

Legal and Human
Rights Centre and
Center for
Reproductive Rights
(on behalf of
Tanzanian girls) v. The
United Republic of
Tanzania

**The African Committee of
Experts on the Rights and
Welfare of the Child
Communication No:
0012/Com/001/2019
Decision No 002/2022**

SUMMARY

After a long delay to get justice in national courts, in June 2019, the Legal and Human Rights Centre and the Center for Reproductive Rights filed a case against the United Republic of Tanzania before the African Committee of Experts on the Rights and Welfare of the Child (“ACERWC”/“the Committee”), a regional human rights body mandated to monitor States' compliance with the African Charter on the Rights and Welfare of the Child (the African Children's Charter).

The case challenged the government's policy of mandatory and forced pregnancy testing in schools, expulsion of pregnant and married girls from schools and the denial of re-entry of these girls into formal schools. The case also sought to hold the government to account for failing to ensure access to comprehensive sexual and reproductive health information and services to address the high rate of early and unplanned pregnancies in the country.

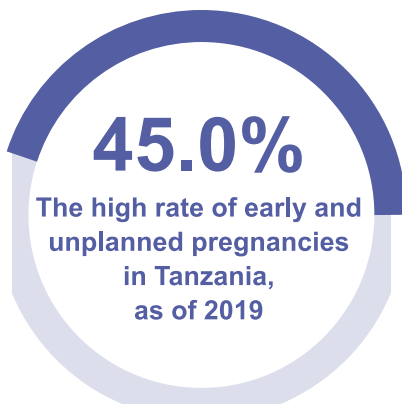
In a groundbreaking decision made during the 39th Ordinary Session, the Committee found the United Republic of Tanzania in violation of its obligations under the African Charter on the Rights and Welfare of the Child and recommended the government to:

- > Immediately prohibit mandatory pregnancy testing in schools and health facilities and officially announce the prohibition.
- > Amend the Education (Expulsion and Exclusion of Pupils from School) Regulations, 2002 G.N. No. 295 of 2002 to remove marriage as a ground of expulsion and provide an indication that the moral ground of expulsion should be interpreted narrowly and should not apply in cases of pregnancy of schoolgirls.
- > Undertake concrete steps, including enacting laws and policies, to prevent the expulsion of pregnant and married girls from schools and remove the ban that prevented them from re-entry to school.
- > Immediately re-admit schoolgirls who have been expelled due to pregnancy and wedlock and provide special support programmes to compensate for the lost years and ensure better learning outcomes for the returned girls.
- > Provide sexuality education for adolescent children and provide child-friendly sexual reproductive and health services.
- > Undertake proactive measures towards the elimination of child marriage and other harmful practices that affect girls, including taking measures to address the underlying factors such as gender-based discrimination, poverty, and negative customary and societal norms.
- > Act against any actors who conduct forced pregnancy testing of any kind, or who discriminate against girls on the grounds of their pregnancy or marital statuses, including through expelling and detaining married or pregnant girls.

**The government of Tanzania
is obligated to report to the
Committee on all measures
it has taken to implement
the decision within 180 days
from the date of receipt.**

BACKGROUND TO THE COMPLAINT

In the case, the Legal and Human Rights Centre and the Center for Reproductive Rights, acting on behalf of Tanzanian girls (“the Complainants”), challenged the government of Tanzania's policy and practice of subjecting primary and secondary school girls to forced pregnancy testing and expelling them from school when they are found to be pregnant or married. It was the complainants' case that due to these policies and practices, thousands of girls were dropping out of school each year due to pregnancy. In Tanzania, mandatory pregnancy testing is practiced in almost all public schools, forcing girls as young as 11 years to take pregnancy testing without their consent. Girls are also required to take a pregnancy test when they enroll in schools and those who are found to be pregnant are denied admission.



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While pregnancy is not explicitly stated as a ground for expulsion in the Education (Expulsion and Exclusion of Pupils from School) Regulation 2002 G.N. No. 295 of 2002 (“the Regulation”), school administrators interpret pregnancy to be an offence against morality, which is one of the grounds of expulsion provided for under the Regulation. The expulsion and exclusion of pregnant girls from school further targets girls who fall pregnant due to sexual abuse. Additionally, even on occasions where pregnancy occurred as a result of sexual abuse, the girls are subjected to unlawful detention to force them to identify the perpetrator. The expulsion and exclusion policy is permanent because girls are not readmitted to public schools after delivery. Furthermore, the Regulation mandates the expulsion of girls who get married.

