

Hemispheric Report on Child, Early and Forced Marriage and Unions

in the States Party to the Belém do Pará Convention



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Hemispheric report on child, early and forced marriage and unions in the States Party to the Belém do Pará Convention

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Follow-up Mechanism to the Belém do Pará Convention (MESECVI)

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5	1. Introduction
7	2. CEFMUs: Terminology
10	3. Factors that Contribute to CEFMUs: Some of Their Key Interrelated Drivers
10	3.1 Harmful gender norms and stereotypes for girls and adolescents
14	3.3 Poverty, geographic location and ethnic group
16	3.4 Lack of access to education
17	3.5 Lack of access to comprehensive sexuality education
17	3.6 Exposure to violence and abuse in the home
18	4. The MESECVI Study
20	4.1 Prevalence and cultural norms related to CEFMUs in Latin America and the Caribbean
25	4.2 Relationship between poverty and CEFMUs in LAC
31	4.3 Lack of education
33	4.4 Lack of access to comprehensive sexuality education and sexual and reproductive health services
35	4.5 Child and teenage pregnancies
39	4.6 Other forms of violence and abuse
43	4.7 Search for autonomy
44	4.8 CEFMUs in indigenous and native communities
47	5. CEFMUs and the COVID-19 Pandemic: 10 Million More Girls at Risk
50	6. What the Data Reveal: A Widespread And Silenced Practice In The Region
53	7. Consequences of CEFMUs for the Lives of Girls and Adolescents: Trapped In Circles of Precariousness and Violence.
54	7.1 Limitation of personal autonomy and exposure to various forms of violence and abuse
58	7.2 Impact on sexual and reproductive rights and health risks
60	7.3 School dropouts
62	7.4 Economic constraints and child exploitation
63	7.5 Intergenerational transmission of poverty

64	8. The Inter-American Normative Framework to Protect the Rights of Girls and Adolescents From CEFMUs: A Multiple and Serious Violation of Human Rights
68	8.1 An integrative approach to the corpus juris for the protection of girls and adolescents from CEFMUs
71	8.2 The CEFMU and the general principles of the human rights of children
73	8.3 Linking the right of girls and adolescents to live a life free of violence with other human rights recognized in the international legal framework.
74	8.3.1 Right to marry with free and full consent.
76	8.3.2 Right to equality and non-discrimination
79	8.3.3 Right to live a life free of violence
81	8.3.4 Right to physical integrity, health and sexual and reproductive rights in connection with the right of women and girls to live a life free of violence
85	8.3.5 Right to education
86	8.4 Special obligations vis-à-vis CEFMUs
90	9. Legislation on CEFMUs Adopted in Latin America and the Caribbean: Permissive Legal Frameworks
90	9.1 International standards on the minimum age for marriage.
94	9.2 Recognition of the legal minimum age for marriage in Latin America and the Caribbean
105	9.3 Determination of the minimum age to consent to sexual intercourse
109	9.4 Related jurisprudence
112	10. Public Policies in Latin America and the Caribbean to Address and Eradicate CEFMUs: Generalized Inaction of the States in the Region
121	11. Best Practices
124	12. Conclusions
128	13. Recommendations

1. Introduction

“No one should go through what I have been through.”
(Excerpt from the testimony of a child marriage survivor)

Child, Early and Forced Marriage and Unions (CEFMU) are serious human rights issues that affect millions of child and adolescent girls of all countries, cultures, religions and ethnic groups, limiting their full development and enjoyment of childhood and adolescence. These unions are often associated with situations of precariousness, abuse and suffering that extend throughout the duration of the unions also affecting sons and daughters produced from these unions.

Certain countries have reported a slight reduction in female rates of child and adolescent marriage and unions in recent years. According to a report published by the United Nations Children’s Fund (referred to as “UNICEF”), the proportion of females who married as children or adolescents decreased by 15%—from one in four girls married a decade ago to approximately one in five today—thus averting 25 million fewer marriages, among this group, worldwide in the last decade.¹ The strong gender component of this harmful practice, however, is revealed by the fact that CEFMUs affect mostly girls. According to various studies on the subject matter, the global rate of child marriage in boys is equivalent to only one-fifth of girls.²

The available data are still extremely concerning and reveal that it is a widespread phenomenon. Worldwide, approximately 21% of women ages 20 to 24 were married as minors, representing 650 million girls and women.³ The Girls Not Brides Global Partnership reported that 12 million more girls under 18 are getting married each year, equaling 28 girls getting married every minute. If present trends continue, 150 million girls will marry or become part of a union over the next decade.⁴ Furthermore, this figure could increase as up to 10 million more girls will be at risk of becoming child brides as a result of the COVID-19 pandemic, which has profoundly affected the lives of girls and adolescents globally, who have become more vulnerable to child marriage, unwanted pregnancies and sexual violence. This is mainly due to restrictions on movement and confinement

1 UNICEF (2019). *Statistics. Child marriage around the world*. Infographic. Available at: <https://www.unicef.org/es/historias/el-matrimonio-infantil-en-el-mundo>;

2 Misunas, C., Gastón, C.M. and Cappa C. (2019). “Child marriage among boys in high-prevalence countries: an analysis of sexual and reproductive health outcomes,” *BMC Int Health Hum Rights* 19, 25. Available at: <https://doi.org/10.1186/s12914-019-0212-8>; Gastón C.M., Misunas C. and Cappa C. (2018). “Child marriage among boys: a global overview of available data.” *Vulnerable Child Youth Stud*. Available at: <https://doi.org/10.1080/17450128.2019.1566584>;

3 According to UNICEF, Southeast Asia has the highest rates of child marriage, with 40% of CEFMUs reported in the world. On the other hand, South Asia is the region that has registered the greatest progress in recent years, reducing the percentage of CEFMUs from almost 50 to 30%. In contrast, Sub-Saharan Africa has seen an increase in this practice, where 1 in 3 marriages are CEFMUs compared to figures recorded ten years ago, when it was only 1 in 5. To date, almost half of these marriages occur in Bangladesh, Brazil, Ethiopia, India, and Nigeria. UNICEF (2019). *Child Marriage: Latest trends and future prospects*. Available at: <https://data.unicef.org/resources/child-marriage-latest-trends-and-future-prospects/>

