise rights and being empowered to govern their person and dispose of their property.

Art. 2 (Emancipation)

The emancipation of the minor may only be granted at the age of 16, when fulfilled the requirements required by the law in force.

IVORY COAST

[Marriage Act, 2019](#)

CHAPTER I – GENERAL DISPOSITIONS

Requirements for entering into marriage

Section I — Conditions to be met by the spouses.

Art. 2. — A man and a woman under the age of eighteen may not enter into marriage.

Art. 4. — Each of the future spouses must personally consent to the marriage.

Consent is not valid if it has been extorted by violence or if it has been given only as a result of a mistake about the physical or civil identity of the person.

Art. 5. — The man and woman each consent alone to their marriage.

Art. 25. — Marriage contracted in a foreign country between Ivorians or between an Ivorian and a foreigner is valid if it has been celebrated in the forms used in the country in question, provided that the Ivorian has not contravened the substantive provisions required by Ivorian law.

[...]

CHAPTER 5: NULLITY

Section I – Absolute nullity

Article 26:

The following marriages must be annulled: the marriage celebrated

1) in disregard of the rules set out in Articles 1, 2, 3 paragraph 1, 4 paragraph 1 and 7;

[...]

Art. 27. — The action for nullity based on the provisions of the preceding article is exercised:

1) by the spouses themselves;

2) by any person who has an interest therein;

3) by the public prosecutor.

[...]

Art. 28. — A marriage affected by absolute nullity cannot be confirmed neither expressly nor tacitly, nor by the passing of a period of time.

Art. 29. — Notwithstanding its absolute nature, nullity is superseded:

1) in case of violation of Article 2, where the spouse or spouses have reached the required age; [...]

Section II — Effects of nullity

Art. 33. — When both spouses have been affected, the judgment pronouncing the nullity of the marriage has the authority of res judicata for all.

[Law n°2021-893 of 2021 \(modifying law n°2019-574 on the Penal Code\)](#)

Article 439 (new)

It shall be punished by imprisonment from one to five years and a fine from 360,000 to 1,000,000 francs, or only by one of these two penalties, whomever

1. coerces a person to enter into a civil, traditional or religious marriage

2. having authority over a minor, authorises his or her marriage, be it civil, traditional or religious in nature.

The maximum penalty is imposed if the person forced into marriage [...] is a minor.

The civilian, religious or customary authority that, knowingly, contributes its service to the celebration of the marriage as indicated in paragraph 1, or other union with a minor, is punished by the same penalty.

Articles 114, 115 and 130 shall not apply if the victim is a minor.

The attempt shall be punished.

KENYA

[Marriage Act, 2014](#)

2. In this Act, unless the context otherwise requires—

"child" means an individual who has not attained the age of eighteen years;

4. A person shall not marry unless that person has attained the age of eighteen years.

11. (1) A union is not a marriage if at the time of the making of the union—

(a) either party is below the minimum age for marriage; [...]

(e) the consent of either party has not been freely given; [...]

(2) Consent is not freely given where the party who purports to give it-

(i) is influenced by coercion or fraud; [...]

87. Any person who marries a person who is below the minimum age commits an offence and shall on conviction be liable to imprisonment for a term not exceeding five years or a fine not exceeding one million shillings or to both. [...]

92. (1) A person commits an offence if that person celebrates or witnesses a union purporting to be a marriage where that person knows or should know that—

(a) at least one party is below the age of eighteen years; [...]

[Children Act, 2001 \(as amended\)](#)

14. Protection from harmful cultural rites, etc.

No person shall subject a child to female circumcision, early marriage or other cultural rites, customs or traditional practices that are likely to negatively affect the child's life, health, social welfare, dignity or physical or psychological development.

20. Penalties

Notwithstanding penalties contained in any other law, where any person wilfully or as a consequence of culpable negligence infringes any of the rights of a child as specified in sections 5 to 19 such person shall be liable upon summary conviction to a term of imprisonment not exceeding twelve months, or to a fine not exceeding fifty thousand shillings or to both such imprisonment and fine.

[Protection against Domestic Violence Act, 2015](#)

3. Meaning of domestic violence.

In this Act, "violence" means—

(a) abuse that includes—

(i) child marriage; [...]

(iii) forced marriage; [...]

PART II — PROTECTION ORDERS

6. Duties of police officers in relation to domestic violence.

(1) A person to whom a complaint of domestic violence is made or who investigates any such complaint shall—

(a) advise the complainant of all relief measures available to the complainant, including access to shelter, medical assistance or they shall assist the complainant in any other suitable way; and

(b) advise the complainant of the complainant's right to apply for relief under this Act and how the complainant may lodge a criminal complaint.

(2) Where the complainant so desires, the person to whom the complainant makes a statement may be a person of the same sex as the complainant. [...]

7. Information on offences involving domestic violence.

(1) Any person who reasonably suspects that an offence of domestic violence is being or has been committed may give such information to the police officers or any other person in authority. [...]

9. Application by children.

(1) Subject to subsection (2), a child may make an application for a protection order under this Act.

(2) A child may make the application for a protection order through— (a) parent or guardian; (b) a children officer; (c) the Director of Children's Services; (d) a police officer; (e) a probation officer; (f) a conciliator; (g) any other person with the leave of the court; (h) social welfare officer; (i) a person acting on behalf of— (i) a church or any other religious institution; or (ii) a non-governmental organization concerned with the welfare of victims of domestic violence; or (j) a relative or neighbour.

(3) Where an application has been made under subsection (2) by a person, other than a parent or guardian of a child, no orders shall be issued by the court unless the parent or guardian of the child has been served or the court is satisfied that reasonable efforts to serve such parent or guardian have failed.

(4) Nothing in subsection (2) prevents a child on whose behalf an application for a protection order is made by a representative from being heard in the proceedings, and where the child expresses views on the need for and outcome of the proceedings, the court shall take account of those views to the extent that it thinks fit, having regard to the age and maturity of the child.

(5) Subject to sections 10 and 11, a minor who has attained the age of eighteen years may, with the leave of the court, make the application on his her own behalf, without a next friend or guardian ad litem, and orders may be made on the application, and enforced, as if the minor were of full age.

[...]

19. Contents of protection order.

(1) A protection order may direct that a respondent shall not do any one or more of the following—

(a) physically or sexually abuse or threaten to abuse the protected person; [...]

(c) engage, or threaten to engage, in behaviour including intimidation or harassment, which amounts to psychological abuse of the protected person;

(d) encourage any person to engage in behaviour against the protected person where the behaviour, if engaged in by the respondent would be prohibited by the order;

(e) engage, or threaten to engage, in behaviour including intimidation, harassment or stalking which amounts to emotional, verbal or psychological abuse of the protected person; [...]

(g) engage, or threaten to engage, in cultural or customary rites or practices that abuse the protected person. [...]

LESOTHO

Marriage Act, 1994

25. (1) No marriage officer shall solemnize a marriage between parties of whom one or both are minors unless the consent of the party or parties which is legally required for the purpose of contracting the marriage has been granted and given to him in writing:

Provided that for purposes of this subsection a minor does not include a person who is under the age of twenty-one years and who has previously contracted a valid marriage which has been dissolved by death or divorce.

(2) Subject to other provisions of this Act relating to the giving of consent in respect of a marriage of a minor, the consent of the parents or guardian of that minor shall be furnished to the marriage officer in writing: Provided that –

(i) When the parents of a minor disagree the consent of the father shall be sufficient: and

(ii) when a minor is illegitimate the consent of the mother or other lawful guardian only shall be required. [...]

26. (1) If a District Administrator is, after proper enquiry, satisfied that a minor who is resident in the district or area in respect of which he holds office has no parent or guardian or is for any good reason unable to obtain the consent of his parents or guardian to enter into a marriage such District Administrator may in his discretion grant written consent to such minor to such minor to marry [...], but

such District Administrator shall not grant his consent if one or the other parent of the minor whose consent is required by law or his guardian refuses to grant consent to the marriage.

(2) A District Administrator shall, before granting his consent to a marriage under subsection (1), enquire whether it is in the interest of the minor in question that the parties to the proposed marriage should enter into an antenuptial contract, and if he is satisfied that such is the case he shall not grant his consent to the proposed marriage before such contract has been entered into, and shall assist said minor in the execution of the said contract. [...]

(4) If the parent, guardian or District Administrator in question refuses to consent to a marriage of a minor, such consent may on application be granted by a judge of the High Court: Provided that a judge shall not grant such consent, unless he is of the opinion that such refusal of consent by the parent, guardian or District Administrator is without adequate reason and contrary to the interests of such minor.

27. (1) No boy under the age of eighteen years and no girl under the age of sixteen years shall be capable of contracting a valid marriage except with the written permission of the Minister, which he may grant in any particular case in which he considers such marriage desirable. [...]

37. Any marriage officer who knowingly solemnizes a marriage in contravention of the provisions of this Act shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred rand or, in default of payment, to imprisonment for a period not exceeding one year or to both such fine and imprisonment.

LIBERIA

Children's Law, 2011

ARTICLE I: Establishment, Title and Definitions

Section 3. In this Law, unless the context otherwise requires: [...]

- Child shall mean any person below the age of 18 years; [...]

Article VI: The Child's Responsibilities, Culture, and Tradition

Section 4 No person or society shall subject a child to any of the following practices:

(a) marrying any person when she or he is still under the age of 18;

(b) betrothing a child into marriage or a promise for marriage; [...]

ARTICLE XII: Miscellaneous

AN ACT TO AMEND SECTIONS 14, 16, 17 and 18 OF THE PENAL LAW, TITLE 26, LIBERIAN CODE OF LAWS REVISED AND TO ADD THERETO A NEW SECTION 20

Section 3. Chapter 16 of the Penal Law is amended in section 16.6 by substituting section 16.6 and adding other subsections as follows: [...]

16.15 Subjecting a Child to Harmful Practices

A person commits a felony of second degree if she or he subjects a child to any of the following practices:

- (a) facilitating the marriage to any person when she or he is still under the age of 18;
- (b) forcing a child to marry another person
- (c) betrothing a child into marriage or a promise for marriage; [...]

[Domestic Relations Law, 1973](#)

Sub. § 2.2. Marriageable age.

1. Age of legal consent: Males; females. Every male person who has attained the full age of 21 years and every female who has attained the full age of 18 shall per se be capable of contracting marriage and a marriage license may be issued to such persons if otherwise competent.

2. Under age of legal consent and above 16 years. If a male applicant for a marriage license is between the age of 16 years and under 21 years of age, or if a female applicant is between the age of 16 years and under 18 years of age, although otherwise competent, no license shall be issued without the consent of his or her parents or guardian, or of the parent or person standing in loco parentis having the actual care, custody and control of said applicant, given in writing before the registrar of marriages under oath, or certified under the hand of such parents, guardian, or persons in loco parentis and properly verified by affidavit or affirmation before a notary public or other official authorized by law to take affidavits, which certificate shall be filed of record in the office of said registrar at the time of application for said license. If there is no parent, guardian or person in loco parentis having the actual care, custody and control of such applicant, then the judge of the court having probate jurisdiction in the county, territory or chartered district where the application is pending may, after hearing and upon proper cause shown, make an order allowing the marriage of such applicant, a certified copy of which shall be filed of record in the office of the registrar before whom the application is pending prior to the issuance of the marriage license applied for.

3. Marriage of persons under 16 years. A marriage in which either of the parties is under 16 years of age is hereby prohibited. No license therefor may be issued regardless of circumstances.

[...]

Sub. § 6.1. Void marriages. The following marriages are void and even without a judicial declaration thereof are of absolutely no effect, notwithstanding that an action to declare their nullity may be maintained: [...]

(c) Minors below 16 years of age. A marriage in which either of the parties is under the age of 16 years.

Sub. § 6.2. Prohibited marriages contracted abroad to circumvent laws of this Republic are void. [...]

Sub. § 6.3. Who may maintain action to declare nullity of a void marriage. An action to declare the nullity of a void marriage may be maintained by either of the parties during the lifetime of the other, or by the survivor of them, and after the death of either or both of the parties, by any relative or representative of their estates who has an interest in obtaining a declaration of the nullity of such marriage, and in the event a party to the marriage is a minor, during minority, and in addition to the minor, such action may be maintained by either parent of the minor, or by the guardian of the minor's

person, or the court may allow the action to be maintained by any person as the next friend of the minor. [...]