The case highlights the failure of the government to put in place effective measures to address the high rate of early and unplanned pregnancies in Tanzania which, as of 2019, stood at 45 percent.¹

Adolescents in Tanzania lack access to comprehensive sexual reproductive health information and services, which has contributed to the high rates of teenage pregnancy and unsafe abortion, both of which significantly lead to teenage mortality and morbidity. Sexuality education in schools, where provided, focuses on abstinence, and is only provided at the secondary education level. The sexual reproductive health services available in Tanzania are not youth-friendly, and girls are not encouraged to access such services even when they are available.

KEY ISSUES RAISED IN THE CASE

The Committee observed that Tanzania's policy and practice of mandatory pregnancy testing, expulsion of pregnant and married adolescent girls and denial of re-entry back to the formal education

system violated the rights of Tanzanian girls as envisioned under the African Charter on the Rights and Welfare of the Child (African Children's Charter) and other international and regional human rights instruments it has ratified. In particular, the government had violated the girls':

- Right to education (Article 11)
- Right to equality and non-discrimination (Article 3)
- Right to be protected from harmful social practices and stereotypes (Article 21)
- Right to have their best interests as the primary consideration in all actions towards them (Article 4)
- Right to health as it includes the right to access sexual and reproductive health services (Article 14)
- Right to privacy (Article 10)
- Right to be free from cruel, inhuman, and degrading treatment (Article 16)

The Committee also found that the government of Tanzania had failed to meet its obligation to undertake general measures of implementation in accordance with Article 1 of the Convention.

THE COMMITTEE'S ANALYSIS AND FINDINGS ON THE MERITS OF THE VIOLATIONS

Violation of Article 11 of the African Children's Charter on the right to education

The Committee stipulated that States should not interfere with the right to education of girls, rather, they should provide enabling policies and make the necessary budgetary allocations to ensure the fulfilment of the right to education of girls. Furthermore, the education that is provided by States should align with respect for human rights and fundamental principles set out in human rights instruments.² Therefore, schools should be free from any kind of violence, abuse, and practices that result in deprivation of rights.³

Article 11(2)(c) highlights that only 'positive' African morals, values and cultures should be strengthened through education. In addition, positive African morals, values, and cultures are premised on tolerance, consultation and dialogue and are not to be interpreted to include practices that harm children or otherwise violate the Charter.⁴

The Committee noted that the fact that no distinction is made for children who fall pregnant due to sexual abuse and exploitation is a manifestation that the policy's intent is not mainly aimed at discouraging sexual relations. Moreover, the promotion of a certain value cannot be achieved by establishing rules and policies that are not in conformity with the Charter.⁵

The Committee found that the policies and practices that Tanzania has put in place requiring the expulsion of pregnant and married girls from schools go against the rights protected under Article 11 of the Charter, hence amount to a violation of the right to education of Tanzanian girls.⁶

The Committee confirmed that it is not necessary to prove an increase in drop-out rates of girls from school to establish that forced pregnancy testing violates girls' right to education. Any form of unlawful requirement to access and continue education and any violation of children's rights that occurs in schools and curtails education is, in and of itself, a violation of the right to education. Forced or mandatory pregnancy testing to access education is a pre-condition that is not aimed at fostering education, rather it violates the right to dignity, freedom from torture and the right to privacy of children. As such, mandatory pregnancy testing is a violation of Article 11 of the ACERWC.⁷

The Committee recalled that Article 11 (3)(d), (e) and 11(6), provides clear obligations by requiring States to take special measures to ensure equal access to education for girls, to ensure their

consistent attendance of school and reduce the rates at which they drop out, as well as to support girls who fall pregnant while in school. Disregarding this obligation, Tanzania introduced policies and practices that exclude pregnant and married girls from public schools and introduced mandatory pregnancy testing in schools, the result of which was the expulsion of these girls from school with no option of re-entry. The Committee stressed that no argument of morality or margin of appreciation can justify these policies and practices, which contravened the explicit provisions of the Charter.⁸ It also noted that education should be used as a tool to address such negative attitudes and not perpetuate or conform to them.