4 Girls Not Brides. *About CEFMUs*. Available at: <https://www.unicef.es/noticia/matrimonio-infantil-12-millones-de-ninas-se-casan-cada-ano>

decreed in practically all countries to counteract the health emergency as well as the economic shocks families are facing, school closures and interruptions in services.⁵

5 UNICEF (2020). *COVID-19. A Threat to progress against child marriage*. Available at: <https://data.unicef.org/resources/covid-19-a-threat-to-progress-against-child-marriage/>

2. CEFMUs: Terminology

The Committee of Experts of the Follow-up Mechanism to the Belém do Pará Convention (referred to as “CEVI”) identified significant variations in the terminology used to name the phenomenon at hand. Therefore, it believes that it is appropriate to provide certain clarifications at the onset as a corollary to this report.

First of all, it is important to note that the Committee on the Elimination of Discrimination against Women (referred to as “CEDAW”) and the Committee on the Rights of the Child have defined **child marriage** as any marriage in which one of the contracting persons is under the age of 18, the age of the end of childhood.⁶

The Convention on the Rights of the Child is the international instrument that has set internationally accepted parameters on the period covered by childhood, by stating in its first Article that “a child means every human being below the age of 18 years unless, under the law applicable to the child, the majority is attained earlier.”⁷ This definition has been recognized at the regional level by the Inter-American Court of Human Rights as applicable in its interpretation of Article 19 of the American Convention on Human Rights regarding the rights of the child.⁸

UNICEF, for its part, has defined child marriage as any formal marriage or informal union between a child under the age of 18 and as a fundamental violation of human rights, especially the rights of women.⁹

Secondly, this practice has also been called **early marriage or at an early age** when referring to the “principle of married life which, in the case of girls and adolescents, is a problematic situation when competing, for example, with a girl’s right to an education or physical development.”¹⁰ It is noted that, according to UNICEF, the use of this term has gradually fallen into disuse.¹¹

In like manner, child marriage or de facto unions have been called **forced marriage** to highlight the structural inequalities that drive CEFMUs around the world, the conditions that determine whether entering a marriage or a union is truly a “choice”: low expectations of girls, the domestic work, and control they experience in their natal homes and limited commitment to girls’ schooling.”¹² In addition,

6 United Nations. Committee on the Elimination of Discrimination against Women and Committee on the Rights of the Child (2014). *Joint General Recommendation No. 31 of the Committee on the Elimination of Discrimination against Women and No. 18 of the Committee on the Rights of the Child on harmful practices*, CEDAW/C/GC/31/CRC/GC/18, para. 20

7 Convention on the Rights of the Child, Article 1. Available at: <https://www.un.org/es/events/childrenday/pdf/derechos.pdf>

8 Inter-American Court of Human Rights (IACHR). *Handbook on Jurisprudence of the Inter-American Court of Human Rights No. 5. girls, boys and adolescents*, p. 27. Available at: <https://www.corteidh.or.cr/tablas/r33823-2017.pdf>

9 UNICEF (2021). *Child Marriage*. Available at: <https://data.unicef.org/topic/child-protection/child-marriage/>

10 Greene, M. (2019). *A hidden reality for adolescent girls. Child, Early and Forced Marriages and Unions in Latin America and the Caribbean*. Regional Report. Plan International Americas and UNFPA, p. 16.

11 UNFPA and UNICEF (2021). *Evolution in the evidence base on child marriage 2000-2019*. Global Programme to End Child Marriage, p. 16. Available at: <https://www.unicef.org/documents/evolution-evidence-base-child-marriage-2000-2019>

12 Greene, M. (2019). *A hidden reality for adolescent girls. Child, Early and Forced Marriages and Unions in Latin America and the Caribbean*. Regional Report. Plan International Americas and UNFPA, p. 16

their marriages and unions take place with men who are often older. According to the universal system for the protection of human rights, child marriage is considered a form of forced marriage either because it does not have the full, free and informed consent of one or either party or because at least one of the contracting parties is coerced or cannot separate or end the union due to some type of coercion or family or social pressure.¹³ In this same sense, the Inter-American Commission on Human Rights (IACHR) has observed that child marriages or de facto unions “are an expression of forced marriage insofar as there is a lack of sufficient maturity of at least one of the contracting parties to choose their spouse by their full, free and informed consent and there is a marked unequal relationship of power between the spouses.”¹⁴

At the same time, **early informal unions or de facto unions** also stand out, known in some countries of the region as *conjugal unions, free unions, improper unions, informal marriages, forced unions, consensual unions or living together*,¹⁵ as practices characterized by cohabitation without legal or religious registration (couples living under the same roof).¹⁶

According to UNFPA and UNICEF, unlike other parts of the world, the LAC region is known for having a higher prevalence of **informal unions**,¹⁷ which society does not generally consider “marriages” or associate with childhood and are not documented or recognized by the Church or State.

However, these informal unions have been shown to be equivalent to marriage in terms of the impact on the lives of girls and adolescents.¹⁸ Therefore, as stated by the IACHR, “they have been considered an informal expression of child marriage insofar as they follow informal patterns of family ties.”¹⁹ In this sense, in the region, “the term marriage must be understood to include unions that the Church or the State does not formalize.”²⁰

13 United Nations. Committee on the Elimination of Discrimination against Women and Committee on the Rights of the Child (2014). Joint General Recommendation No. 31 of the Committee on the Elimination of Discrimination against Women and No. 18 of the Committee on the Rights of the Child on harmful practices, CEDAW/C/GC/31/CRC/GC/18, para. 20; United Nations. Human Rights Council. *Report of the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment A/HRC/31/57* (January 5, 2016), para. 63. Available at: <https://www.undocs.org/es/A/HRC/31/57>

14 IACHR (2019), *Violence and discrimination against women, girls and adolescents: Best Practices and Challenges in Latin America and the Caribbean*, para. 215. Available at: <http://www.oas.org/es/cidh/informes/pdfs/ViolenciaMujeresNNA.pdf>

15 Girls Not Brides (2020).

Child, Early and Forced Marriages and Unions in Latin America and the Caribbean, p. 2.