Sub. § 7.1. Voidable marriages. Subject to the provisions of section 7.2 a marriage is voidable and shall be declared void ab initio from the time its nullity is declared by a court of competent jurisdiction, if it is established that at the time of the marriage either party thereto had any of the following disabilities: (a) Was under the age of legal consent, which is 21 years for males and 18 years for females, and the consent required by section 2.2(2) was not obtained, provided that such nonage shall not of itself constitute an absolute right to the annulment of such marriage, but such annulment shall be in the discretion of the court which shall take into consideration all the facts and circumstances surrounding such marriage; [...] (d) Consented to such marriage by reason of force, duress or fraud.

Sub. § 7.2. Who may bring an action for annulment and limitations thereon. 1. Party under age of legal consent. An action to annul a marriage on the ground that one or both of the parties, though of the age of 16 years or over at the time of the marriage, had not obtained the consent required by section 2.2(2), may be maintained by the party involved, or by either parent of such party, or by the guardian of the such party's person, or the court may allow the action to be maintained by any person as the next friend of such party. But a marriage shall not be annulled under this paragraph at the suit of a party who was of the age of legal consent when it was contracted or by a party who for any time after he or she attained that age freely cohabited with the other party as husband and wife.

[Executive Order N. 92 on Domestic Violence, 2018](#)

Sec. 2 (m) (introducing domestic violence offences, including early or forced marriage); sections 4-5 (penalties for crimes of domestic violence).

LIBYA

[Law No.14 of 2015 \(Amending the Law on Marriage, Divorce, and their Consequences\)](#)

Article 6:

- a) Qualification for marriage is achieved upon reaching eighteen years of age.
- b) The court may authorize marriage before that age in cases of interest and necessity following permission from the guardian.

[Law Concerning Marriage, Divorce, and their Consequences, 1984](#)

Article 6: For legal capacity to marry, parties must be of age and sound mind. [...] The court shall have the right to permit marriage before this age is reached where it determines some benefit or necessity and after the agreement of the guardian. A person who marries in accordance with the two preceding paragraphs shall be eligible to act in everything connected with marriage and its consequences.

Article 7: The guardian in marriage shall be a male agnate according to the order of inheritance. It is stipulated that the guardian be of age and of sound mind. If two guardians are of equal degree then either may act as marriage guardian in the marriage provided they meet

the required conditions. If the nearest guardian is absent and the court deems that waiting for his opinion would be detrimental with regard to the marriage the guardianship shall pass to the next in the hierarchy. The court shall be guardian to a person who has no guardian.

Article 8: It shall not be permitted for a guardian to force a young man or woman to marry against their will. Likewise, it shall not be permitted for a guardian to prevent his ward from marrying a man whom she wishes as her husband. If there is a dispute between those acting as guardians in the affairs of the engaged couple with regard to the marriage, the contract shall not be concluded until a decision has been issued by the relevant court.

MADAGASCAR

[Law Relating to Marriage and Matrimonial Regimes, 2007](#)

Art. 3. - The marriage age is fixed at 18 years.

However, before this age and for serious reasons, without prejudice to criminal proceedings relating to offenses against morals, the President of the Court of First Instance may authorize the marriage, at the request of the father and the mother or of the person who exercises authority over the child and with their express consent as well as the child's.

Consent must be given before the President of the Court of First Instance and recorded in the judicial decision authorizing the marriage.

Art. 4. - Consent to marriage is not valid if it has been extorted by violence or if it has been given only as a result of error on an essential quality such that the other spouse would not have contracted if he had known the error.

Art. 11. - Before the celebration or the registration of the marriage, each of the spouses must submit, or send to the Civil Status Officer, a certified copy of his birth certificate issued less than six months prior and his certificate of celibacy issued by the Chief of Fokontany.

Art. 39. - Non-compliance with the provisions of Articles 5 and 7, gender identity, lack of consent as well as the celebration of a marriage in defiance of an opposition validated by a final decision entail the absolute nullity of the marriage.

MALAWI

[Constitution, 1994 \(as amended\)](#)

Section 22

[...]

4. No person shall be forced to enter into marriage.

5. Subsections (3) and (4) shall apply to all marriages at law, custom and marriages by repute or by permanent cohabitation.

6. No person over the age of eighteen years shall be prevented from entering into marriage.

[Marriage, Divorce and Family Relations Act, 2015](#)

Section 14

Subject to section 22 of the Constitution, two persons of the opposite sex who are both not below the age of eighteen years and are of sound of mind, may enter into marriage with each other.

MALI

[Family Code Law, 2011](#)

Article 281: The minimum age for marriage is eighteen years for men and sixteen for women. The Head of the administrative district may, nevertheless, by decision appealable before the civil court grant an exemption from age for serious reasons. This authorization can only be issued for future spouses who are at least fifteen years age. A copy of the waiver decision shall be attached to the marriage solemnization act.

Article 282: Any registrar or minister of religion who celebrates the marriage of a person who has not reached the required age, shall incur a prison sentence of six months to a year and a fine of 120,000 francs.

Article 283: There is no marriage when there is no consent.

Consent is not valid if it has been extorted by violence or if it has been given only due to a mistake about the person.

It must be given orally and in person in front of the civil registrar by each of the future spouses. It is evidenced by the signature or, failing that, by the affixing of fingerprints at the end of the act. [...]

Article 284: The future spouse, in principle, cannot contract marriage, in the event of exemption from age, without the consent of his father and mother. In case of disagreement, the opinion of the father is sufficient.

In the event of death or impossibility for the father to express his will, the consent of the extended family council to the mother is sufficient.

Article 285: The future spouse recognized by his father or his mother cannot contract marriage, in case of exemption from the minimum age, without the consent of the parent who recognized it.

Article 286: The future spouse not recognized by his father and mother, or of unknown father and mother, may enter into marriage, in the event of an age exemption, only with the authorization of his guardian or with the special authorization of the head of the administrative district of his domicile. [...]

Article 287: The civil registrar who proceeds to the celebration of a marriage, without being assured that the consent exist, shall be subject to imprisonment from six months to one year, and to a fine between 25,000 and 120,000 francs, or to one of these two penalties.

Article 314: The marriage which was not celebrated in accordance with the formal requirements prescribed by this code or which was not celebrated before the competent public officer or minister of

religion, can be challenged at any time by all those who have an interest as well as by the public prosecutor, when they were not informed and no child was born.

MAURITANIA

[Personal Status Code, 2001](#)

Article 6: Any person of sound mind who is 18 years of age or older may marry. An incapacitated person may be married by her guardian "weli" if he sees an obvious interest.

Article 8: A marriage concluded by an incapacitated person without the permission of her guardian is only valid if approved by the latter or by a judge, as applicable.

Article 9: Guardianship (wilaya) is exercised in the interest of the woman. A woman cannot be married without her own consent and the presence of her guardian « weli ». The silence of a girl signifies consent.

Article 10: The guardian « weli » must be male, of sound mind and of majority. As relates to Muslim women, he must also be Muslim.

Article 11: Guardianship « wilaya » is exercised in the following order: the son or his son; the father or the testamentary guardian; the brother; the brother's son; the paternal grandfather; the paternal uncle; the paternal uncle's son, following the degree of relationship, the closest being preferred; the foster parent « Kafil »; the judge; any Muslim man.

Article 12: The guardian « Weli » can designate a person to conclude the marriage in his place. If the testamentary guardian or foster parent « Kafil » is a woman, she must designate a man to fulfil her duties. In both these cases, the designated replacement must fulfil the conditions in Article 10 above.

Article 13: If the guardian « weli » refuses for no good reason to authorize the marriage of the woman or the girl placed under his guardianship « wilaya », a judge can order him to authorize the marriage or, if he continues to refuse, can conclude the marriage himself.

Article 26: Marriage is validly concluded with the consent of the parties [...]

MAURITIUS

[Civil Code, 1990](#)

TITLE 5 - MARRIAGE

CHAPTER I – CONDITIONS AND QUALITIES TO CONTRACT MARRIAGE

Art. 144

No one can marry before the age of eighteen.

Art. 145

Nevertheless, a minor aged less than 18 but over the age of 16 years may enter into marriage with the consent of his father and mother or of the person exercising exclusive parental authority. The consent can be expressed in any form, in front of the civil status officer, the notary, or the person authorized to celebrate the marriage.

When the father and mother are absent, the judge in chambers may dispense from the observation of the minimum age requirement when it is in the interest of the minor.

Art. 146

When the judge in chambers is competent to provide dispensation from the age requirement, in accordance with paragraph 2 of article 145, all the interested parties can apply to the public prosecutor for the purpose of obtaining the dispensation.

The request is processed by the public prosecutor. If it appears well founded, the public prosecutor seizes the judge who pronounces it in accordance with article 145.

Art. 147

The dispensation from the age requirement pronounced by the judge in chambers exempts the minor from any other authorization; the latter can conclude the marriage contract without the authorization of his/her mother or father or any other family member.

Art. 148

The regime of legal communion is applied to all marriages contracted by a minor who benefitted from a dispensation from the age requirement, except when the judge declares otherwise after hearing the future spouses.

Art. 149

The marriage cannot be celebrated without consent. [...]

CHAPTER IV – NULLITY OF MARRIAGE

Art. 180

The marriage that was contracted without the free consent of both spouses, or of one of them, can only be challenged by the spouses, or the one whose consent was not given freely.

If there was an error on the person, or on the essential qualities of the spouse, the other spouse can request the nullity of the marriage.

Art. 181

With reference to article 180, the nullity cannot be pronounced if there has been continuous cohabitation for six months from the moment the spouse has acquired full freedom or has become aware of the mistake.

Art. 182

The marriage contracted by a minor in violation of articles 144 to 146 can be challenged by all interested individuals including the public prosecutor and the minor himself/herself.

Art. 183

The action of nullity under Art. 182 cannot be initiated by those who have expressly or implicitly consented to the marriage, or after one year has passed from the moment they became aware of the marriage, without them having taken any action.

No action can be taken also when six months have passed from the moment the spouse has turned 18 years old, or when the wife has conceived before the six months have passed.

Art. 184

All marriages contracted in violation of articles 149 [...] can be challenged by the spouses, by any interested party or by the public prosecutor. [...]

[Civil Status Act, 1982](#)

27. Marriage by authorised person

(1) Any authorised person shall ensure, in respect of every marriage he celebrates, that the requirements of the Code Civil Mauricien and of section 20 (1) (a) and (b) are complied with.

28. Marriage by unauthorised person

[...]

(2) On receipt of notification under subsection (1), the Registrar of Civil Status shall designate an officer to attend to the marriage ceremony and inform the person who gave notice under subsection (1) of the designation of the officer.

(3) An officer designated under subsection (2) shall— (a) ensure, in respect of the marriage, that the requirements of the Code Civil Mauricien and of section 20 (1) (a) and (b) are complied with; [...]

64. Offences by authorised persons

Any authorised person who makes an entry on a loose sheet or registers a marriage otherwise than in conformity with this Act shall commit an offence and shall, on conviction, be liable to a fine not exceeding 2,000 rupees and to imprisonment for a term not exceeding 2 years.

MOROCCO

[Family Code, 2004](#)

Article 19

Men and women acquire the capacity to marry when they are of sound mind and have completed eighteen full Gregorian years of age.

Article 20

The Family Affairs Judge in charge of marriage may authorize the marriage of a girl or boy below the legal age of marriage as stipulated in preceding Article 19, in a well-substantiated decision explaining the interest and reasons justifying the marriage, after having heard the parents of the minor who has not yet reached the age of capacity or his/her legal tutor, with the assistance of medical expertise or after having conducted a social enquiry. The decree granting the petition to marry for a minor who has not reached the age of legal capacity for marriage is not open to appeal.

Article 21

The marriage of a minor is contingent on the consent of his/her legal tutor. The legal tutor's consent is expressed by signing, along with the minor, the marriage authorization petition and being present during the conclusion of the marriage contract. If the minor's legal tutor refuses to consent, the Family Affairs Judge rules on the matter. [...]

MOZAMBIQUE

[Prevention and Fight of Premature Unions Law, 2019](#)

CHAPTER I

General Provisions

Article 1 (Purpose of the law)

The present law aims to establish the legal regime applicable to the prohibition, prevention, mitigation of premature unions and penalization of their authors and accomplices, as well as the protection of children who are or were in these unions.

Article 2 (Definition of premature union)

(1) A premature union is a union between persons, at least one of whom is a child, formed for the immediate or future purpose of starting a family.

(2) Marriage, engagement, de facto union or any relationship that is comparable to a conjugal relationship, regardless of its regional or local designation, involving a child, are considered premature unions under the terms of this law.