As a result of the foregoing, the Committee found Tanzania to be in violation of Article 11 of the Charter through its policy of expulsion of pregnant and married girls from school, as well as introducing mandatory pregnancy testing as a condition of enrollment or continued attendance in schools. Furthermore, Tanzania's re-entry policy, which relegated teen mothers to alternative schools, is a violation of the right to education, which requires the States to make education accessible to all.⁹

Violation of Article 16 of the African Children's Charter on protection against cruel, inhuman, and degrading treatment

The Committee observed that Tanzania is responsible for acts perpetrated by private actors where the State does not act to prevent or investigate such acts, so long as it can be shown that representatives of the State knew or had reasonable grounds to believe such acts were occurring.¹⁰

The Committee noted that the detention of girls who have not committed or are not suspected of having committed a crime, but are survivors of the suspected crime, violates children's right not to be unlawfully or arbitrarily deprived of their liberty. This

detention constitutes a violation of the girls' dignity and physical and mental integrity.¹¹

The Committee found that Tanzania had not fulfilled its obligation to provide children with legal protection in conditions of freedom, dignity, and security as far as it had failed to investigate suspected illegal detentions, and to prevent such illegal detentions from occurring.¹²

Violation of Article 3 of the African Children's Charter on the right to non-discrimination

The Committee noted that the expulsion and denial of re-entry of pregnant and married girls to school is not a necessary measure to deter sexual relationships among adolescents. Rather, it is a clear contradiction of Article 11(6) of the Charter. The Committee recognized that most cases of teenage pregnancy and child marriage are a result of deep-rooted gender-based violence against children. As such, children who are married should be treated as victims of systemic gender-based discrimination or other factors that result in child marriage that Tanzania is required to address by putting in place the necessary safeguards through law and practice as well as providing redress for victims.¹³

The Committee acknowledged that systemic discrimination includes both intentional and effects-based discrimination as well as the individual and collective, institutional, and structural dimensions of discrimination that inculcate unfair treatment, exclusion of individuals because of their status, and differential treatment, based on their sex, age, race, national or ethnic origin, or religion.¹⁴ The Committee reiterated that the social subordination of women that causes and sustains gender-based violence is by itself gender-based discrimination of women. Further, by expelling pregnant and married girls from schools, Tanzania is promoting negative and discriminatory attitudes that result in child marriage and teenage pregnancy.¹⁵

The Committee highlighted that the prevention of sexual relations among adolescents is not an internationally recognized obligation of the State. In fact, States should decriminalize consensual and non-exploitative sexual relations among adolescents.¹⁶ The exclusion of pregnant and married girls from school with no opportunity for re-entry creates a vicious cycle of gender-based discrimination because the girls are excluded from the benefits of education. Education is not only a substantive right, but the enjoyment of the right to education also facilitates the realization of other rights of children and the elimination of discrimination against girls. Consequently, the expulsion of pregnant and married girls from school with no re-entry amounts to discrimination based on sex, marital status, and health status (pregnancy) within the meaning of Article 3 of the Charter, and further entrenches gender-based discrimination.¹⁷

The Committee guided that mandatory pregnancy testing in schools is a form of differential treatment based on sex as the mandatory testing and the subsequent expulsion target only girls. Mandatory pregnancy testing interferes with the right to education, the right to privacy, and the health of girls, among other rights. Moreover, mandatory pregnancy testing presumes that all girls who fall pregnant have committed an immoral act, which is a perpetuation of structural gender-based discrimination that subjects girls to scrutiny on their sexuality, which is unjust, more so when they are victims of sexual abuse. Hence, mandatory pregnancy testing also amounts to discrimination under the scope of Article 3 of the Charter.¹⁸

The Committee also found that detention of pregnant girls amounts to discrimination based on their gender, age, and health status (pregnancy) because they are being targeted on these grounds while having committed no crime.¹⁹

The Committee, therefore, found Tanzania in violation of Article 3 of the Charter on the right to non-discrimination through its expulsion of pregnant and married girls, denial of re-entry, mandatory pregnancy testing of schoolgirls, and detention of pregnant girls on the grounds of sex, age, health status (pregnancy), and marital status.²⁰

Violation of Article 21 of the African Children's Charter on protection against harmful practices