16 Greene, M. (2019). *A hidden reality for adolescent girls. Child, Early and Forced Marriages and Unions in Latin America and the Caribbean*. Regional Report. Plan International Americas and UNFPA, p. 15.

17 Greene, M. (2019). *A hidden reality for adolescent girls. Child, Early and Forced Marriages and Unions in Latin America and the Caribbean*. Regional Report. Plan International Americas and UNFPA; Girls Not Brides. *Child Marriage in Latin America and the Caribbean*. 2017;

18 Greene, M. (2019). *A hidden reality for adolescent girls. Child, Early and Forced Marriages and Unions in Latin America and the Caribbean*. Regional Report. Plan International Americas and UNFPA, p. 16.

19 IACHR (2019), *Violence and discrimination against women, girls and adolescents: Best Practices and Challenges in Latin America and the Caribbean*, para. 215; Girls Not Brides (2020). *Child, Early and Forced Marriages and Unions in Latin America and the Caribbean*.

20 Greene, M. (2019). *A hidden reality for adolescent girls. Child, Early and Forced Marriages and Unions in Latin America and the Caribbean*. Regional Report. Plan International Americas and UNFPA, p. 16

The CEVI agrees with UNICEF and UNFPA that this terminological diversity in the region has reduced the visibility of informal unions, complications in their measurement, and their ambiguous position in relation to the law.²¹

Taking into consideration this variety of terminology and its impact, for the purposes of this report, the CEVI has determined to use the broad term of “**child, early and forced marriages and unions**” (referred to as “CEFMU”), following the practice of the system of United Nations and various specialized organizations that work on the issue in the region.

21 Greene, M (2019). *A hidden reality for adolescent girls. Child, Early and Forced Marriages and Unions in Latin America and the Caribbean*. Regional Report. Plan International Americas and UNFPA, p. 16; Girls Not Brides (2020). *Child, Early and Forced Marriages and Unions in Latin America and the Caribbean*, p. 2.

3. Factors that Contribute to CEFMUs: Some of Their Key Interrelated Drivers

CEFMUs result from various causes that are linked and reinforce each other, revealing a context of systemic inequality that affects women and girls worldwide, limiting their development opportunities and increasing violations of their human rights. The CEVI was able to corroborate that, although the roots and drivers of these harmful practices adopt specific characteristics depending on each country, there are clearly defined interrelated conditions that perpetuate them throughout the region.

As described in this section, some of the underlying causes of CEFMUs include gender norms and roles that place women in a subordinate position compared to men and that perpetuate this subordination; conditions of marginalization, precariousness and poverty that are transmitted intergenerationally, the lack of respect and guarantee of the sexual and reproductive rights of girls and adolescents, the existence of pregnancies at an early age, the difficulty in accessing sexual and reproductive health services, the lack of access to education and school dropouts, gender violence, child abuse and domestic violence, the existence of legal frameworks that do not adequately protect the rights of girls and adolescents, and failure by the authorities to provide adequate, serious and coordinated attention to this serious phenomenon.

3.1 Harmful gender norms and stereotypes for girls and adolescents

Multiple studies on the subject matter have proven that child and early marriages and unions are rooted in gender norms and stereotypes, sociocultural practices and representations around motherhood, sexuality, couple relationships, and women's role within the family and communities.²²

These gender stereotypes, as the IACHR has specified, refer to "a preconception of the attributes, characteristics or roles that men or women either play or are expected to play. They are socially dominant and socially persistent stereotypes, which are implicitly or explicitly expressed, and are both a cause and consequence of gender violence against women."²³

The CEVI was able to identify that in those communities and families where CEFMUs are a naturalized transgenerational practice, there are gender norms that mandate traditional femininities that reflect and reproduce sociocultural patterns of subordination and dependence of women compared to men and that perpetuate inequality and gender violence from early childhood.

22 Greene, M (2019). *A hidden reality for adolescent girls. Child, early and forced marriages and unions in Latin America and the Caribbean. Regional Report*. Plan International Americas and UNFPA, p. 16; Girls Not Brides (2020). *Child, early and forced marriages and unions in Latin America and the Caribbean*, p. 4; Plan International and UNFPA (2020). *Masculinities and their impact on child marriages and early unions*; UNFPA and UNICEF (2021). *Evolution in the evidence base on child marriage 2000-2019*, pp. 34-42.

23 IACHR (2011). *Access to justice for women victims of sexual violence in Mesoamerica. OAS/Ser.L/V/II. Doc. 63*, para. 56.

Many of these families clearly define and sanction the differences between the roles of girls and boys at an early age. These gender roles place girls in the domestic and private sphere and boys in the public and productive spheres and establish a hierarchy in which boys are more valued socially and enjoy greater rights than girls. Girls are generally expected to grow up to be subordinate and consequently receive social recognition for demonstrating qualities such as obedience, delicacy, kindness, submission, and housework and caretaker skills.²⁴

The CEVI was able to identify that these gender stereotypes and community norms restrict girls' alternatives to marriage throughout the region and, in fact, found that there is frequently a recognition of this practice as something beneficial for women and, conversely, disapproval for single adolescent girls, who may experience rejection and feelings of shame.

For many girls and adolescents educated under these gender mandates, marriage is not only something desirable but a life objective after internalizing their alleged natural roles as a mother and wife. In particular, it is observed that the idealization of romantic love plays a crucial role in the persistence of CEFMUs. Many girls think that love will automatically bring them a better life and internalize its value based on the attention they can attract from men.²⁵ In addition, in family contexts where there is a lack of security and affection, many of them risk falling in love with older men as they seek to offset this need for protection.