Article 4 (Objectives)

The objectives of this Law are:

- (a) to prevent the occurrence of premature unions;
- (b) to prevent unions with or between children;
- (c) to adopt measures to terminate existing premature unions;
- (d) to define criteria for the protection of rights acquired by the child in a premature union and their eventual children;
- (e) to define the responsibilities of the Government in adopting mechanisms to mitigate the negative effects of premature unions.

Article 5 (Fundamental principles)

This law is governed, among others, by the following fundamental principles:

- a) the protection of children against premature unions;
- b) the establishment of a minimum age of eighteen years for unions with the immediate or future purpose of starting a family, without any exceptions;
- c) the irrelevance of the child's consent to the premature union;
- d) the best interests of the child
- e) the participation of the child in decision-making about his/her life
- f) free access to services provided by the State, related to the application of this law

CHAPTER II

Prohibition of premature unions and prevention and mitigation measures

SECTION 1

Prohibitions and their effects

Article 7 (Age of union)

The union between two persons formed for the immediate purpose of founding a family, is only permitted for those who have attained the age of eighteen years at the time of the union.

Article 8 (Prohibition of celebration)

No authority, whether administrative, traditional, local or religious, shall legitimize, in any manner and within the scope of its functions, the formation of a union for the immediate or future purpose of forming a family, in which one or both persons are children.

Article 9 (Requirement of confirmation)

1. Any competent authority requested to formalize, or, in any way, to legitimize the union with the future or immediate purpose of constituting a family, must previously request the presentation of a document proving the age of the people who intend to unite.

2. In cases where persons wishing to join together declare that, for some reason, they do not have a document proving their age, the authority must ensure that their age is proved by other legal means, or resort to alternative means that are not prohibited by law, provided that, on the basis of common experience, knowledge, local customs and customs, they are capable of reliably proving the age of applicants

[...]

Article 11 (Property Effects)

(1) Assets acquired by the child during the premature union cannot be transferred [...]

(2) Assets acquired by an adult during a premature union for valuable consideration are common property.

(3) In the event of termination of the early partnership, the common property shall be divided into two thirds for the child and one third for the adult.

(4) When a premature union ceases, the person who, as an adult, has committed an unlawful act against the child that could justify divorce under the terms of the Family Law loses right to his/her portion of the common property, leaving it in its entirety to the child.

(5) The provisions of numbers 1 to 4 of the present article are not applicable to the premature union of children, in which case the Family Law regime shall apply.

(6) For patrimonial purposes, the community of acquired property regime shall apply to pre-existing premature unions that cease to exist under this law.

Article 12 (Cessation of child marriage)

1. Early marriage ceases upon dissolution or annulment under the terms of the Family Law, with the exception contained in number 2 of this article.

2. In addition to the spouses, the guardian of minors, the father, the mother, the stepfather, the stepmother, the guardian or other legal representative or any other relative in direct line have the legitimacy to obtain annulment.

3. The irregularity is considered remedied and the marriage valid from the moment of its celebration if the non-nubile minor has completed eighteen years of age, expressly declares and before the competent authority that he intends to maintain it, in which case the present law

Article 13 (Cessation of other unions)

1. All other premature unions are terminated by judicial decision at the request of the guardian of minors, the child or adult of the union, the father, mother, stepfather, stepmother, guardian or other legal representative, any other relative up to the third degree in the collateral line

2. The provisions of number 3 of article 12 of this law shall apply to the premature union referred to in number 1 of this article.

[...]

Article 19 (Remittance to criminal procedure)

When the process reveals evidence of a criminal offence, the judge, of his own motion or at the request of the Curator of Minors, orders the extraction of copies or certificates, which are sent to the Public Prosecutor's Office, for the purposes of criminal proceedings.

SECTION 3

Precautionary Measures to Mitigate Premature Unions

Article 20 (Precautionary Measures prior to premature union)

1. If there is a well-founded suspicion that a union involves a child, the judge may, at the request of the guardian of minors or the interested party who has legitimacy, take the following precautionary measures:

a) unconditionally suspend the engagement that is to take place, or make the continuation of it depend on proof, by a document with legal force or by any other legally recognized criterion, of the age of the bride and groom, of all or of one, as the case may be

b) prevent the continuation of the investigation of the marriage process, or make its follow-up depend on unequivocal evidence, under the terms of the law, of the age of the spouses, all of them or just one, as the case may be

c) make it depend on the proof, under the terms of the law, of the age of the people to be joined, in all other cases of union

d) when there is no document proving the age with legal force, instruct on specific procedures to be observed for its supply, under the terms of number 2 of article 9 of this law

e) prevent the union for a determined period not exceeding three years, in cases where neither by document nor by any other legally recognized criterion it is possible to determine the age of the parties

f) oblige any person, public servant, religious, traditional or local authority to testify or provide information, including documents, that ensure a careful decision on the pending process

2. The decision on the precautionary measure is notified with the express mention that its non-compliance implies disobedience

Article 21 (Precautionary measures after the union)

If there is a union involving a child, the judge may, at the request of the curator of minors or whoever has legitimacy:

a) suspend the effects of the engagement until the age of the bride and groom is definitively proven

b) prevent contact between the bride and groom during the period of suspension of the engagement, or establish specific conditions on the circumstances in which contact may take place,

[...]

f) immediately decide on the custody of children born from premature union and the provision of alimony

g) arrange for the safe return of the child to the custody of the parents, guardian, foster family or to the person legally authorized in the custody of the child, provided that they have not in any way consented, encouraged or instigated the union

h) affect the child in an institution intended for the shelter, care and support of victims of premature union, when, by the circumstances, it is concluded that the child was exposed in an environment that was harmful to their health

i) order the provision of a bond by means of a judicial deposit for compensation, in cases where, being one of the adult parties, and through the latter's fault, the child has suffered damage to their health or property

j) temporarily inhibit the exercise of parental power, remove the guardian or withdraw custody of the child, when, by a sentence, even if not final, it is proven that in any way they favored the union of the child

Article 22 (Child in Need of Special Protection)

For the purposes of item "e" (1) of article 14 of the present Law, a child in the union is in need of special and urgent protection when any of the following circumstances occur:

(a) [the child] is a victim or is at risk of becoming a victim of violence perpetrated either by the partner in the union or any other person, so long as it is on account of the union;

b) [the child] demands treatment to preserve or restore his/her health and is deprived of access to the respective services, regardless of who deprives her/him of them;

c) because of the union, [the child] has a way of life or behaves in a way that is harmful to their health, without the parents, guardians, or those who exercise equivalent powers providing for their protection;

d) [the child] lives with a person accused, convicted of, or sentenced for, a crime against her;

e) there is a well-founded fear that the child will be used to commit crimes or in activities that threaten his/her safety or health.

[...]

CHAPTER III

Criminal Offenses

Section 1

Crimes related to early engagement

Article 25 (Child engagement)

1. The adult who, by himself or through an intermediary, gives in engagement a child knowing his age, shall be punished with imprisonment for up to two years.

2. When the engagement is signed by a third party, without the adult groom's knowledge, he will be punished with the same penalty if, having knowledge that the engagement involves a child, he still expressly ratifies it or performs acts that demonstrate that he accepts it.

[...]

Article 28 (Celebration by gift or promise of advantage)

(1) When the cause of the celebration is the receipt by the public servant, the religious, traditional or local authority of any kind of advantage or promise of advantage, this shall be punished by imprisonment for a term of two to eight years, the actual term may not be less than four years.

(2) The same penalty shall apply if the public official, or the religious, traditional, or local authority celebrates the marriage to satisfy any will or conviction, whether religious, moral, spiritual, cultural or otherwise.

[...]

Article 30 (Union with child)

The adult, regardless of their marital status, who joins with a child will be punished with imprisonment from eight to twelve years and a fine of up to two years.

Article 31 (Aiding marriage with child)

Anyone who collaborates for the union with a child to take place, or who in any way contributes to this producing its effects, provided that he is aware that the union involves a child, will be punished with imprisonment of up to one year and a fine.

Article 32 (Child delivery as an exchange, payment or gift)

1. Without prejudice to a more serious penalty, if there is any, the prison sentence of eight to twelve years will be applied to whoever delivers a child for union:

a) in exchange for some good or value, for payment of debt or as a guarantee of this

b) in fulfillment of a promise or of any obligation or guarantee of this

c) as a gift or for any other purpose contrary to the law

2. The same penalty will be applied to whoever receives the child delivered under the terms and for the purposes indicated in number 1 of this article.

Article 33 (Authorization and incentive for a union)

1. The father, mother, guardian, stepfather, stepmother, any other direct relative and any relative up to the third degree in the collateral line, the guardian of the child, or the person who, in good faith, has the child in his dependence, or has power equivalent to parental or guardianship [power] over him, and authorizes or obtains authorization for a union, shall be punished with imprisonment from two to eight years and a fine of up to two years, if more serious does not fit

2. When the authorization referred to in number 1 of this article is intended for the engagement, the maximum limit of the respective penalty will be reduced to half of its maximum duration.

Article 34 (Coercion to union)

1. The father, mother, guardian, brother, stepfather, stepmother, any other relative in the direct line and up to the third degree of the collateral line, the guardian, or the person who, in good faith, if the child is dependent on him or has a power comparable to that of parental or guardianship over him, compels the child, by threat or vehement intimidation, to accept the union, shall be punished with a penalty of two to eight years in prison.

2. When the threat or intimidation is made by the agent due to disrespect to himself or his family, or due to the child's pregnancy, or for any other fact considered dishonorable, practiced by the child, or by a third party against him, the penalty shall never be less than half of its maximum duration

3. When the threat or intimidation comes from a public servant, religious, traditional or local authority, and whatever its basis, the author will be punished with a penalty of two to eight years in prison, unless there is a more serious penalty.

Article 35 (Repudiation and rescue of the child)

It shall be exempt from penalty, provided that there has been no sexual contact, or other harm to the health or property of the child:

- (a) the one who, after consenting to the union, has repudiated it;
- (b) the one who, having consented to the union, rescues the child;
- (c) the one who, having received the child, returns it to the one who has legal custody or to the competent authorities.

Article 36 (Omitting to rescue)

The father, mother, guardian, brother, stepfather, stepmother, any other direct relative, any relative up to the third degree of the collateral line or the person who, in good faith, has the child in their dependence or exercises power equivalent to parental or guardianship over her, and having knowledge of the premature union, does not take her back or fails to report it to the competent authority, shall be punished with imprisonment for up to two years and a corresponding fine.

Article 37 (Aggravating factor for deprivation of the rights of the child)

The penalties for delivering or receiving the child for a union will be increased in their minimum to a measure not less than three years if, as a result of the delivery or receipt, the child is deprived of the enjoyment or exercise of any right inherent to his condition.

Article 38 (Violence against children)

1. Unless a more serious penalty is applicable, the penalty of imprisonment and corresponding fine will be applied to the adult who, voluntarily, during or after ceasing the relationship:

- a) bodily harm or cause any physical harm to the child
- b) psychologically offends the child, through threats, words, insult, defamation or slander
- c) imputes offensive fact to the child's honor and character, whether in writing, published drawing or any other means of publication
- d) prevents the child from moving around or contacting other people, restraining him/her in the domestic or any other space

2. In the case of serious physical violence, the provisions of the Penal Code will apply, but the minimum limit of the penalty will always be increased by six months.

Article 39 (Child rape)

1. The crime of rape, when committed against a child, during the union, will be punished with imprisonment from twelve to sixteen years, if a more serious penalty is not applicable, under the terms of the general law

2. If the act results in the transmission of a disease or a sexually transmitted infection, the immediately superior penalty will be applied in the general terms of the criminal law, provided that the perpetrator is an adult and knows his infectious state.

Article 40 (Sexual acts with the child)

1. If, as a result of the union, there is sexual contact between the adult and the child, provided that violence is not proven, the adult will be punished with a prison sentence of two to eight years and a fine of up to two years, unless a more serious penalty is not applicable. , under the general law

2. If the act results in pregnancy or contagion with a sexually transmitted disease or infection, the immediately superior penalty will be applied under the general terms of the criminal law.

[...]

Article 43 (Public nature of infringements)

(1) The crimes provided for in this Law shall be public.

(2) The interested parties with legitimacy to request the declaration of invalidity of the union, have legitimacy to constitute themselves as joint parties according to the general terms established by the procedural law.

[Family Law, 2019](#)

Article 21 (Ineffectiveness of the marriage commitment):

(1) A contract by which, by way of espousals, betrothal or any other, two persons of different sexes undertake to enter into marriage shall not entitle them to demand the celebration of the marriage, nor to claim, in the event of non-fulfillment, damages other than those provided for in article 24 of this Law, even when resulting from a penal clause.