The Committee emphasized that Article 21(2) of the Charter explicitly prohibits child marriage and puts an obligation on States to eliminate the practice.²¹ Tanzania is required to adopt laws, policies, and other administrative measures to prevent child marriage and teenage pregnancy and ensure that child marriage is prohibited by law with no exception.²² Tanzania also has the obligation to undertake institutional measures toward the elimination of child marriage, including redress to girls already married through assistance to continue with their education.²³ Hence, married schoolgirls are victims of a violation of their rights under the Charter and should be provided support.²⁴ The Committee explained that the expulsion of pregnant schoolgirls based on the morality clause of the Expulsion policy, is guided by the notion that pregnant girls have committed an immoral act. Similarly, the illegal detention of pregnant girls is premised on the notion that pregnant girls have contributed to the alleged criminal act. Such notions are based on harmful stereotypes and practices that discriminate against girls. Moreover, the discrimination has resulted in the violation of the rights of the

affected girls, which makes such practices qualify as harmful as per the definition of the Charter as well as other international human rights instruments.

The Committee also recognized that the practice of illegally and arbitrarily detaining pregnant girls in a bid to get them to identify the men that made them pregnant — even in situations where the pregnancy is due to sexual violence — amounts to secondary victimization and hinders the apprehension of perpetrators of sexual violence by shifting the blame onto the victims.²⁵

The Committee noted that the measures undertaken against pregnant and married girls and the mandatory pregnancy testing of schoolchildren are not in conformity with the measures that should be undertaken to eliminate harmful practices in line with the provisions and principles of the Charter.²⁶ Therefore, mandatory pregnancy testing, expulsion of pregnant and married girls from school with no re-entry, and the detention of pregnant girls are results of negative stereotypes, which are harmful practices, and further perpetuate harmful practices prohibited under Article 21 of the Children's Charter.²⁷

Violation of Article 4 of the African Children's Charter on the best interests of the child

The Committee, in analyzing the best interests of the child, considered its three aspects: it is a substantive right, an interpretative principle, and a rule of procedure. It highlighted that the best interests of the child as a right, rule, and principle should be used flexibly and be adapted upon the consideration of the specific circumstances of each child. As a rule of procedure, Article 4(2) of the Charter pertains to the expulsion of a pupil from school as an administrative proceeding and requires that a child affected by such proceedings must be allowed to have their views heard. This is a core component of the

best interests of the child as a procedural rule. Further, at a minimum, the application of the best interests of the child principle also requires the consideration of the impact on the child concerned before making decisions that affect them.²⁸

The Committee noted that any form of testing that a child is forced to undergo cannot be in that child's best interests. Children — when in situations where their health and well-being are involved — should be provided with adequate and appropriate information to understand the situation and all the relevant aspects concerning their interests, and be allowed, when possible, to give their consent in an informed manner. The practice of mandatory pregnancy testing has also been shown to involve publicly announcing results — in cases where the child was found to be pregnant — to shame the child concerned. Mandatory testing is a clear violation of Article 4 of the Charter at every point in the process, including the events before and after the test, and the entire practice should thus be eliminated.

It is not in the best interests of the child to be expelled due to being pregnant or married, because it prevents their access to quality education, which is immensely detrimental to their holistic development and future opportunities.²⁹ It also renders them extremely vulnerable to further violations of their other rights, including civil, economic, social, and cultural rights. Thus, the Committee found that mandatory pregnancy testing, expulsion from school, and denial of re-entry of pregnant and married girls to school are violations of Article 4 of the Charter.³⁰

Violation of Article 14 of the African Children's Charter on the right to health

Article 14 of the Charter guarantees every child 'the right to enjoy the best attainable state of physical, mental, and spiritual health,' and outlines a range of measures that State Parties are obliged to undertake to ensure the full implementation of the right to health of all children under their authority.

The Maputo Protocol defines its scope of application to include girls.³¹ Article 14 of the Maputo Protocol outlines States' obligations regarding girls' rights to health and reproductive rights and General Comment No. 2 of the African Commission further elaborates these obligations.³² These rights include 'the right to control their fertility, the right to decide the number of children and the spacing of children, the right to choose any method of contraception, and the right to have family planning education.'³³ These rights are also stipulated in aspirations 4 and 6 of Agenda 2040 and target 3.7 of the United Nations' Sustainable Development Goals (SDGs).