Qualitative studies in Bolivia, Guatemala, Peru and the Dominican Republic, for example, have established that girls must assume domestic roles from a very young age and, given the importance granted to motherhood, they are expected to replicate the role of their mothers even when they go to school aspiring to grow up and form a family as a life goal.²⁶

In addition, many girls must assume the role of primary caregivers of their families when their mothers work outside the home or migrate in search of economic opportunities, which may be a reason for them to seek to enter an early union or marriage, thinking that this it can free them from the domestic burden placed on them by their families of origin.

In like manner, the CEVI found that the gender values and norms that determine sexual relationships frequently imply structural disadvantages for girls and adolescents that prevent them from exercising their sexual and reproductive autonomy and self-determination and, therefore, lead them to enter a CEFMU. Many girls may feel pressured by their partners to consume sexual relations, to whom they subordinate their preferences and sexual autonomy, and when their families discover

24 Greene, M (2019). *A hidden reality for adolescent girls. Child, early and forced marriages and unions in Latin America and the Caribbean. Regional Report.* Plan International Americas and UNFPA, p. 43.

25 Greene, M (2019). *A hidden reality for adolescent girls. Child, early and forced marriages and unions in Latin America and the Caribbean. Regional Report.* Plan International Americas and UNFPA, p. 43.

26 Greene, M (2019). *A hidden reality for adolescent girls. Child, early and forced marriages and unions in Latin America and the Caribbean. Regional Report.* Plan International Americas and UNFPA, p. 43.

them or if they become pregnant, they receive pressure to enter a union or marry given the high value families and communities still place on virginity and fears that they will not be able to marry later if they are sexually active.²⁷

As UNFPA has pointed out, early marriages and unions reflect adult ideas about adolescent sexuality and how it should be managed and sanctioned. Girls and adolescents' families and sexual partners "manage and dominate their sexuality through imposed silence, personal negligence to control behavior, freedom of movement, and gender violence," and subject them to models of domination that find their maximum expression in this harmful practice.²⁸

The CEVI emphasizes that CEFMUs are a conduit that allows gender norms and mandates to be replicated. Without education or work, isolated and trapped in circles of control, subordination and poverty, girls who marry early are likely to have stereotypical perceptions and lack the tools and support required to deal with these inequitable norms and practices within their family circle that continues to perpetuate generational gender inequality.

3.2 Cultural and social norms on masculinity

As confirmed by research in the region and worldwide, although there are cases of adolescent boys married before the age of 18, child marriage and early unions are harmful practices with a strong gender component, as they affect mainly adolescent girls.²⁹

Both the CEDAW and the Committee on the Rights of the Child have highlighted that the vast majority of child marriages, both de facto and de jure, affect girls, although sometimes their spouses are also under 18 years of age.³⁰

It should be noted that UNICEF has found that the countries of the LAC region are among those nations with the highest rates of boy child marriage worldwide, who often live in the poorest households. According to this agency, nine have higher rates than the world average (3%) out of ten countries for which data are available. This prevalence has remained relatively stable over time. In addition, it has been documented that in Belize and Nicaragua, one in five young men was married or in a union before their 18th birthday.³¹

27 Greene, M (2019). *A hidden reality for adolescent girls. Child, early and forced marriages and unions in Latin America and the Caribbean. Regional Report*. Plan International Americas and UNFPA, p. 53; Plan International and UNFPA (2020). *Masculinities and their impact on child marriages and early unions*.

28 Greene, M (2019). *A hidden reality for adolescent girls. Child, early and forced marriages and unions in Latin America and the Caribbean. Regional Report*. Plan International Americas and UNFPA, p. 53

29 Misunas, C., Gastón, C.M. and Cappa, C. (2019). "Child marriage among boys in high-prevalence countries: an analysis of sexual and reproductive health outcomes." *BMC Int Health Hum Rights* 19, 25; Plan International and UNFPA (2020). *Masculinities and their impact on child marriages and early unions*; Greene, M (2019). *A hidden reality for adolescent girls. Child, early and forced marriages and unions in Latin America and the Caribbean. Regional Report*. Plan International Americas and UNFPA

30 United Nations. Committee on the Elimination of Discrimination against Women and Committee on the Rights of the Child (2014). *Joint General Recommendation No. 31 of the Committee on the Elimination of Discrimination against Women and No. 18 of the Committee on the Rights of the Child on harmful practices*, CEDAW/C/GC/31/CRC/GC/18, para. 20-22

31 UNICEF (2019). *A Profile of Child Marriage and Early Unions in Latin America and the Caribbean*, p. 20.

As noted in this report, child, early and forced marriages and unions are a highly complex phenomenon in which gender, economic and educational inequalities, patterns of violence and abuse, harmful gender norms, early pregnancy, control of women's sexuality, and inadequate legal frameworks and public policies that limit the access of girls and adolescents to mechanisms and opportunities to live their present and achieve their future life project fully are connected and reinforced.

This phenomenon highlights cycles of discrimination, violence and helplessness that trap the most vulnerable women in the region throughout the different stages of their lives. As addressed in the following sections, the girls and adolescents from the poorest and most marginalized households, who live in rural areas and belong to indigenous and Afro-descendant communities, face a greater risk of entering a CEFMU. A harmful practice they may perceive as an escape from the context of violence and marginalization in which they live, or family pressure, also affected by structural causes of inequality and harmful gender norms that make them consider that CEFMUs can be a viable life option for the girl child and adolescent girl.

It has been internationally recognized that CEFMUs are a gender-based discriminatory practice that not only reflects the context of the family and community violence in which the girls used to live but also has immediate and permanent consequences for those who suffer this practice by increasing the possibility of becoming victims of domestic and intimate partner violence at some point in their lives.³²

Girls and adolescents who enter a CEFMU are stripped of their childhood and early adolescence and are exposed to health conditions that can put their lives at risk. In general, these girls and adolescents live in deep social isolation that seriously affects their mental health and well-being. They face higher rates of labor exploitation, lose autonomy, and are more likely to become mothers at an early age or to have a greater number of children, increasing the probability of damage to their health that can even lead to death. As will be noted later, girls and adolescents under the age of 16 are four times more likely to die from pregnancy-related complications and childbirth than women ages 20-30. They also have a lower level of schooling, and their future economic expectations are reduced by having few job opportunities, frequently remaining in the poverty from which they thought they would escape by entering a marriage, and become the victims of processes of intergenerational transmission of vulnerability and marginalization.

