A child is defined as an unmarried person under the age of 18 as per the ***Interpretation and General Clauses Act 1974*** and the ***Child Protection Act 1994***.

Child marriage is a gross violation of human rights. Child marriage concerns mostly girls and it thereby threatens girls’ rights to health, education, equality and it limits their future prospects. Girls pressed into child marriage are at a higher risk of dying during childbirth, contract aids and be victims of domestic violence.

These rights are enshrined in the Universal Declaration of Human Rights, the Convention on the Rights of the Child (CRC), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and other international and regional human rights instruments.

In Mauritius, we do not have statistics about child marriages.

At present attention is being given to child marriages. In June 2018 there was the tragic death of a married girl of thirteen whose parents consented to her marriage on the alleged basis that she threatened to commit suicide if she could not marry her beloved. Other main causes are due to lack of education, pregnancy out of wedlock and family honour.

1. **Our laws**
2. **Our laws prohibit child marriage**

**A.1 The Civil code**

The legal age to marry is 18. But a minor, aged more than 16 years but below 18 years, can contract marriage with the consent of his parents or the consent of the parent on whom parental authority is devolved. That consent is given before the civil status officer or before a notary or before a person authorised to celebrate the marriage under the ***Civil Status Act***.

**Religious marriages under our civil code**

As per ***article 228-2*** of the civil code, the religious marriage is not regulated by civil law.

With regards to Muslim marriages when a person applies to the Registrar of Civil Status to have the authority to celebrate a Muslim religious marriage, he must obtain the approval of the Muslim Family Council.

As per *Section 30* © of the Civil Status Act the Muslim Family Council shall establish rules for the celebration of Muslim marriages. Furthermore, the Council must keep a register of all marriages celebrated in accordance with Muslim rites and religious divorces.

**A.2 Criminal Code Act**

***Section 249***

(i) (4) Any person who has sexual intercourse with a minor under the age of 16, even with his consent, shall be liable to penal servitude for a term not exceeding 10 years.

**A.3**  **The Child Protection Act**

***Section 14*.** Sexual offences (1) Any person who causes, incites or allows any child to - (a) be sexually abused by him or by another person; (b) have access to a brothel; (c) engage in prostitution, shall commit an offence.

**A.4 Education Act 1957**

***Section 37.*** Compulsory education up to age of 16

(1) Every child who has attained such age as may be prescribed for admission to a primary school shall attend a primary school.

(2) It shall be compulsory for every child to attend school up to the end of the academic year in the course of which he attains the age of 16.

(3) Any responsible party of a child under the age of 16 who, without reasonable cause, refuses or neglects to cause the child to attend school regularly in accordance with subsection (1) or (2) shall commit an offence and shall, on conviction, be liable to a fine not exceeding 10,000 rupees and to imprisonment for a term not exceeding 2 years.

**B. Challenges and gaps can be remedied by the following:**

* The above mentioned laws need to be enforced.
* The Registrar of Civil Status must check the registers of the Muslim Family Council who in their turn, must inform the Civil Status Office of all marriages celebrated.
* The priests of different faiths should celebrate a religious marriage only upon production of a civil marriage certificate.
* Early pregnancies recorded at hospitals have to be reported to the Child Development Unit of the Ministry of Gender, Family Welfare and Child Development.
* Doctors or nurses should report the case of early pregnancy as it may amount to the offence of Sexual intercourse under 16.
* Raise awareness and commitment among parents, teachers and religious leaders.
* Compulsory education for both boys and girls up to the age of 16 has to be complied with.
* Parents who approve their daughter’s decision to continue their studies must be supported.
* Governments, civil society and other partners must work together to ensure girls have access to education, health information and services, and life-skills training.