(2) The promise of marriage is null and void if any of the promissory parties is under eighteen years of age.

Article 28 (Preliminary process of religious marriage):

(1) The matrimonial capacity of the spouses is proven by means of a preliminary publication process, organized at the civil registry offices at the request of the spouses or the religious dignitary, according to the terms of the registry law.

(2) The consent of parents, legal representatives or guardian, concerning the minor spouse, may be given in the presence of two witnesses before the religious dignitary, who draws up a record of the occurrence and signs it for all the intervening parties.

Article 32 (Absolute restraining impediments): The followings are absolute impediments that prevent the marriage of the person with any other:

a) the age of less than eighteen. [...]

Article 34 (Impediments): The followings are impediments, besides others designated by special laws:

[...]

f) the opposition of the minor's parents or guardian.

Article 39 (Exemption):

[...]

(3) The following are compelling reasons to grant an exemption, the pregnancy of the intending spouse, provided that both spouses wish to get married, and when there is opposition from the parents or guardian of the minor spouse due to proven abuse of rights.

Article 41 (Opposition of parent or guardian):

(1) When he or she has not given his or her consent, any of the parents, legal representative or guardian of the minor bride or groom may deduce opposition under the terms prescribed in the civil registration legislation.

(2) Once the opposition has been made, the marriage can only be celebrated if the Juvenile Court deems it unjustified.

Article 43 (Actuality of mutual consent)

The will of the bride and groom is only relevant when manifested in the very act of celebrating the marriage.

Article 60 (Causes of nullity): The marriage is annulable when:

- a) contracted with any imposing impediment, with the exception of that foreseen in paragraph c) of article 32 of this Law;
- b) contracted, on the part of one or both of the spouses, with lack of will or with the will vitiated by mistake or coercion; [...]

Article 62 (Validation of marriage):

(1) The irregularity is deemed corrected, and the marriage is considered valid, from the moment of celebration, if any of the following occurs before the judgment of annulment becomes final and unappealable:

- a) the marriage of a non-nuptial minor is confirmed by him/her before the civil registrar and two witnesses, after reaching the age of majority or being emancipated; [...]

Article 64 (Annulment due to lack of will)

A marriage is voidable for lack of will when:

[...]

- c) the declaration of will has been extorted by physical and/or moral coercion;

[...]

Article 71 (Annulment based on legal impediment)

1. The action for annulment based on a direct impediment must be initiated:

- a) in cases of minority, interdiction or disqualification for psychic anomaly, when proposed by the person incapacitated, within six months from when he/she has reached the age of majority, is fully emancipated or from when the ban or disqualification is lifted;

When proposed by another person, within one year, counting from the date of celebration of the marriage, but never after the age of majority, full emancipation or termination of incapacity occurred;

[...]

Article 77 (Marriage of minors)

1. The minor who marries with opposition from the parents or guardian, being able to do so, or without waiting for the court's favorable decision in case of opposition, continues to be considered a minor as to the administration of property that he/she brings to the marriage or subsequently accrued to him/her by way of gratuitous title, until the age of majority or full emancipation, but from the income of such property, shall be taken what is necessary for his/her maintenance [...].

NAMIBIA

Married Persons Equality Act, 1996

24. Section 26 of the Marriage Act, 1961, is hereby amended by the substitution for subsection (1) of the following subsection: “(1) No boy or girl under the age of 18 years [and no girl under the age of 15 years] shall be capable of contracting a valid marriage except with the written permission of the [Cabinet] Minister or any [officer] staff member in the [Government Service] Public Service authorized thereto by the [Cabinet] Minister, which [it or] he or she may grant in any particular case in which [it or] he or she considers such marriage desirable: Provided that such permission shall not relieve the parties to the proposed marriage from the obligation to comply with all other requirements prescribed by law: Provided further that such permission shall not be necessary if by reason of any such other requirement the consent of a judge or court having jurisdiction in the matter is necessary and has been granted.”.

Guardianship of minor children of a marriage

14 (2) Where both the father and the mother have guardianship of a minor child, each one of them is competent, subject to any order of a competent court to the contrary, to exercise independently and without the consent of the other any right or power or to carry out any duty arising from such guardianship: Provided that, unless a competent court orders otherwise, the consent of both parents shall be necessary in respect of –

(a) the contracting of a marriage by the minor child; [...]

Child Care and Protection Act, 2015

Age of majority 10. (1) A person attains the age of majority on attaining the age of 18 years. [...]

(10) Despite subsection (1), a person who is under the age of 21 years requires the consent of his or her parents or guardian to enter into a marriage, unless that person has been previously married or emancipated by an order of court. [...]

Harmful social, cultural or religious practices 226. (1) A person may not subject a child to social, cultural and religious practices which are detrimental to his or her well-being.

(2) A person may not give a child out in marriage or engagement if such child does not consent to the marriage or engagement or is below the minimum age for marriage contemplated in section 24 of the Marriage Act, 1963 (Act No. 25 of 1961).

(3) A –

(a) child requires the consent of the minister responsible for home affairs in order to marry; and

(b) person below the age of 21 years also requires the consent of his or her parent, parents or guardian in terms of section 10(10) of this Act in order to marry.

(3) A person who contravenes subsection (1) or (2) commits an offence and is liable on conviction to a fine not exceeding N\$50 000 or to imprisonment for a period not exceeding ten years or to both such fine and such imprisonment.

(4) The Minister may, after consultation with interested parties including traditional leaders, by regulation prohibit any social, cultural or religious practice, including but not limited to any form of sexual initiation, which, in the Minister’s opinion, may be detrimental to the well-being of children.

(5) A regulation contemplated in subsection (4) may provide that any person who contravenes or fails to comply with a provision of a regulation, commits an offence and is liable on conviction to a fine not exceeding N\$10 000 or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment.

NIGER

Civil Code, 2005

Article 144: The man before the age of 18, the woman before the age of 15 may not contract marriage.

Article 145: Nevertheless, the President of the Republic may at his discretion grant age exemptions for serious reasons.

Article 148: Minors cannot contract marriage without the consent of their father and mother; in case of disagreement between the father and the mother, the disagreement entails consent.

Article 156: The civil status officers who have celebrated the marriage of boys or girls who are not yet twenty-one years old without the consent of the father and mother, grandparents, family council, when requested, being pronounced in the marriage act, shall be condemned to the fine in article 192 of the Civil Code on request by the interested parties or the public prosecutor of the first instance court of the place where the marriage was celebrated.

Article 158: A legally recognized illegitimate child who has not reached the age of twenty-one may not contract marriage without having obtained the consent of his/her father or mother who recognized him, or both if he has been recognized by both.

In the event of disagreement between the father and the mother, consent is implied.

If one of them is dead or if it is impossible for either one to manifest his/her will, the consent of the other will suffice; the provisions contained in paragraphs 3, 4 and 5 of article 149 are applicable to natural children who are minors.

Article 184: All marriages contracted by contravening the provisions in articles 144, 146, 147, 161, and 162 may be challenged by the spouses themselves, any interested party, as well as the public prosecutor.

Article 185: However, the marriage contracted when the spouses, or one of them, had not yet attained the [required] age, cannot be challenged: 1) after 6 months have passed from the moment the spouse or spouses have reached the required age; 2) when the woman, who did not yet have the required age, has given birth within six months.

Article 190: The public prosecutor, in all cases in which article 184 is applicable, and by considering article 185, shall request the nullity of the marriage during the life of the spouses, and may request that they be condemned to separate.

Article 388: The minor is the person [...] who has not yet reached the age of 21 years.

NIGERIA

[Child Rights Act, 2003](#)

21. No person under the age of 18 years is capable of contracting a valid marriage, and accordingly, a marriage so contracted is null and void and of no effect whatsoever.

22. (1) No parent, guardian or any other person shall betroth a child to any person.

(2) A betrothal in contravention of subsection (1) of this section is null and void.

23. A person—

(a) who marries a child, or

(b) to whom a child is betrothed, or

(c) who promotes the marriage of a child, or

(d) who betroths a child,

commits an offence and is liable on conviction to a fine of N500,000; or imprisonment for a term of five years or to both such fine and imprisonment.

[Marriage Act, 1914 \(as amended\)](#)

Consent of marriage in certain cases necessary

18. Consent to marriage of minors

If either party to an intended marriage, not being a widower or widow, is under twenty-one years of age, the written consent of the father, or if he be dead or of unsound mind or absent from Nigeria, of the mother, or if both be dead or of unsound mind or absent from Nigeria, of the guardian of such party, must be produced annexed to such affidavit as aforesaid before a license can be granted or a certificate issued.

[...]

20. Consent where no parent or guardian capable of consenting

If there be no parent or guardian of such party residing in Nigeria and capable of consenting to the marriage, then any of the following persons may consent to such marriage, in writing, upon being satisfied after due inquiry that the marriage is a proper one - [14 of 1932. L.N. 47 of 1955. L.N. 112 of 1964.]

(a) a Governor;

(b) a judge of the High Court of the State or of the Federal Capital Territory, Abuja;

(c) any officer of or above the grade of assistant secretary.

40. Making false declarations, etc., for marriage

Whoever in any affidavit, declaration, certificate, license, document, or statement by law to be made or issued for the purposes of a marriage, declares, enters, certifies or states any material matter which is false, shall, if he does so without having taken reasonable means to ascertain the truth or falsity of such matter, be liable to imprisonment for one year, or shall, if he does so knowing that such matter is false, be liable to imprisonment for five years.

42. Unlawfully performing marriage ceremony

Whoever performs or witnesses as a marriage officer the ceremony of marriage, knowing that he is not duly qualified so to do, or that any of the matters required by law for the validity of such marriage has not happened or been performed, so that the marriage is void or unlawful on any ground, shall be liable to imprisonment for five years.

[Matrimonial Causes Act, 1970](#)

3. Void marriages and prohibited degrees of consanguinity

(1) Subject to the provisions of this section, a marriage that takes place after the commencement of this Act is void in any of the following cases but not otherwise, that is to say, where-

[...]

(d) the consent of either of the parties is not a real consent because--

[...]

(e) either of the parties is not of marriageable age.

RWANDA

[Civil Code, 1988](#)

Section 170:

Civil marriage is the voluntary union of a man and a woman in accordance with the provisions of this law. It is celebrated publicly by the registrar of the domicile of one of the fiancés or the residence of the future spouses.

Section 171:

The man and the woman, before twenty-one years of age, cannot contract a marriage. Nevertheless, before twenty-one years, for serious reasons, the Minister of Justice or his delegate may grant an age exemption.

[Law Governing Persons and Family, 2016](#)

Article 168: Marriageable age

The minimum legal age for marriage is twenty-one (21) years.

Article 193: Causes of absolute nullity of marriage

Causes of absolute nullity are only provided for by this Law and if they are justifiable, the court orders the nullity of marriage. The causes are as follows:

1° marriage entered into when either spouse is under the age of twenty-one (21); [...]

[Law Relating to Rights and Protection of the Child Against Violence, 2001](#)

Section 6. CRIMES OF GIVING A CHILD FOR PREMATURE OR FORCED MARRIAGE

Article 47

Any conjugal living-together of a boy and girl where one of the two or both of them are below the age provided for in the Preliminary Title of Book I of the Civil Code, is considered premature marriage. Forced marriage is any marriage of a girl/boy of less than twenty one years and without his/her consent.

Article 48

Anybody who lives with or attempts to live with a child of less than eighteen years of age as a husband or wife, shall receive the same sentence as one who has committed child rape. In case that child is above eighteen years of age but less than twenty one, the person that lived with or attempted to live with the child contrary to article 47 of this law, shall be sentenced to imprisonment of between six months and two years and pay a fine of between fifty thousand and one hundred thousand francs.

Article 49

Anyone who will have played a role in child's premature or forced marriage shall be sentenced to imprisonment of between six months and five years and pay a fine of between twenty thousand and one hundred thousand francs.

Article 50

In case the person who has played a role in a child's premature or forced marriage is a parent or guardian of that child, he/she shall be sentenced to imprisonment of between one year and five years and pay a fine of between forty thousand and one hundred thousand francs.

[Penal Code, 2018](#)

Article 133: Child defilement

Any person who commits any of the sexual acts listed below on a child, commits an offence:

- 1) insertion of a sexual organ into the sexual organ, anus or mouth of the child;
- 2) insertion of any organ of the human body into a sexual organ or anus of a child;
- 3) performing any other act on the body of a child for the purpose of bodily pleasure.

Upon conviction, he/she is liable to imprisonment for a term of not less than twenty (20) years and not more than twenty-five (25) years.