In like manner, it has been documented that the abandonment of girls by their partners due to a denial of paternity or migration in search of economic opportunities throughout the region is a common pattern. These girls are often forced to go back to their family of origin, where they are held responsible for their failed union, early sexual activity and, pregnancy if that were the case. Furthermore, when going back to their families of origin, many must assume a significant burden of caretaker and do-

32 United Nations. Committee on the Elimination of Discrimination against Women and Committee on the Rights of the Child (2014). *Joint General Recommendation No. 31 of the Committee on the Elimination of Discrimination against Women and No. 18 of the Committee on the Rights of the Child on harmful practices*, CEDAW/C/GC/31/CRC/GC/18, para. 7.

mestic work, and without additional income, can aggravate their family's already precarious situation, producing negative impacts not only on their well-being but also on the upbringing of their children who become part of a family group affected by poverty and segregation.³³

It has also been recognized to impact the economies of countries involving major consequences for development and prosperity. CEFMU effects are so profound that the UN Member States have specifically committed to eliminating child, early and forced marriage under Sustainable Development Goal 5.3.³⁴

3.3 Poverty, geographic location and ethnic group

Early marriage and informal unions epitomize how cycles of poverty, inequality and violence intertwine, deepen, and perpetuate over girls' and women's lifetimes.

From the information compiled for this report, the CEVI corroborated that girls and adolescents belonging to low and middle-income population groups, who live in rural areas or with high levels of poverty and violence, and girls and adolescents belonging to certain ethnic groups are more likely to marry or become part of a union than those who live in urban areas or are located in high-income quintiles.³⁵

To understand the context in which this phenomenon occurs, we must remember that the poorest people in the world are women and girls, who are below men in all indicators of sustainable development as a consequence of the perpetuation of harmful gender roles and a patriarchal system that reduces their life options and places a disproportionate burden of domestic work and unpaid caretaking that limits their autonomy and reduces the possibility of having their own income in the short, medium and long terms.³⁶

According to United Nations studies, 70% of the world's poor are women.³⁷ Specifically, in Latin America, records confirm that for every 100 men living in extreme poverty, there are 132 women.³⁸ By 2017, the region had a poverty femininity index of 113, and 29.4% of women in the region did not have their own

33 Greene, M. (2019). *A hidden reality for adolescent girls. Child, Early and Forced Marriages and Unions in Latin America and the Caribbean*. Regional Report. Plan International Americas and UNFPA, p. 40.

34 Specifically, indicator 5.3.1 measures the proportion of women ages 20-24 who were married by the age of 15 and 18. See: United Nations Development Program (UNDP). *Sustainable Development Goals. Objective 5: Gender equality*. Available at: <https://www1.undp.org/content/undp/en/home/sustainable-development-goals/goal-5-gender-equality.html>

35 Huaita M. (2021). "Embarazo adolescente en el ámbito rural y urbano de Cajamarca" (Teenage pregnancy in rural and urban areas of Cajamarca). *Quaestio Iuris Journal*, No. 9. Law School - National University of Cajamarca.

36 According to the ILO, women are responsible for 76.2% of all hours of unpaid caretaking work (more than three times that of men), and it is they who have double or triple working hours, a situation that has worsened with the lockdown measures ordered to counter the COVID-19 pandemic. See: International Labor Organization (ILO) (2018). *Care work and care jobs for the future of decent work*. Available at: https://www.ilo.org/global/publications/books/WCMS_633168/lang--es/index.htm

37 United Nations (2016). "70% of world's hungry are women." Available at: <https://news.un.org/es/story/2016/03/1352391>; Amnesty International (2020). "Poverty has a gender." Available at: <https://www.es.amnesty.org/en-que-estamos/blog/historia/articulo/la-pobreza-tiene-genero/>

38 Precarious homes are understood to be those that lack at least one of the following four resources: 1) access to clean water, 2) improved sanitary facilities, 3) enough space to live in, and 4) safe housing. UN Women (2018). *Turning promises into action: Gender equality in the 2030 Agenda for Sustainable Development* Available at: <https://www.unwomen.org/-/media/headquarters/attachments/sections/library/publications/2018/sdg-report-gender-equality-in-the-2030-agenda-for-sustainable-development-2018-es.pdf?la=es&vs=834>

income compared to 10.7% of men, which reflects that almost a third of women were economically dependent.³⁹ UN Women has documented that the percentage of women suffering from food insecurity is 6.5 percentage points higher than that of men in Argentina, 7.5 in Peru and almost 10 points higher in Belize, and in Honduras, more than 60% of women in urban environments live in substandard housing.⁴⁰ As the IACHR has noted, “although poverty affects everyone, its impact is decidedly different for women, given their situation of historical discrimination based on their sex and gender.”⁴¹

There is a causal relationship between poverty and harmful gender norms that is crucial to consider when analyzing CEFMUs. Gender stereotypes and roles generate and perpetuate women’s poverty and, in turn, inequality and economic dependency increase gender gaps and expose women throughout their life cycles to a greater risk of having their human rights violated, highlighting how the different oppressions that affect them are intertwined. Thus, girls and women who belong to disadvantaged and/or excluded groups are more vulnerable to human trafficking and forced migration; they have less access to services and the education and health system, lack access to property and housing and are commonly excluded from citizen participation and decision-making processes.

