



Combatting Child Marriage and The Intergenerational Sexual Abuse of Girls in South Africa

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Abstract

Legal and policy frameworks governing marriage in many African countries are often framed as gender-neutral, yet they fail to address the deeply gendered realities of child marriage and sexual exploitation and abuse. Empirical evidence consistently demonstrates that child marriage disproportionately affects girls, with significantly fewer boys subjected to the practice. Rather than ensuring equal protection and benefit of the law, existing legal regimes frequently entrench gender inequality by permitting exceptions to the minimum age of marriage or prescribing lower marriageable ages for girls, thereby legitimising harmful practices through legal loopholes. The paper illustrates how current marriage laws in South Africa violate girls' rights to equality and freedom from sexual exploitation. Girls aged 15 and older may marry without ministerial or judicial consent, whereas all boys under the age of 18 require such approval. This disparity leaves girls uniquely vulnerable and under-protected, reinforcing patriarchal norms through discrimination embedded in legislation. Adopting a feminist and intersectional lens, the paper examines how customary practices continue to legitimise child marriage. When these practices intersect with gender-discriminatory laws, they intensify girls' vulnerability. The paper analyses international and domestic laws to assess their gender sensitivity in responding to early and forced marriage. It concludes by calling for urgent legal and policy reform, alongside dismantling patriarchal structures and recognising diverse lived realities of girlhood, as essential to achieving equal protection for all children globally.

Key words: child marriage, minimum age of marriage