If child defilement is committed on a child under fourteen (14) years, the penalty is life imprisonment that cannot be mitigated by any circumstances.

If child defilement committed on a child of fourteen (14) years of age or older has resulted into an incurable illness or disability, the penalty is life imprisonment.

If child defilement is followed by cohabitation as husband and wife, the penalty is life imprisonment that cannot be mitigated by any circumstances. [...]

SÃO TOMÉ AND PRÍNCIPE

[Constitution, 1975 \(as amended to 2003\)](#)

ART. 26: FAMILY, MARRIAGE AND RELATIONSHIPS

1. All have the right to form a family and to enter matrimony in conditions of full equality. [...]

[Family Law Act, 1997](#)

SECTION I

Of Marriage and Its Constitution

Article 2

1. Marriage is the union voluntarily contracted between a man and a woman, with legal capacity to do so, and with a view to living together.
2. The marriage will only produce legal effects when it is celebrated in accordance with the rules established by law.

Article 3

1. Men and women over 18 years of age may freely enter into marriage.
2. Notwithstanding the provisions of the previous number, exceptionally if there is justifiable cause, the parents, in the absence of these, the relatives who have parental authority, and also the Court, may authorize the marriage of persons under 18 years of age, provided that the woman has already completed 14 years of age and the man has completed 16 years of age.
3. This exceptional authorization is exercised by:
 - a) the father and mother jointly, or the one who holds the parental power exclusively
 - b) in the absence of parents, the maternal or paternal grandparents indistinctly, preferring those who live in the same domicile as the minor
 - c) the adopters, when the minor has been adopted
4. In the latter case, one or the other of the interested parties, or a brother or sister of legal age, with the consent of the guardian of minors, may request the competent Court to grant the required authorization, then the Court, hearing briefly the interested parties and taking into account the interests of society and the spouses, will decide what is considered best in the situation.

[Family Code, 2018](#)

CHAPTER III

Prerequisites for the celebration of the wedding

Section I

Marriage impediments

Article 20

Civilian Capacity

All those who do not have any of the marital impediments provided for in this Code have the capacity to contract marriage.

Article 22

Relative legal impediments

They are also relative legal impediments, preventing the marriage between people to whom they apply, the following:

[...]

d) age below 18 years.

Article 29

Declaration of impediments

1. Until the wedding is celebrated, anyone may declare the existence of impediments known to them.

2. The declaration is mandatory for the public prosecutor and the civil registry officials who are aware of the impediment.

[...]

Article 45

Marriages null and void

It is legally non-existent:

a) The marriage celebrated before someone who does not had functional competence for the act;

b) The marriage in which the declaration of consent of one or both of the spouses, [...] is missing; [...]

Article 49

Causes of voidability

The marriage is voidable when:

a) Contracted in the presence of some direct impediment;

b) Entered into by one or both spouses, with a lack of will or with a will vitiated by error or coercion; [...]

Article 50

Necessity of action for annulment

The annulment of the marriage shall not be invoked for any purpose, judicial or extrajudicial, so long as it is not recognized by a final sentence following an action specially brought to this end.

Article 51

Marriage validation

1. The voidability is considered resolved, from the moment of the celebration of the marriage, if before before the annulment decision becomes final, one of the following facts occurs:

a) The marriage of a minor is confirmed by the latter, before the official of the Civil Registry and two witnesses, after reaching the age of majority; [...]

SENEGAL

[Family Code, 1989](#)

Section 109 (Consent of parents)

The minor cannot contract marriage without consent of the person who exercises paternal power. This consent must include the designation of the two future spouses. It is given either by the declaration made before a civil registrar, before a justice of the peace or before a notary prior to the celebration of the marriage, or verbally during its celebration.

Article 111 (Sex and age)

Marriage can only be contracted between a man aged over 18 years and woman aged over 16 years except where the President the Regional Court has granted an age exemption for serious reasons following an inquiry.

Article 118 (Objections)

During the publication period, when a fact likely to constitute an impediment to marriage under articles 107 and 109 to 113 is brought to the knowledge of the competent civil status officer [...], this must postpone [the marriage] and must notify the public prosecutor within 48 hours.

The latter can either ask the civil registrar to proceed or oppose the marriage. The public prosecutor must oppose it an impediment is brought directly to his attention. [...]

The absence of opposition within one month from the notice given to the prosecutor allows the registrar to overrule. [...]

Article 119 (Litigation on opposition)

The dismissal of the opposition may be requested by the future spouse, even minors, who send a request for this purpose to the president of the court.

The grounds for the opposition can be proven by all means.

The president of the court decides within ten days. However, he may be exceptionally declare a suspension of the proceedings if verifications are deemed necessary. [...]

Section 138 (Cases of relative nullity)

Whether it has been celebrated by the civil registrar or noted by him or his representative, the nullity of the marriage shall be pronounced:

- 1) For defect in the consent of one of the spouses if his/her agreement was obtained by using violence or following an error;
- 2) For lack of authorization by the family; [...]

Section 141 (Case of absolute nullity)

Whatever the form of marriage, its nullity must be pronounced:

- 1) When it was contracted without the consent of one spouses;

[...]

- 3) When one of the spouses was underage, in the absence of an exemption; [...]

Article 276 (Definition)

A minor is a person of one or the other sex who has not yet attained the age of 18 years.

[Penal Code, 1965](#)

Section 173

When, for the validity of a marriage, the law prescribes the consent of father, mother or other persons, and the civil registrar did not verify the existence of such consent, he shall be punished with a fine between 25,000 and 60,000 francs and with imprisonment between six months and one year.

SEYCHELLES

[Civil Status Act, 1893 \(as amended\)](#)

Age of parties

40. A male person under the age of eighteen years or a female under the age of fifteen years cannot contract marriage. But the Minister may for grave causes authorise any person under the above age to contract marriage.

Consent

41. There is no marriage when there is no consent.

Marriage of legitimate minor, what consent necessary.

46. (1) A legitimate child who is under the age of eighteen years cannot contract marriage without the consent of his father. If the father is dead or incapable of manifesting his will or is absent from Seychelles or is on one of the Outer Islands, the consent of the mother shall be required and such consent shall be sufficient.

(2) If the father and mother of the minor are dead or incapable of manifesting their will or absent from Seychelles or are on one of the Outer Islands, the minor may marry with the consent of the judge.

Marriage of illegitimate minor, what consent necessary.

47. (1) A natural child who is under the age of eighteen years cannot contract marriage without the consent of the parent by whom he has been acknowledged or of both parents when he has been acknowledged by both. In the latter case if there is disagreement, the consent of the father will be sufficient: Provided that if the father has been refused the guardianship of the natural child the consent of the guardian shall also be required.

(2) When both parents have acknowledged the child and one of them is dead or incapable of manifesting his will or is absent from Seychelles or is on one of the Outer Islands, the consent of the other shall be sufficient.

(3) When both parents are dead or incapable of manifesting their will or are absent from Seychelles or are on one of the Outer Islands, or when the child has not been acknowledged, or when the child has been acknowledged by one parent who is dead or incapable of manifesting his will or absent from Seychelles or is on one of the Outer Islands, the consent of a judge shall be required and such consent shall be sufficient.

48. (1) The consent of a judge to a marriage may be given on the verbal application of the minor or of a friend in the presence of such minor. The judge may examine the minor or any person on oath touching any facts he may deem relevant to such application.

(2) The consent of the judge to the marriage shall be signified by a formal document under the signature of the judge, a copy of which, certified by the Registrar shall be transmitted to the Chief Officer of the Civil Status. Appeal from refusal of parent or guardian to give consent

49. (1) In case any parent or guardian whose consent is necessary to any marriage shall withhold his consent to any marriage, it shall be lawful for any person to whose marriage such consent is necessary to apply by petition to a judge, and upon such application being made, the judge may, after examining any person on oath touching any facts he may deem relevant to such application, declare that such marriage is proper and may be celebrated, and thereupon such marriage may be celebrated and shall be as valid as if the consent of such parent or guardian has been given thereto.

(2) The judge's decision shall be notified by the Registrar to the Chief Officer of the Civil Status. Marriage not rendered null and void for lack of consent of parent or guardian if the judge has given consent

50. No marriage shall be rendered null and void for the reason of lack of consent of any parent or guardian if in fact the consent of a judge to such marriage was given.

[...]

Conditions for validity of marriage

78. (1) No such marriage shall be celebrated unless:-[...]

(b) when the intended husband is under eighteen years of age or the intended wife is under eighteen years of age, the father or mother whose consent may be required under this Act has authorised the marriage in writing or given his consent by signing or marking the act. [...]

Penalty against officer for breach of provisions as to registration, etc

108. Any officer who – [...]

(d) celebrates a marriage without proof of the consent of the parents or other persons whose consent is required by law; [...]

shall be guilty of an offence and liable on conviction to a fine not exceeding five hundred rupees.

[Matrimonial Causes Act \(Chapter 124\)](#)

Art. 12 (1) (a) (grounds for nullity of marriage)

SIERRA LEONE

[Child Rights Act, 2007](#)

Article 34

(1) The minimum age of marriage of whatever kind shall be eighteen years.

(2) No person shall force a child –

(a) to be betrothed;

(b) to be the subject of a dowry transaction; or

(c) to be married.

(3) Notwithstanding any law to the contrary, no certificate, licence or registration shall be granted in respect of any marriage unless the registrar or other responsible officer is satisfied that the parties to the marriage are of the age of maturity.

Article 35

Any person who contravenes a provision of this Part commits an offence and shall be liable on summary conviction to a fine not exceeding thirty million leones or to a term of imprisonment not exceeding two years or to both such fine and imprisonment.

[...]

Article 46

(1) Subject to subsection (1) of section 34, no person or association shall subject a child to any of the following customary practices:

(a) early marriage;

(b) child betrothal.

(2) Any person or association that coerces a child to participate in any of the practices specified in subsection (1) shall be guilty of an offence punishable by a fine of not less than five hundred thousand leones or imprisonment for a term not exceeding one year or to both such fine and imprisonment.

[Registration of Customary Marriage and Divorce Act, 2009](#)

PART II - VALIDITY OF CUSTOMARY MARRIAGE

2. (1) Subject to this Act, a customary marriage, contracted after the coming into operation of this Act, shall be valid only if -

(a) both spouses are not less than eighteen years old and consent to the marriage; and

(b) the marriage is contracted in accordance with the customary law applicable to any of the spouses.

(2) Where, either of the prospective spouses, not being a widow or widower, is less than eighteen years, it shall be necessary for the parents to give consent to the marriage and if the parents are dead or unable for any reason to give such consent, then the consent may be given by the guardians of the prospective spouse or spouses to the marriage, as the case may be.

(3) If the consent of the parents or guardians cannot be obtained or is unreasonably withheld, a Magistrate or Local Government Chief Administrator of the locality in which the marriage is to take place may give his consent.

[...]

5. (1) A court may, on application, by order declare a customary marriage invalid on the grounds that either of the spouses is a minor.

(2) An application for an order under subsection (1) may be made by-

(a) either of the spouses to the marriage before the attainment of majority or within a reasonable time thereafter; or

(b) the guardian of a minor spouse, if he applies before the spouse attains majority and within a reasonable time of becoming aware of the existence of the marriage.

[...]

8. (1) Where a marriage has been contracted under customary law, either party to the marriage or both parties shall apply in writing to the local council for registration of the marriage.

(2) The application for the registration of a marriage entered into before the date of the coming into operation of this Act shall be made within six months of that date and in the case of a marriage entered into after that date, the application shall be made within six months after the marriage.

9. (1) An application for registration of a marriage shall be accompanied by a statutory declaration stating the following:-

(a) the names of the parties to the marriage;

(b) the place of residence of the parties at the time of the marriage; and

(c) that the conditions essential to the validity of the marriage in accordance with the applicable customary law have been complied with.

(2) The statutory declaration shall be supported by the parents or the guardians of the spouses but where there are no parents or guardians living at the time of the application, it shall be supported by a relative of each spouse not below the age of eighteen. [...]

11. (1) Any person who knows of any cause why the local council should not have registered the marriage or objects to the validity of the marriage under the applicable customary law may, at any time after the publication of the notice by the local council, file the grounds of his objection in the court.

SOMALIA

[Constitution, 2012 \(as amended\)](#)

Article 28. Family Care

[...]

5. No marriage shall be legal without the free consent of both the man and the woman, or if one or both of them have not reached the age of maturity.