Tanzania is under a duty to facilitate a safe and supportive environment for adolescents with an emphasis on the duty of schools in this regard.³⁴ This includes ensuring sufficient access to information, skills development, counselling, and health services, particularly in terms of the provision of sexual and reproductive health information and services.³⁵ This should be premised on fostering 'positive and supportive attitudes towards adolescent parenthood' and developing policies that will allow adolescent mothers to continue their education.³⁶

The Committee agreed with the African Commission that the right to health includes the right to control one's health and body and the right to be free from interference.³⁷ The enforcement of mandatory pregnancy testing in schools, therefore, does not respect the right to health.

The Committee noted that the fulfilment of the right to health includes access to information and services, which includes access to comprehensive, age-appropriate sexuality education on consent to sex, which should be regarded as distinct from consent to marriage; and information about gender, sexuality and social norms and stereotypes that perpetuate gender inequality and its manifestations, including child marriage.³⁸

The practice of mandatory pregnancy testing and expulsion as measures to curb teenage pregnancy represent a failure by Tanzania to respect the standards outlined for the fulfilment of children's rights to sex education and health services. Not only does the practice need to be eliminated, but also, there must be full implementation of the provision of comprehensive sexuality education and child-friendly sexual and reproductive health services.³⁹

The Respondent State's policy of forcing girls to undergo mandatory pregnancy testing and subsequently expelling them does not consider the damaging effect this would have on girls who are survivors of sexual violence. Furthermore, the law on abortion in Tanzania does not allow a person to have an abortion where that pregnancy resulted from rape. Article 14(2)(c) of the Maputo Protocol requires State Parties to authorize 'medical abortion in cases of sexual assault, rape, incest, and where the continued pregnancy endangers the mental and physical health of the mother.'⁴⁰

The Committee noted that the prevalence of teenage pregnancy among schoolgirls is due to lack of sexual reproductive health services and comprehensive sexuality education for children and adolescents. In some instances, it is also due to lack of services available for survivors of sexual violence. Accordingly, the Committee noted that the lack of such services also forces schoolgirls to resort to unsafe abortion, which further endangers their lives, survival, and development.⁴¹

The comprehensive implementation of Tanzania's obligation to facilitate the provision of sex education to children has not been realized and the omission has violated Article 14 of the Charter. Tanzania has also violated Article 14 of the Charter by failing to provide child-friendly health services, as well as sexual and reproductive health services to survivors of sexual violence.⁴²

Violation of Article 10 of the African Children's Charter on the right to privacy

The right to privacy is further impacted in the way consent is, or is not, obtained in matters concerning a child's health.

Children should be allowed to give their prior informed consent before and while undergoing any medical procedure, including being tested for pregnancy.⁴³ Furthermore, the provision of these services must be confidential and conducted by trained healthcare professionals.⁴⁴ The disclosure of results should also be done only with the express consent of the child.⁴⁵ Mandatory testing, regardless of the opportunity to consent, is a clear violation of rights.⁴⁶

Considering how the practices of mandatory pregnancy testing violate an array of children's rights, this interference is arbitrary, in addition to being unlawful. The mandatory pregnancy testing of schoolgirls, the failure to facilitate prior, informed consent, and the public announcement of their results is an unlawful, and arbitrary infringement on their privacy.

On illegal detentions, the State is under an obligation to investigate and act to prevent any such violation. The practice of illegally detaining pregnant girls is unjustifiable in any context, it is thus an unlawful and arbitrary interference with the right to privacy.⁴⁷

Violation of Article 1 of the African Children's Charter on the obligation of State Parties

Article 1 of the Charter requires State Parties to the Charter to undertake legislative and other measures towards the realization of the provisions of the Charter as well as to discourage any practice that is inconsistent with the Charter. States should adopt national laws and policies and undertake a continuous review of the laws and policies to assert their compliance with

the Charter. State Parties should adopt proactive measures to discourage practices that contravene the provisions of the Charter including addressing the underlying factors.⁴⁸ States Parties' obligation in the realization of human rights entails an obligation of result, not an obligation of diligence. The due diligence of the State is assessed by the result it has achieved through the legislative and other measures it has taken concerning the respective issue.⁴⁹