In addition to this, girls who belong to households in poverty are especially vulnerable to suffering gender violence and, specifically, sexual abuse and violence derived from the roles of adults that they must assume early. As the Follow-up Mechanism to the Belém do Pará Convention (referred to as “MESECVI”) has noted, girls living in poverty find themselves in need of working “on the street or in very precarious conditions, they move or are left alone in the home, they must take care of the adult men of the family, they are given to men or families to give them food and housing in exchange for work, [or] they live in crowded conditions.”⁴²

The CEVI warns that it is precisely in this context of systemic violence, precariousness and inequality that child marriage and early unions appear in the life of girls and adolescents, as practices adopted as a survival strategy for those whom the economic and social system has left few or no options to get ahead independently.

According to UNICEF data, **globally, a girl from a poor home is three times more likely to marry** than a girl from a home without poverty, and in the LAC region, **more than 60% of women married before the age of 18 belonged to the lowest income quintiles.**⁴³ In the same sense, the United Nations High Commissioner for Human Rights recognized that “although the proportion of girl marriages, in gen-

39 ECLAC (2019). *SDG 5: achieve gender equality and empower all girls and women in Latin America and the Caribbean. Key regional statistics on SDG 5*. Available at: https://www.cepal.org/sites/default/files/static/files/ods5_c1900675_web.pdf

40 Precarious homes are understood to be those that lack at least one of the following four resources: 1) access to clean water, 2) improved sanitary facilities, 3) enough space to live, and 4) safe housing. UN Women (2018). *Turning promises into action: Gender equality in the 2030 Agenda for Sustainable Development*

41 IACHR (2011). *The Work, Education and Resources of Women: The road to equality in Guaranteeing Economic, Social and Cultural Rights*. OEA/Ser.L/V/II.143 Doc. 59, para. 247.

42 CIM, MESECVI (2016). *Hemispheric Report on Sexual Violence and Child Pregnancy in the States Party to the Belém do Pará Convention*, para. 11

43 UNICEF (2019). *A Profile of Child Marriage and Early Unions in Latin America and the Caribbean*.

eral, has decreased over the last 30 years, child marriage continues to be a frequent practice in rural areas and the poorest communities.”⁴⁴

3.4 Lack of access to education

“I have a daughter to raise, and this makes me sad because it is difficult, I am not a professional. I am sorry I did not study earlier.”
(Quote from UNICEF research)

“I would have liked to be alone, not have gone through this, to have studied first and then look for work and then have a family.”
(Quote from a UNFPA investigation)

“I finished high school, started high school, and I am already married.”
(Excerpt from the testimony of a survivor of child marriage)

CEFMUs are linked throughout the region with low education levels and lack of access by adolescent girls to the school system, which frequently originates from gender stereotypes and norms that place a higher value on education for boys.⁴⁵

In many families, especially those living in poverty, boys are considered to be the ones that should grow up to have a job that requires education, which is assumed as a family investment, while girls’ education takes a back seat or is simply discarded to make way for their early marriage or union as a means to survival looking forward.⁴⁶

In addition, gender norms commonly encourage girls and adolescents to fulfill domestic roles from a very young age and replace their mothers at home and care for their younger siblings when the mother is absent, which can compete directly with their schooling. These stereotypes and gender roles make girls and adolescents face judgments and reluctance when they want to prioritize their education and be recognized in their families and communities when they assume a maternal role and perform domestic work.⁴⁷

44 United Nations. Human Rights Council. *Report of the Office of the United Nations High Commissioner for Human Rights, A/HRC/26/22* (April 2, 2014). Available at: <https://undocs.org/es/A/HRC/26/22>; para. 17.

45 UNFPA and UNICEF (2021). *Evolution in the evidence base on child marriage 2000-2019*. Global Programme to End Child Marriage.

46 Greene, M (2019). *A hidden reality for adolescent girls. Child, early and forced marriages and unions in Latin America and the Caribbean. Regional Report*. Plan International Americas and UNFPA, pp. 43-50.

47 Huaita M. (2021). “Teenage pregnancy in rural and urban areas of Cajamarca.” *Quaestio Iuris Magazine*, No. 9. Law School - National University of Cajamarca.

3.5 Lack of access to comprehensive sexuality education

The CEVI highlights that girls and adolescents who enter into early marriage or union usually have not had access to adequate sexuality education or sexual and reproductive health services to assist them in a free and informed manner. This means that they often lack the knowledge and tools necessary to exercise their reproductive autonomy and right to health and physical integrity, creating settings in which these harmful practices are considered viable options for early pregnancy or before the girl or adolescent engages in sexual activity.

This lack of access to knowledge about sexuality and birth control reflects paternalistic attitudes and patriarchal controls over women's bodies, as well as a reluctance to recognize adolescent girls as sexually active subjects.⁴⁸ The denial of comprehensive sexuality education also reproduces patterns of structural inequality by depriving girls and adolescents of vital information and knowledge to exercise their rights and develop their sexuality in conditions of equality and respect, locking them in adverse fertility circles, subordination and poverty.

3.6 Exposure to violence and abuse in the home

"The only thing I remember from my childhood (...) is that they beat me, whether I did things right or wrong."

(Quote from a Plan International investigation in the Dominican Republic).

Studies in various countries indicate a close relationship between violence in the home of origin of girls and adolescents and the probability that they enter an early marriage or union.⁴⁹ As mentioned early, many girls find that CEFMUs are an escape from circles of violence, abuse and exploitation within their own families, and may even choose to get pregnant at an early age to justify leaving home. The Girls Not Brides global partnership has also determined that entering a CEFMU is a factor that increases the risk of girls and adolescents becoming victims of gender, economic and sexual violence.⁵⁰

48 Greene, M (2019). *A hidden reality for adolescent girls. Child, early and forced marriages and unions in Latin America and the Caribbean. Regional Report*. Plan International Americas and UNFPA, p. 43.

49 Greene, M (2019). *A hidden reality for adolescent girls. Child, Early and Forced Marriages and Unions in Latin America and the Caribbean. Regional Report*. Plan International Americas and UNFPA; Care (2018). *Child, early and forced marriage. Care's global experience; UNFPA and UNICEF (2021). Evolution in the evidence base on child marriage 2000-2019. Global Program to End Child Marriage*.