[Family Law, 1975](#)

Article 16 Marriageable age

A person may freely contract marriage with the attainment of his/her 18th year of age. A woman who has attained the age of 16 years, but not 18, may contract marriage with the consent of her guardian. However the court, in cases of necessity, may exempt the contracting parties from the observance of the age limits.

Article 17 Guardian's consent

If the guardian refuses to give his consent to the marriage of his ward who has reached 16 years of age but not 18, the Judge or the person authorized by the Ministry of Justice and Religious Affairs shall assume the guardianship upon himself and shall perform the marriage according to her wishes.

[Penal Code, 1964](#)

Article 433 (2) (Abduction of persons under legal capacity – marriage exception).

SOUTH AFRICA

Children Act, 2005

Interpretation

1. (1) In this Act, unless the context indicates otherwise- [...]

“child” means a person under the age of 18 years; [...]

“marriage” means a marriage

(a) recognized in terms of South African law or customary law; or (b) concluded in accordance with a system of religious law subject to specified procedures [...]

Social, cultural and religious practices

12. (1) Every child has the right not to be subjected to social, cultural and religious practices which are detrimental to his or her well-being.

(2) A child -

(a) below the minimum age set by law for a valid marriage may not be given out in marriage or engagement; and

(b) above that minimum age may not be given out in marriage or engagement without his or her consent. [...]

Age of majority

17. A child, whether male or female, becomes a major upon reaching the age of 18 5 years.

18. (1) A person may have either full or specific parental responsibilities and rights in respect of a child. [...]

(3) Subject to subsections (4) and (5), a parent or other person who acts as guardian [...]

(c) give or refuse any consent required by law in respect of the child, including-

(i) consent to the child’s marriage;

[...]

Unless competent court orders otherwise, the consent of all the persons that have guardianship of a child is necessary in respect of matters set out in subsection (3)(c).

Marriage Act, 1961 (as amended)

11. (1) A marriage may be solemnized by a marriage officer only.

(2) Any marriage officer who purports to solemnize a marriage which he is not authorized under this Act to solemnize or which to his knowledge is legally prohibited, and any person not being a marriage officer who purports to solemnize a marriage, shall be guilty of an offence and liable on conviction to a fine not exceeding four hundred rand or, in default of payment, to imprisonment for a period not exceeding twelve months, or to both such fine and such imprisonment.

[...]

24. (1) No marriage officer shall solemnize a marriage between parties of whom one or both are minors unless the consent to the party or parties which is legally required for the purpose of contracting the marriage has been granted and furnished to him in writing.

(2) For the purposes of sub-section (1) a minor does not include a person who is under the age of twenty-one years and previously contracted a valid marriage which has been dissolved by death or divorce.

26. (1) No boy under the age of eighteen years and no girl under the age of sixteen years shall be capable of contracting a valid marriage except with the written permission of the Minister, which he may grant in any particular case in which he considers such marriage desirable: Provided that such permission shall not relieve the parties to the proposed marriage from the obligation to comply with all other requirements prescribed by law: Provided further that such permission shall not be necessary if by reason of any such other requirement the consent of a judge or court having jurisdiction in the matter is necessary and has been granted.

(2) If any person referred to in sub-section (1) who was not capable of contracting a valid marriage without the written permission of the Minister in terms of this Act or a prior law, contracted a marriage without such permission and the Minister considers such marriage to be desirable and in the interests of the parties in question, he may, provided such marriage was in every other respect solemnized in accordance with the provisions of this Act or, as the case may be, any prior law, and there was no other lawful impediment thereto, direct in writing that it shall for all purposes be a valid marriage.

(3) If the Minister so directs it shall be deemed that he granted written permission to such marriage prior to the solemnization thereof.

27. If parties appear before a marriage officer for the purpose of contracting a marriage with each other and such marriage officer reasonably suspects that either of them is of an age which debars him or her from contracting a valid marriage without the consent or permission of some other person, he may refuse to solemnize a marriage between them unless he is furnished with such consent or permission in writing or with satisfactory proof showing that the party in question is entitled to contract a marriage without such consent or permission.

35. Any marriage officer who knowingly solemnizes a marriage in contravention of the provisions of this Act shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred rand or, in default of payment, to imprisonment for a period not exceeding six months.

36. Any person who makes for any of the purposes of this Act any false representation or false statement knowing it to be false, shall be guilty of an offence and liable on conviction to the penalties prescribed by law for perjury.

SOUTH SUDAN

[The Transitional Constitution of the Republic of South Sudan, 2011 \(revised 2013\)](#)

Rights to found a family

15. Every person of marriageable age shall have the right to marry a person of the opposite sex and to found a family according to their respective family laws, and no marriage shall be entered into without the free and full consent of the man and woman intending to marry.

Rights of the Child

17. (1) Every child has the right: [...]

(g) not to be subjected to negative and harmful cultural practices which affect his or her health, welfare or dignity; [...]

(4) For the purposes of this Constitution, a child is any person under the age of eighteen years.

[Child Act, 2008](#)

5. Interpretation.

In this Act, unless the context otherwise requires, the following words and expressions shall have the meanings assigned to them respectively: [...]

“Child” means a human being under the age of eighteen years; [...]

23. Right to Protection from Marriage and other Negative and Harmful Cultural and Social Practices.

(1) Every child has the right to be protected from early marriage, forced circumcision, scarification, tattooing, piercing, tooth removal or any other cultural rite, custom or traditional practice that is likely to negatively affect the child’s life, health, welfare, dignity or physical, emotional, psychological, mental and intellectual development. [...]

30. Penalties of Infringing any of the Rights of a Child.

Notwithstanding penalties contained in any other law, anyone who willfully or as a result of culpable negligence infringes any right of a child commits an offence and shall, on conviction, be sentenced to imprisonment for a term not exceeding seven years or with a fine or with both, and may be liable to pay such compensation to the child as the Court deems fit and just.

SUDAN

[Interim Constitution of Sudan, 2019](#)

49. Women’s Rights

[...]

4. The state works to combat harmful customs and traditions that reduce the dignity and status of women.

[...]

50. Children’s Rights

The state protects the rights of the child as provided in international and regional agreements ratified by Sudan.

67. Protection of rights and freedoms

Subject to Article 41 of this Charter, the rights and freedoms set forth in this Charter cannot be reduced.

The Constitutional Court and other competent courts preserve, protect and apply this Charter, and the Human Rights Commission oversees its application in the state.

[Muslim Personal Law Act, 1991](#)

Section 25(c).

The validity of a marriage contract is conditioned on the existence of a guardian who would conclude the contract.

Section 33.

A guardian of a Muslim woman shall be male, sane, mature and Muslim.

Section 34.

(1) The marriage of a pubescent woman shall be concluded by her guardian with her permission and consent to the husband and the dowry. Her word regarding her attainment of pubescence shall be conclusive unless it contradicts the obvious.

(2) A virgin pubescent woman's express or implied affirmation is necessary if her guardian concluded her marriage contract and informed her later.

Section 40(3).

The guardian of a minor girl cannot conclude her marriage contract unless there is permission from the judge. The guardian has to prove that the marriage will benefit the minor girl, that the husband is suitable and the husband pays the dowry usually paid to women of her status.

Note : Puberty/Maturity is reached at 10 years old for girls under the Shari'a Law in Sudan.

[Penal Code, 2003](#)

Section 307 - "Kidnapping or Abducting Woman to Compel her Marriage, etc.":

Whoever kidnaps or abducts any woman with intent that she may be compelled or knowing it to be likely that she will be compelled to marry any person against her will or in order that she may be forced or seduced to illicit intercourse or knowing it to be likely that she will be forced or seduced to illicit intercourse, commits an offence and shall on conviction, be punished with imprisonment for a term not exceeding ten years and may also be liable to fine.

Section 425 - "Cohabitation caused by a man deceitfully inducing a belief of lawful Marriage":

Every man who by deceit causes any woman who is not lawfully married to him to believe that she is lawfully married to him and to cohabit or have sexual intercourse with him in that belief, shall on conviction, be punished with imprisonment for a term not exceeding two years and may also be liable to fine.

Section 426 - "Marriage ceremony fraudulently gone through without lawful Marriage":

Whoever dishonestly or with a fraudulent intention goes through the ceremony of being married knowing that he is not thereby lawfully married, shall on conviction, be punished with imprisonment for a term not exceeding two years and may also be liable to fine.

Child Act, 2010

3. Scope of application and prevalence of provisions of the Act

The provisions of this Act shall prevail over any other provision in any other law, upon inconsistency thereof, to the extent of removing such inconsistency.

4. interpretation

“Child”: means every person, who is not above the age of eighteen years; [...]

5. General Principles

[...]

b. the protection of the Child and his best interests shall have the priority in all the decisions, or measures, relating to childhood, the family or environment, whatever may be the body, which issues, or exercises the same;

[...]

k. this Act ensures the protection of a male, or female Child, against all types and forms of violence, injury, inhuman treatment, or bodily, ethical or sexual abuse, or neglect or exploitation; [...]

TANZANIA

Marriage Act, 1971

13.-(1) No person shall marry who, being male, has not attained Minimum age the apparent age of eighteen years or, being female, has not attained the apparent age of fifteen years.¹

(2) Notwithstanding the provisions of subsection (1), the court shall, in its discretion, have power, on application, to give leave for a marriage where the parties are, or either of them is, below the ages prescribed in subsection (1) if- (a) each party has attained the age of fourteen years; and (b) the court is satisfied that there are special circumstances which make the proposed marriage desirable.

(3) A person who has not attained the apparent age of eighteen years or fifteen years, as the case may be, and in respect of whom the leave of the court has not been obtained under subsection (2), shall be said to be below the minimum age for marriage.

[...]

16.-(1) No marriage shall be contracted except with the consent, freely and voluntarily given, by each, of the parties thereto.

(2) For the purposes of this Act consent shall not be held to have been freely or voluntarily given if the party who purported to give it- (a) was influenced by coercion or fraud; or [...], and references in this Act to "consent" or "consent freely given" in relation to a party to a marriage or an intended marriage shall be construed as meaning consent freely and voluntarily given.

17.-(1) A female who has not attained the apparent age of eighteen years shall be required, before marrying, to obtain the consent- (a) of her father; or (b) if her father is dead, of he mother; or (c) if both

¹ In 2019, a high court ruling banned child marriage. However, as of June 2022, the 1971 Marriage Act had yet to be amended. See Human Rights Watch, Victory against child marriage in Tanzania (Oct. 25, 2019), available at <https://www.hrw.org/news/2019/10/25/victory-against-child-marriage-tanzania> (las visited June 20220).

her father and mother are dead, of the person who is her guardian, but in any other case, or if all those persons are dead, shall not require consent.

(2) Where the court is satisfied that the consent of any person to a proposed marriage is being withheld unreasonably or that it is impracticable to obtain such consent, the court may, on application, give consent and such consent shall have the same effect as if it had been given by the person whose consent is required by subsection (1).

(3) Where a marriage is contracted in Islamic form or in accordance with the rites of any specified religion or in accordance with the customary law rites, it shall be lawful for the kadhi, minister of religion or the registrar, as the case may be, to refuse to perform the ceremony if any requirement of the relevant religion or customary law which relates to the obtaining of any consent of any person other than a person mentioned in subsection (1) has not been complied with:

Provided that nothing in this subsection shall be construed as empowering the kadhi, minister of religion or registrar from dispensing with any requirement of subsection (1).

(c) Preliminaries to Marriage

18.-(1) Subject to the provisions of section 23, where a man and a woman desire to marry, they shall, at least twenty-one days before the day when they propose to marry, give notice of their intention to intention to many a registrar or a registration officer.

(2) A notice given under this section shall contain- (a) the names and ages of the parties and the places where they reside; [...]

20.-(1) Any person may give notice of objection to the registrar or registration officer to; whom the notice of intention was given, on the ground that he or she is aware of facts which, under the provisions of this Act, constitute an impediment to the intended marriage.

[...]

22.-(1) On receipt of a notice of objection and notice of intention transmitted to it under section 21, the court or the Board, as the case may be, shall require the attendance of the parties to the intended marriage and of the objector and shall hear them and their witnesses, if any, and any other persons the court or the Board may think necessary to hear for a just determination of the objection, and shall make findings on the facts alleged in the notice of objection and shall either, by order, direct that the intended marriage is not to be contracted or shall dismiss the objection. (2) The court or the Board, as the case may be, shall send a certified copy of its decision to the registrar or registration officer to whom the notice of intention was given.

23.-(1) The Registrar-General may, subject to the provisions of section 24, by licence in the prescribed form, dispense with the giving of notice, as required by section 18 on proof to his satisfaction- [...]