The Committee noted that Tanzania has failed to harmonize its age of marriage and to prevent child marriage. It has adopted an Education policy that expels pregnant and married girls from schools. This policy does not discourage practices that hinder the realization of the Charter's provisions. The policy protects perpetrators and stigmatizes victims of sexual violence, including child marriage. The result of the policy is a clear violation of the provisions of the Charter, with pregnant and married girls deprived of their numerous rights in the Charter, including their right to education and health services.⁵⁰ Such limitations are not justifiable or necessary since various alternative measures that ensure the protection of children can be adopted. Community engagement, making health services such as contraception available, prevention of child marriage, and investigation and prosecution of sexual abuse cases are among the available alternatives. The Charter serves as a minimum standard from which State Parties should not deviate but rather can go beyond in protecting children.⁵¹

RECENT DEVELOPMENTS

In November 2021, Tanzania's Ministry of Education, Science and Technology issued a circular, which allowed pregnant girls to be re-admitted to formal schools. Considering the content of the circular, the Committee observed the following:

- a. The circular does not address most of the issues raised in this communication, which are mandatory pregnancy testing, the expulsion of pregnant and married

girls, denial of re-entry to schools, and detention of pregnant schoolgirls. The circular only addresses the situation of girls who dropped out due to pregnancy.

- b. The wordings of the circular are not clear about the situation of children who were expelled from schools due to pregnancy because it only refers to those who dropped out. Given the fact that the expulsion of pregnant schoolgirls was justified by the interpretation of the word 'morality' in the Education Regulation, the Committee notes the importance of adopting comprehensive and vivid circular laws.
- c. The circular has a time limitation and only allows those who dropped out two years before the circular. This excludes all schoolgirls on whose behalf the communication is submitted. The communication was filed in June 2019, while the application of the circular covers girls who dropped out of school starting from November 2019.
- d. The exclusion of children who have been expelled from schools due to criminal cases also negates the purpose of the circular as it relates to this Communication. Wedlock is a ground for expulsion from school in the Education Regulation, hence, the circular can be used to deny the re-admission of married schoolgirls.
- e. The circular does not have a clause about repealing the Education Regulation or other inconsistent rules and policies. Moreover, there is no indication that the circular takes precedence over the Regulation.

The Committee concluded that the circular did not address the issues raised in the case.

WHAT THIS DECISION MEANS FOR GIRLS IN THE UNITED REPUBLIC OF TANZANIA?

The Committee has vindicated the cry of girls in Tanzania of being subjected to forced pregnancy testing, expulsion, denial of re-entry to the formal education system

and lack of Sexual Reproductive Health and Rights (SRHR) information and services.

Tanzania has been directed by the Committee on the concrete steps to take to remedy the plight of girls in the country. A comprehensive framework for building an enabling environment for girls to continue with their education has been laid by the committee in its recommendations to Tanzania.

WHAT THIS DECISION MEANS FOR THE CONTINENT OF AFRICA ?

The decision provides crucial interpretation of the Charter to member States in relation to their obligations to non-discrimination, protecting the best interests of the child, protection of privacy, right to education, right to health and health services, protection against child abuse and torture, and protection against harmful social and cultural practices.

Many countries in the region do not have re-entry policies and when they do, they are not adequate. Therefore, for those that have ratified the Charter, it clarifies their obligation on these issues and they can be held accountable.

Similarly, for the first time, a regional human rights body affirms that adolescents have the right to access sexual reproductive health (SRH) information and services. This is an important precedent regionally because adolescents in Africa face multiple challenges when it comes to accessing SRH information and services.

By agreeing to consider the decision, the committee affirmed that States cannot unnecessarily prolong a national level proceeding to escape accountability.

The decision adds more clarity and predictability in how government officials and domestic courts in Africa will apply the Charter.

The decision affirms children as rights holders with unlimited right to health and age-appropriate reproductive health information and services.

The capacity of adolescents to consent to healthcare services has been affirmed by the Committee as protected under the Charter and the Maputo protocol.