50 Girls Not Brides (2020). *Child, early and forced marriages and unions in Latin America and the Caribbean*.

4. The MESECVI Study

The prevalence of CEFMUs in the Americas has been a matter of special concern within the framework of the Organization of American States (OAS), and in particular, for the Inter-American Commission of Women (CIM) and the MESECVI.⁵¹

In the case of the CIM, the Executive Committee agreed to collaborate with the Secretary General of the OAS to prepare a report on the progress and challenges of CEFMUs at the national level⁵², and request the CEVI to prepare a Model Inter-American Law against CEFMUs and a guide for its implementation.⁵³

For its part, from its origins, the CEVI has also expressed its concern regarding the high incidence of CEFMU in the region. Particularly important is the incorporation of the topic in the Hemispheric Report on Sexual Violence and Child Pregnancy in the States Party to the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Belém do Pará Convention), with its initial review of the inter-American and universal *corpus iuris* for the protection of girls' rights

51 AG/RES. 2941 (XLIX-O/19) Promotion and Protection of Human Rights of the OAS General Assembly. Chapter xvi. Strengthening of the Inter-American Commission of Women for the promotion of gender equity and equality, the human rights of women and girls, and the elimination of discrimination and all forms of violence against them.

"2. To continue to support the efforts of the CIM to meet its objectives and discharge its functions by working to address topics of particular concern, especially: (...) (ii) the promotion and protection of the human rights of women and girls and prevention and eradication of gender violence in all its forms, such as femicide-related violence or political violence, and harmful practices such as child, early, and forced marriages and unions; (...)

OAS. General Assembly. *Resolution on the Promotion and Protection of Human Rights AG/RES. 2941 (XLIX-O/19)*. 49th regular session of the OAS General Assembly (June 2019, Medellín). Available at: <https://www.oas.org/en/council/ag/resdec/Default.asp>

52 Agreement 2 of the Fourth Regular Session of the Executive Committee of the CIM 2016-2019 (September 2018). "Having seen the progress made in addressing Child Marriage and Early Union:

- a. Collaborate with the Office of the Secretary General of the OAS to complete the questionnaire on progress and challenges at the national level;
- b. Request that the Executive Secretariat include the results of the questionnaire in the final diagnostic report and circulate it to the Delegates; and
- c. Following the agreement adopted by the Second Regular Session of the Executive Committee of the CIM, request the Committee of Experts of the Follow-up Mechanism to the Belém do Pará Convention (MESECVI) use the diagnosis to develop a draft Model Law or Guidance for legislative reform, as appropriate."

Organization of American States. CIM. *Fourth Regular Session of the Executive Committee of the CIM 2016-2019 (September 2018)*. Available at: <https://www.oas.org/en/cim/committee.asp>

53 Agreement 1 of the Second Regular Session of the Executive Committee of the CIM 2016-2019 (September 2017): Having considered the Report on the Activities of the President and the Executive Secretariat of the CIM, contained in document CIM/CD/doc.9/17, the Executive Committee agrees to:

- a. Establish an informal communication mechanism between the members of the Executive Committee and the Executive Secretariat of the CIM;
- b. In the framework of the 7th Conference of States Party to the Belém do Pará Convention, to be held on Executive Committee and the Secretary General of the OAS;
- c. Request that the Executive Secretariat of the CIM map the training available in the region, both from the National Mechanisms for the Advancement of Women and from international organizations, and make it available to the general public; and
- d. Request that the Executive Secretariat of the CIM develop the Inter-American Model Law against Child Marriage and Early Union, and accompany it with a Guide for its implementation, to be considered at a later session of the Executive Committee.

Organization of American States. CIM. *Second Regular Session of the Executive Committee of the CIM 2016-2019 (September 2017)*. Available at: <http://www.http://www.oas.org/es/cim/docs/CIM-CD-doc12-17-EN.pdf>

against child marriage, urging the States to comply with their international obligations to eradicate this harmful practice.⁵⁴

In the exercise of its mandate, the CEVI decided to prepare this specific report to continue its analysis of CEFMUs as a matter of special concern for the region, highlighting their main characteristics and, especially their consequences and the scope of the obligations of the States Party to the Belém do Pará Convention against this discriminatory practice that affects girls and adolescents.

For its preparation, various requests for information were made to the States Party to the Belém do Pará Convention, followed by consultations with specialized organizations focused on eradicating CEFMUs in the region and searching for public information available. In addition, in order to enhance the findings of this report, close contact was maintained with a survivor of child marriage, whose experiences were an invaluable source of qualitative information to understand the causes and consequences of this harmful practice.

Based on this information, this report presents a diagnosis of child marriage and early unions in the Latin American and Caribbean region and the responses that the States have implemented to counteract this serious phenomenon.

Based on this analysis, the CEVI completed a detailed analysis of the international human rights law framework on the subject matter (Section 8) and the status of the laws and public policies existing in the region in light of this problem (Section 9). In addition, the last section presents conclusions and recommendations on legislative and public policy amendments considered imperative to adopt to eradicate CEFMUs (Sections 10 and 11).

As described in this report, we face multiple challenges where there is a general lack of adequate and effective responses by the States Party to the Belém do Pará Convention. Despite the prevalence of CEFMUs and their serious consequences, the CEVI was able to confirm that there is very little official information available that would serve to provide a full understanding of the characteristics of the phenomenon, with a generalized indifference, which was verified first-hand by receiving information from only 12 countries despite repeated requests for information sent to all Member States of the Belém do Pará Convention.⁵⁵

Despite the difficulties faced in obtaining official information, the CEVI was able to verify that although changes have recently been made to regulatory frameworks to raise the minimum age of marriage in accordance with international human rights standards, a significant number of countries in the region still provide various exemptions and exceptions to the legal minimum age that are ambiguous and contrary to the principle of the best interest of the child, without these legislative changes having been translated into concrete actions that allow denaturing this practice. In addition, evidence was

54 CIM. MESECVI (2016). *Hemispheric Report on Sexual Violence and Child Pregnancy in the States Party to the Belém do Pará Convention*. Available at: <http://www.oas.org/en/mesecvi/docs/MESECVI-EmbarazoInfantil-ES.pdf>

55 Brazil, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Mexico, Nicaragua, Panama, Paraguay, Peru, and Suriname.

found that, when they exist, the public policies implemented by the States for their eradication do not measure up to facing the magnitude of the problem. This indifference places millions of girls and adolescents in the Americas at serious risk. It violates the international obligations set forth in the Belém do Pará Convention, the American Convention on Human Rights and the Convention on the Rights of the Child, among many other international human rights instruments.