(c) that the parties are not below the minimum age of marriage; [...]

(2) The proof required by subsection (1) shall be in the form of a statutory declaration but the Registrar-General may require such further or other evidence as he may deem necessary.

24. Any person who has reason to believe that a marriage is intended and that there are good grounds for believing that a valid objection could be made to such marriage under section 20, may give notice of objection to the Registrar-General and where such notice is given, the Registrar-General shall not, unless such notice has been withdrawn, exercise his power under section 23 to dispense with the giving of notice.

[...]

(e) Void Ceremonies, Voidable Marriages and Legitimacy

38.-(1) A ceremony purporting to be a marriage shall be a nullity

(a) save where leave has been granted under subsection (2) of section 13, if either party thereto is below the minimum age for marriage; or [...]

(e) the consent of either party was not freely and voluntarily given thereto; [...]

39. Voidable marriages

Subject to the provisions of sections 97 and 98, a marriage shall be voidable if–

[...]

(c) the wife had not attained the age of eighteen years and consent to the marriage as required by section 17 had not been given and the court sees good and sufficient reason to set the marriage aside.

155. Irregular marriages

(1) Any person who is a party to a ceremony of marriage where–

(a) the intended wife is below the age of eighteen years and consent to the marriage, as required by section 18, has not been given; [...]

shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding six months: Provided that it shall be a good defence to a charge under paragraph (a) or paragraph (c) of this subsection, that the person charged did not know and had no reason to believe that the party was below the age of eighteen years or, as the case may, that he had no knowledge that notice of objection had been given, or that he reasonably believed that such had been dismissed or withdrawn.

(2) Any person who participates in any such ceremony with knowledge of the irregularity shall be guilty of an offence and shall be liable on conviction to the like penalty.

TOGO

[Child Code, 2007](#)

Article 2

Under the Code, a child is a human being under 18 years of age.

Article 267

Child marriage is prohibited. The marriageable age is fixed at eighteen (18) years of age. However, the President of the first instance may grant dispensation to children of both sexes who are sixteen (16) years old for serious reasons.

Article 270

The child, even at sixteen years old, cannot marry without the authorization of his father and mother or, failing that, of the person who, according to the law, has authority over him.

In case of disagreement between the father and mother, authorization is implied.

Article 273: The penal responsibility of parents, of the person responsible for the child, or of the authorities responsible for receiving the consent and registering the marriage exists when the legal age provided for under article 267 is not respected.

Whoever exercised any form coercion on the child in order to pressure him/her to contract marriage shall be punished from one to three years of imprisonment and with a fine from one hundred thousand (100,000) to one million (1,000,000) francs CFA.

[Persons and Family Law, 2012 \(as amended\)](#)

Section 1: Substantive conditions

Article 43: The man and the woman freely choose their spouse and enter into marriage only with their free and full consent.

The man and the woman before eighteen (18) years cannot contract marriage.

Nevertheless, the president of the court or the matrimonial affairs judge of the place where the marriage was solemnized may grant age exemptions for serious reasons.

This exemption cannot, under any circumstances, be granted for a man and a woman under the age of sixteen (16). The request for an age exemption is addressed by petition to the court of first instance of the place of celebration of the marriage by the child, his father and mother, or one of them, his guardian or the public prosecutor. The court of first instance rules within eight (08) days as a last resort.

Article 44: Each of the future spouses, even minors, must consent personally to the wedding. Otherwise, the marriage is void and any forced sexual act is rape.

Consent is not valid if it has been extracted by violence or if it was only given as a result of an error in the physical or civil identity or in an essential quality such that the other spouse would not have contracted if he had known the error.

Article 45: A minor cannot contract marriage without the authorization of his father and mother or, failing that, of the person who, according to the law, has authority over him. A disagreement between the father and mother, implies denial of the authorization.

The disagreement between the father and mother can be noted, at the request of the future spouses, by the competent judge.

It can also be established either by a letter with legalized signature addressed to the civil status officer who must solemnize the marriage, or by an act drawn up by a notary, the competent judge, the civil status officer of the domicile or residence of the ascendant [...]

The refusal of authorization by the father and mother, or their disagreement, may be referred to the president of the court, at the request of the future spouses or one of the parents. The president of the court or the competent judge will rule in chambers by motivated order, subject to appeal.

Article 46: If either the father or the mother is dead or unable to manifest his will, the authorization of the other is sufficient. [...]

Article 62: The public prosecutor, the father and mother or, in their absence, the person having authority over one of the future spouses, [...] may oppose the celebration of the marriage, if the conditions and formalities prescribed are breached or evaded.

[...]

Article 82: The nullity of the marriage must be pronounced:

1°- when it has been contracted without the consent of one of the spouses;

[...]

3°- when one of the spouses, being a minor, has not obtained an exemption; [...]

[Penal Code, 2015](#)

Art. 232: Violence against women is any act of violence directed at persons of the female sex that causes or is likely to cause physical, sexual, psychological or economic harm or suffering. These include, in particular: [...]

3) violence related to all forms of forced marriage; [...]

TUNISIA

[Personal Status Code, 1956 \(as amended\)](#)

Article 3

Marriage may only be concluded with the consent of both spouses. [...]

Article 5 (Amended by Decree Law No. 64-1 of 20 February 1964 ratified by Law No. 64-1 of 21 April 1964 and by law No. 2007-32 of 14 May 2007).

Both bride and groom should not be subject to any statutory impediment.

In addition, the future spouse who is not yet eighteen years of age may not enter into marriage.

Marriage before the minimum age can only be contracted by virtue of a special permission from the judge that may be granted only for serious reasons and in the interest of the future spouses.

Article 6 (amended by Act No. 93-74 of 12 July 1993).

The marriage of a minor is subject to the consent of his/her guardian and mother. In case of refusal of the guardian or the mother and when the minor persists, the judge shall decide.

The order authorizing the marriage may not be subject to appeal.

[...]

Article 8

Consents to the marriage of a minor may be given from the closest relative. This must be a male, adult and of holy spirit.

The father or his agent consents to the marriage of the minor child, whether male or female.

If there is no guardian, consent is given by the judge.

Article 21 (Amended by Decree Law No. 64-1 of 20 February 1964, ratified by Law No. 64-1 of 21 April 1964).

It is null and void the marriage that includes a clause contrary to its essence or that is concluded contrary to the provisions of Article 3, paragraph 1, Article 5, paragraph 1, and Articles 15, 16, 17, 18, 19, and 20 of this Code.

[...]

The couple whose marriage has been annulled and who continues or resumes cohabitation shall be punished by imprisonment from six months to life. [...]

UGANDA

Constitution, 1995

Article 31. Rights of the Family

(1) Men and women of the age of eighteen years and above have the right to marry and to found a family and are entitled to equal rights in marriage, during marriage and at its dissolution. [...]

(3) Marriage shall be entered into with the free consent of the man and woman intending to marry.

Marriage Act, 1904

10. Registrar to issue certificate on proof of conditions by affidavit

(1) The registrar, at any time after the expiration of twenty-one days and before the expiration of three months from the date of the notice, upon payment of the prescribed fee, shall thereupon issue his or her certificate in Form C in the First Schedule to this Act; except that he or she shall not issue the certificate until he or she has been satisfied by affidavit—[...]

(b) that each of the parties to the intended marriage (not being a widower or widow) is twenty-one years old, or that, if he or she is under that age, the consent hereafter made requisite has been obtained in writing and is annexed to the affidavit [...]

(2) The affidavit required by subsection (1) may be sworn before the registrar or before a magistrate. [...]

17. Consent to marriage of minors

If either party to an intended marriage, not being a widower or widow, is under twenty-one years of age, the written consent of the father, or if he is dead or of unsound mind or absent from Uganda, of the mother, or if both are dead or of unsound mind or absent from Uganda, of the guardian of that party, must be produced annexed to the affidavit as required by section 10 before a license can be granted or a certificate issued. [...]

19. Consent where no parent or guardian capable of consenting

If there is no parent or guardian of the party under twenty-one years of age residing in Uganda and capable of consenting to the marriage, then the Minister or a judge of the High Court may consent to the marriage in writing, upon being satisfied after due inquiry that the marriage is a proper one; and that consent shall be as effectual as if the father or mother had consented. [...]

21. Minister not to celebrate marriage if impediment nor without licence, etc.

A minister shall not celebrate any marriage if he or she knows of any just impediment to the marriage, nor until the parties deliver to him or her the registrar's certificate or the Minister's licence. [...]

45. Unlawfully performing marriage ceremony

Any person who performs or witnesses as a marriage officer the ceremony of marriage, knowing that he or she is not duly qualified to do so, or that any of the matters required by law for the validity of the

marriage has not happened or been performed, so that the marriage is void or unlawful on any ground, commits an offence and is liable on conviction to imprisonment for a period not exceeding five years.

[Customary Marriage \(Registration\) Act, 1973 \(as amended\)](#)

11. Void Marriages.

A customary marriage shall be void if-

1. The female party to it has not attained the age of sixteen years
2. The male party to it has not attained the age of eighteen years. [...]

19. False statements for purposes required by this Act

Any person who, for the purpose of doing anything required to be done under this Act, makes any document or utters any statement which is false in a material particular—(a)if he or she made the document or uttered the statement without having taken reasonable steps to ascertain the truth or falsity of the matter, commits an offence and is liable to imprisonment for a period not exceeding one year or to a fine not exceeding two thousand shillings or to both; or(b)if he or she made the document or uttered the statement knowing the matter to be false, commits an offence and is liable to imprisonment for a period not exceeding five years or to a fine not exceeding ten thousand shillings or to both. [...]

[Hindu Marriage and Divorce Act, 1961 \(as amended\)](#)

2. Conditions for marriages

A marriage may be solemnised if the following conditions are fulfilled:

[...]

- (c) the bridegroom has attained the age of eighteen years and the bride the age of sixteen years at the time of the marriage;
- (d) where the bride has not attained the age of eighteen years, the consent of her guardian in marriage, if any, has been obtained for the marriage. [...]

7. Offences and penalties

Any person who solemnises or procures to be solemnised a marriage in respect of which any of the conditions specified in section 2(1)(c), (d) and (e) has not at the time of the marriage been fulfilled commits an offence and is liable on conviction—

- (a)in the case of the condition specified in paragraph (c), to a fine not exceeding five hundred shillings;
 - (b)in the case of the condition specified in paragraph (d), to a fine not exceeding one hundred shillings;
- [...]

[Marriage of Africans Act, 1904 \(as amended\)](#)

2. Application of the Marriage Act

Except as otherwise provided in this Act, the provisions of the Marriage Act shall apply to marriages celebrated under this Act.

Article 5. Consent to marriage of minors

In cases where the consent of any person to the intended marriage is necessary, the minister to celebrate the intended marriage shall be deemed to be a registrar of marriages for the purpose of that consent, and if there is no parent or guardian in any particular case capable of consenting, then that minister may consent in writing to the marriage, upon being satisfied, after due inquiry, that the marriage is a proper one.

[Marriage and Divorce of Mohammedans Act, 1906](#)

5. Marriages and divorces to be registered

(1) Application for registration shall be made within one month from the date of the marriage or divorce, before a registrar in the manner and by the persons following—

(a) in the case of a marriage, by the husband, or in the event of his death before the expiration of one month from the date of the marriage, by the widow; but if either party whose duty it is to apply is a minor, the application shall be made by his or her lawful guardian, and if the widow be a purdah-nisheen the application shall be made by her personally or on her behalf by her duly authorised wakil.[...]

(2) Nothing in this section shall prevent a woman or, if she is a purdah-nisheen, her authorised wakil, or her guardian applying for the registration of marriage or divorce if the man fails to apply, or a minor from so applying if his or her guardian fails to apply.

ZAMBIA

[Marriage Act, 1918 \(as amended\)](#)

17. If either party to an intended marriage, not being a widower or widow, is under twenty-one years of age, the written consent of the father, or if he be dead or of unsound mind or absent from Zambia, of the mother, or if both be dead or of unsound mind or absent from Zambia, of the guardian of such party shall be produced and shall be annexed to the affidavit required under sections ten and twelve and, save as is otherwise provided in section nineteen, no special licence shall be granted or certificate issued without the production of such consent. (As amended by G.N. No. 316 of 1964) [...]

19. (1) If any parent or guardian, whose consent to a marriage is required, refuses his consent, a Judge of the High Court may, on application being made, consent to the marriage, and the consent of the Judge so given shall have the same effect as if it had been given by the person whose consent is refused.