Endnotes

- 1 Youth population: 38.78 M
- 2 Article 11 (2) (b) of the ACERWC
- 3 ACERWC, Communication No 0012/Com/001/2019, Decision on, Legal and Human Rights Centre and Center for Reproductive Rights (on behalf of Tanzanian girls) v United Republic of Tanzania, para 41
- 4 ACERWC, General Comment no. 3 on the responsibility of the Child, para 76-80
- 5 ACERWC, Communication No 0012/Com/001/2019, Decision on, Legal and Human Rights Centre and Center for Reproductive Rights (on behalf of Tanzanian girls) v United Republic of Tanzania, para 42
- 6 As above
- 7 As above, para 43
- 8 As above, para 48
- 9 As above, para 49
- 10 As above para 32
- 11 ACERWC, Communication No. 006/Com/002/2015, IHRDA and Finders Group Initiative on behalf of TFA v. Cameroon, para 68
- 12 ACERWC, Communication No 0012/Com/001/2019, Decision on, Legal and Human Rights Centre and Center for Reproductive Rights (on behalf of

- Tanzanian girls) v United Republic of Tanzania, para 35
- 13 As above Para64
- 14 Sheppard, C. (2009). Systemic Discrimination and Gender Inequality in P Mendes, E., Srighanthan, S., & Mendes, E. P. (2009). Confronting discrimination and inequality in China: Chinese and Canadian perspectives (p. 233)
- 15 ACERWC, Communication No 0012/Com/001/2019, Decision on, Legal and Human Rights Centre and Center for Reproductive Rights (on behalf of Tanzanian girls) v United Republic of Tanzania, para 55
- 16 ACERWC, General Comment No. 7 on article 27 of the ACRWC, para 50
- 17 ACERWC, Communication No 0012/Com/001/2019, Decision on, Legal and Human Rights Centre and Center for Reproductive Rights (on behalf of Tanzanian girls) v United Republic of Tanzania, para 58
- 18 As above para 56
- 19 As above para 57
- 20 As above para 59
- 21 ACERWC and ACHPR, Joint General Comment on Ending Child Marriage in Africa, 2017, para 18
- 22 ACERWC and ACHPR, Joint General Comment on Ending Child Marriage in Africa, 2017, para 18
- 23 As above, para 42
- 24 ACERWC, Communication No 0012/Com/001/2019, Decision on, Legal and Human Rights Centre and Center for Reproductive Rights (on behalf of Tanzanian girls) v United Republic of Tanzania, para 64
- 25 As above
- 26 As above, para 65
- 27 As above, para66
- 28 UNCRC, General Comment No. 14 para 6(c)
- 29 ACERWC, Communication No 0012/Com/001/2019, Decision on, Legal and Human Rights Centre and Center for Reproductive Rights (on behalf of Tanzanian girls) v United Republic of Tanzania, para 73
- 30 As above, para 74
- 31 Article 1(k) of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, (Maputo Protocol) 25 November 2005.
- 32 General Comment No. 2 on Article 14.1 (a), (b), (c) and (f) and Article 14. 2 (a) and (c) of the Maputo Protocol
- 33 As above, 2
- 34 UNCRC, General comment No. 4 (2003): Adolescent Health and Development in the Context of the Convention on the Rights of the Child, para 13-16.
- 35 As above, para 24
- 36 UNCRC, General comment No. 4 (2003): Adolescent Health and Development in the Context of the Convention on the Rights of the Child, paragraph 31
- 37 ACHPR, Communication 379/09: Monim Elgak, Osman Hummeida, and Amir Suliman (represented by FIDH and OMCT) v Sudan (2015) para 134.
- 38 Joint General Comment of the ACHPR and the ACERWC on Ending Child Marriage (2017), para 36
- 39 ACERWC, Communication No 0012/Com/001/2019, Decision on, Legal and Human Rights Centre and Center for Reproductive Rights (on behalf of Tanzanian girls) v United Republic of Tanzania, para 84
- 40 As above, para 86
- 41 As above, para 87
- 42 As above, para 88
- 43 UNCRC, General Comment No. 4, para 29.
- 44 As above, para 36
- 45 As above, para 7
- 46 Note by UN Sec Gen on Right to Health, 2009: 27
- 47 ACERWC, Communication No 0012/Com/001/2019, Decision on, Legal and Human Rights Centre and Center for Reproductive Rights (on behalf of Tanzanian girls) v United Republic of Tanzania, para 95
- 48 ACERWC, Communication No. 007/Com/003/2015, Minority Rights Group International and SOSEslaves on behalf of Said Ould Salem and Yarg Ould Salem V. The Republic of Mauritania, para 47&48
- 49 ACERWC, Communication No 0012/Com/001/2019, Decision on, Legal and Human Rights Centre and Center for Reproductive Rights (on behalf of Tanzanian girls) v United Republic of Tanzania, para 100
- 50 As above, para 101
- 51 As above, para 102