(2) If there be no parent or guardian of such party residing in Zambia and capable of consenting to the marriage, then any of the following persons, that is to say, the Minister, a Judge of the High Court, or a District Secretary may consent to such marriage in writing, upon being satisfied after due inquiry that there are no reasonable grounds in the interest of either party for withholding such consent, and such consent shall be as effectual for the purposes of this Act as if the father or mother had consented. (As amended by No. 35 of 1947 and G.N. No. 316 of 1964) [...]

21. A minister shall not solemnise any marriage if he knows of any just impediment to such marriage nor until the parties deliver to him the Registrar's certificate or the special licence, as the case may be. (As amended by G.N. No. 316 of 1964) [...]

33. (1) A marriage between persons either of whom is under the age of sixteen years shall be void: Provided that this section shall not apply when a Judge of the High Court has, on application being made, and on being satisfied that in the particular circumstances of the case it is not contrary to the public interest, given his consent to the marriage.

(2) Nothing in this section shall affect any marriage already solemnised or contracted before the 20th May, 1949. (No. 12 of 1949 as amended by No. 6 of 1955)

40. Whoever in any affidavit, declaration, licence, document or statement by law, to be made or issued for the purposes of a marriage, swears, declares, enters, certifies or states any material matter which is false shall, if he does so without having taken reasonable means to ascertain the truth or falsity of such matter, be liable on conviction to imprisonment with or without hard labour for one year or shall, if he does so knowing that such matter is false, be liable on conviction to imprisonment with or without hard labour for a period not exceeding five years.

42. Whoever performs the ceremony of marriage knowing that he is not duly qualified so to do, or that any of the matters required by law for the validity of such marriage has not happened or been performed, so that the marriage is void or unlawful on any ground, shall be liable on conviction to imprisonment with or without hard labour for a period not exceeding five years.

[Matrimonial Causes Act, 2007](#)

27. (l) A marriage celebrated after the commencement of this Act shall be void on the following grounds:

(a) that the marriage is not a valid marriage under the provisions of the Marriage Act due to the fact that- [...]

(ii) subject to the proviso to subsection (l) of section thirty-three of that Act, either of the parties was under the age of sixteen; [...]

29. A marriage which is celebrated after the commencement of this Act, not being a marriage that is void, shall be voidable on the grounds that- [...]

(c) either party to the marriage did not validly consent to it, whether in consequence of duress, mistake, unsoundness of mind or otherwise; [...]

[Anti-Gender-based Violence Act, 2010](#)

Interpretation

3. (1) In this Act, unless the context otherwise requires—
[...]

“ child ” means a person below sixteen years;

[...]

“ physical, mental, social or economic abuse ” means any act, omission or behaviour or threat of any such act, omission or behaviour which results in death or is likely to result in the direct infliction of physical, sexual or mental injury to any person, and includes—[...]

(iv) forced marriage; [...]

(vi) child marriage; [...]

Filing of complaint to police

6. (1) A victim of gender-based violence may file a complaint about the gender-based violence.
- (2) A child or a person with a mental disability may be assisted by a next friend to file a complaint of gender-based violence.
- (3) Notwithstanding subsection (1), a complaint of gender-based violence may be filed by any other person or institution with information about the gender-based violence where the intervention is in the interest of the victim. [...]

Arrest by police

9. A police officer may, without a warrant, arrest a person where the police officer has reasonable grounds to believe that the person—
- (a) is committing, or has committed, an offence under this Act;
 - (b) is about to commit an offence under this Act and there is no other way to prevent the commission of the offence;
 - (c) unless arrested, will— (i) escape or cause an unreasonable delay, trouble or expense in being made answerable to justice; (ii) interfere with the witnesses; or (iii) tamper with, or destroy, relevant evidence or material; (d) is willfully obstructing the police officer in the execution of police duties; or
 - (e) has contravened or is contravening an order issued under this Act.

Application for protection order

10. (1) A victim may, in the prescribed manner, apply to a court for a protection order to prevent—
- (a) a respondent;
 - (b) an associated respondent; or
 - (c) both a respondent and an associated respondent;
- from carrying out a threat of gender-based violence against the victim or to prevent the respondent, an associated respondent, or both, from further committing acts which constitute gender-based violence against the victim [...]
- (4) Where the gender-based violence involves a child or a person with a mental disability the application shall be made by— (a) a person with whom the child or person with a mental disability normally resides or resides on a regular basis; (b) a parent or guardian of the child with a mental disability; (c) a social worker; (d) a police officer or probation officer; (e) a medical officer; (f) a representative of a non-governmental organisation; or (g) an institution with information about the gender-based violence. [...]

Interim protection order

12. (1) Where an application is made ex-parte to the court for a protection order, the court shall issue an interim protection order if it considers the order to be in the best interest of the applicant. [...]

[Violence Against Persons \(Prohibition\) Act, 2015](#)

PART I - OFFENCES

Harmful Traditional Practices

- 20.(1) A person who carries out harmful traditional practices on another commits an offence and is liable on conviction to a term of imprisonment not exceeding 4 years or to a fine not exceeding N500,000.00 or both.

(2) A person who attempts to commit the act of violence provided for in subsection (1) of this section commits an offence and is liable on conviction to a term of imprisonment not exceeding 2 years or to a fine not exceeding N300,000.00 or both.

(3) A person who incites, aids, abets, or counsels another person to commit the act of violence as provided for in subsection (1) of this section commits an offence and is liable on conviction to a term of imprisonment not exceeding 2 years or to a fine not exceeding N300,000.00 or both.

(4) A person who receives or assists another who, to his or her knowledge, committed the offence provided for in subsection (1) of this section is an accessory after the fact and is liable on conviction to a term of imprisonment not exceeding 2 year or to a fine not exceeding N200,000.00 or both. [...]

Application of Protection Order

28. (1) An application for a protection order may, be made before the High Court following a complaint of violence by the complainant and such order, if granted, shall be effective throughout the Federal Republic of Nigeria and no time limit or prescription shall apply in relation to a person seeking to apply for such protection order.

[...]

(4) Notwithstanding the provisions of any other law, the application may be brought on behalf of the complainant by any other person, including a police officer, a protection officer, an accredited service provider, a counsellor, health service provider, social worker or teacher who has interest in the well-being of the complainant. Provided that the application shall be brought with the written consent of the complainant, except in circumstances where the complainant is - (a) A minor; [...]

(5) Notwithstanding the provisions of any other law, any minor, or any person on behalf of a minor, may apply to the Court for a protection order without the assistance of a parent guardian or any other person and supporting affidavit by persons who have knowledge of the matter concerned may accompany the application. [...]

PART VI - INTERPRETATION

Interpretation

46. In this Act-

[...]

"harmful traditional practices" means all traditional behaviour, attitudes or practices, which negatively affect the fundamental rights of women, girls, or any person and **includes** [...] **forced marriage** [...]

ZIMBABWE

[Constitution, 2013](#)

26. Marriage

The State must take appropriate measures to ensure that—

- a. no marriage is entered into without the free and full consent of the intending spouses;
- b. children are not pledged in marriage;
- c. there is equality of rights and obligations of spouses during marriage and at its dissolution; [...]

78. Marriage rights

1. Every person who has attained the age of eighteen years has the right to found a family.

2. No person may be compelled to enter into marriage against their will.
3. Persons of the same sex are prohibited from marrying each other.

81. Rights of children

1. Every child, that is to say every boy and girl under the age of eighteen years, has the right—
[...]
e. to be protected from economic and sexual exploitation, from child labour, and from maltreatment, neglect or any form of abuse; [...]

[Marriage Act, 1964 \(as amended\)](#)

20 Marriage of minors

- (1) For the purposes of this section and section twenty-one- 'legal guardian' includes the mother of a minor where she and the father of such minor- (a) are living together lawfully as husband and wife; or (b) are divorced or are living apart and the sole guardianship of such minor has not been granted to either of them by order of the High Court or a judge thereof.
- (2) The marriage of a minor shall not be solemnized without the consent in writing of the persons who are, at the time of the proposed marriage, the legal guardians of such minor or, where a minor has only one legal guardian, without the consent in writing of such legal guardian: Provided that- (i) if the consent of any legal guardian cannot be obtained by reason of absence or inaccessibility or by reason of his being under any disability, a judge of the High Court may grant consent to the marriage, and the consent of the judge so given shall have the same effect as if it had been given by the legal guardian whose consent cannot be obtained; (ii) if any legal guardian refuses his consent, a judge of the High Court may grant consent to the marriage, and the consent of the judge so given shall have the same effect as if it had been given by the legal guardian whose consent is refused.
- (3) Where the marriage of a minor is intended to be solemnized after the publication of banns or after the publication of a notice of intention to marry, then, if any legal guardian whose consent to the marriage is required under this section forbids the marriage and gives notice thereof to the marriage officer before he solemnizes the same, the publication of banns or of any notice of intention to marry shall be void unless the consent of a judge of the High Court to the marriage is granted.
- (4) This section shall not apply to a person who is under the age of eighteen years and who previously contracted a valid marriage which has been dissolved by death or divorce.

21 Marriage of minors without consent voidable but not void

- (1) Where a marriage of a minor which requires the consent of his legal guardian or legal guardians or the consent of a judge under section twenty is contracted without such consent, the marriage shall not by reason of that fact be void, but may be set aside and declared to be void by the High Court in its discretion if his legal guardian or legal guardians, whose consent was required but not obtained, makes application therefor within a period of six weeks, calculated from the date on which he or they first had notice of such marriage, or within such further period as the court may allow: Provided that no such application shall be made against the wishes of the minor if, since the date of the marriage, he has attained the age of eighteen years.
- (2) Where the marriage of a minor which requires the consent of his legal guardian or legal guardians or the consent of a judge under section twenty is contracted without such consent and is not set aside in

terms of subsection (1), the marriage shall have effect in all respects as if it were a marriage contracted between persons both of whom were of full age.

22 Prohibition of marriage of persons under certain ages

(1) No boy under the age of eighteen years and no girl under the age of sixteen years shall be capable of contracting a valid marriage except with the written permission of the Minister, which he may grant in any particular case in which he considers such marriage desirable: Provided that- (i) such permission shall not relieve the parties to the proposed marriage from the obligation to comply with all other requirements of this Act; (ii) such permission shall not be necessary if by reason of any such other requirement the consent of a judge is necessary and has been granted.

(2) If any person referred to in subsection (1) who was not capable of contracting a valid marriage without the written permission of the Minister in terms of this Act, contracted a marriage without such permission and the Minister considers such marriage to be desirable and in the interests of the parties concerned, he may, if such marriage was in every other respect solemnized in accordance with this Act and there was no other lawful impediment thereto, direct in writing that it shall for all purposes be a valid marriage.

(3) If the Minister so directs, it shall be deemed that he granted written permission to such marriage prior to the solemnization thereof.

23 Proof of age of parties to proposed marriage

If parties appear before a marriage officer for the purpose of contracting a marriage with each other and such marriage officer suspects that either of them is of an age which debars him or her from contracting a valid marriage, he shall refuse to solemnize a marriage between them unless he is furnished, to his satisfaction, with proof of age of the party concerned and with such other requirement as may be necessary under section twenty or twenty-two.

35 Penalties for solemnizing marriage contrary to this Act and for false representation or statement

Any marriage officer who knowingly solemnizes a marriage in contravention of this Act or any person who makes, for any of the purposes of this Act, any false representation or false statement knowing it to be false, shall be guilty of an offence and liable to a fine not exceeding level ten or to imprisonment for a period not exceeding five years or to both such fine and such imprisonment. [Section 35 amended by section 4 of Act 22 of 2001 with effect from 20 May 2002.]

[General Law Amendment Act, 2006](#)

Section 15. (1) On and after the 10th December 1982, a person shall attain the legal age of majority on attaining eighteen years of age. [...]

(3) Subsections 1 and 2 shall apply for the purpose of any law, including customary laws [...]

[Criminal Law \(Codification and Reform\) Act, 2004 \(as amended\)](#)

94 Pledging of female persons

(1) A lawful custodian or relative of a female person who— [...]

(b) at a time when the female person is under the age of eighteen years, or without her consent, enters into an arrangement whereby the female person is promised in marriage to any man, whether for any consideration or not; or

(c) by force or intimidation compels or attempts to compel a female person to enter into a marriage against her will, whether in pursuance of an arrangement referred to in paragraph (a) or (b) or otherwise;

shall be guilty of pledging a female person and liable to a fine up to or exceeding level fourteen or imprisonment for a period not exceeding two years or both.

(2) Any party to an arrangement or marriage referred to in subsection (1) may be charged as an accomplice to pledging a female person.