The CEVI states that the elimination of CEFMUs requires a comprehensive, systematic and coordinated effort by the States, international organizations, civil society organizations, and communities and families, intending to identify and address the intersecting factors and causes that enable and perpetuate the practice. For years, this report has sought to support this effort by spotlighting practices that have locked women and girls within the domestic sphere and in transgenerational cycles of violence, subordination, and marginalization.

Given the historical invisibility of the problem at the regional level, breaking the silence is a shared task.

4.1 Prevalence and cultural norms related to CEFMUs in Latin America and the Caribbean

In order to illustrate what is happening in the region, the following is a table with CEFMU prevalence percentages based on 2019 UNICEF data, supplemented with the information submitted to the CEVI by the States Party within the framework of this report:

Table 1. Percentage of the prevalence of CEFMUs in LAC

Country	Percentage of women ages 20 to 24 who were married or in union for the first time before the age of 18
Dominican Republic	36%
Nicaragua	35%
Honduras	34%
Belize	33%
Guyana	30%
Guatemala	29%
Barbados	29%
Brazil	26%
Mexico	26% / the report Mexico sent to the CEVI reported a 20.7% rate
Cuba	26%
El Salvador	26% / the report El Salvador sent to the CEVI, reported a 12.7% rate
Panama	26%
Uruguay	25%
St. Lucia	24%
Colombia	23% / the report Colombia sent to the CEVI reported a 23.4% rate
Paraguay	22% / the report Paraguay sent to the CEVI reported a 20% rate
Costa Rica	21% / the report Costa Rica sent to the CEVI reported a 17.1% rate
Ecuador	20%
Bolivia	20%
Suriname	19%
Peru	19% / the report Peru sent to the CEVI reported a 16.9% rate
Haiti	15%
Trinidad and Tobago	11%
Jamaica	8%

Source: Own preparation based on 2019 UNICEF data included in the report "A Profile of Child Marriage and Early Unions in Latin America and the Caribbean."¹

As for the information reported by the States, the report from **Mexico** stands out for its breadth. According to this report, in 2018, at the national level, **3.6% of women ages 20 to 24** were married or in a union before the age of 15, while 20.7% were married or in a union before the age of 18.⁵⁶

According to data reported by the **Dominican Republic**, in 2018, **24.1% of adolescent girls contracted marriage or were in a union before the age of 15**, while 86.5% were married or in a union before reaching the age of 18.⁵⁷ **Colombia** reported that in 2015, the percentage of women ages 20 to 24

⁵⁶ Mexico reported 504,923 civil marriages in 2019, of which at least one of the contracting parties of 66 of these marriages was under 18. According to the 2018 National Demographic Dynamics Survey (ENADID), 14.7% of 5.5 million adolescent girls, were married or in a union (13.1% in common law and 1.6% in civil or religious marriages); that is, approximately 807,000 adolescent girls lived as a couple. Furthermore, 1.6% of adolescent girls in Mexico were married or in a union and 0.1% were widows; that is, about 88,000 adolescent girls had once been married or in a union.

Mexico's response to the CEVI for preparation of the Hemispheric Report on CEFMUs.

⁵⁷ The **Dominican Republic** reported that at least one of the contracting parties of the 7,652 marriages registered in the country between 2001 and 2019, was under 18. It was specified that on 9 of 10 of these marriages there was always a teenage girl involved.

The Dominican Republic's response to the CEVI for preparation of the Hemispheric Report on CEFMUs.

who formed an early union before the age of 15 was 4.9%, and 23.4% entered a marriage or union before the age of 18.

El Salvador also reported that in 2019, at the national level, **12.7% of girls and adolescents ages 15 to 19 were married or in a union**,⁵⁸ and 2.4% were once married or in a union. In addition, according to the 2014 National Health Survey, 7.3% of women ages 20-49 said they had married or were in a union before the age of 15, and 29.1% said they had married or were in a union before the age of 18.

According to data reported by **Paraguay**, 5% of the women married or joined an early union before the age of 15, and **20% entered a marriage or union before the age of 18**.⁵⁹ In **Peru**,⁶⁰ it was reported that 2% of women ages 20 to 24 were married or living together before reaching the age of 15, and **16.9% did the same before the age of 18**.⁶¹

In **Costa Rica**, according to the 2018 Women, Childhood and Adolescence Survey (EMNA), 2% of women ages 20 to 24 indicated that they married or were in a union for the first time before reaching their 15th birthday, and **17.1% indicated that they had married or were in a union time before the age of 18**.⁶² Lastly, Suriname reported that 8.8% of women ages 20 to 24 entered a marriage or union before the age of 15, and 36% did so before the age of 18.

In the case of Brazil, it should be noted that the data reported to this Committee on the prevalence of CEFMUs were the same included by UNICEF in its report on *A Profile of Child Marriage and Early Unions in Latin America and the Caribbean*, noting that 26% of women ages 20 to 24 were married or in union before the age of 18. In this regard, the CEVI highlights that Brazil has been identified as the fifth country in the world with the highest absolute number of CEFMUs, noting with concern the lack of information from official sources on the number and characteristics of these practices, which could be indicative of indifference of the Brazilian State to address the issue.

Regarding the States that did not send information in the framework of the preparation of this report, the CEVI was able to identify studies by international agencies and civil society organizations that reveal certain trends. Thus, in the case of **Guatemala**, according to research by the Population Council, in

58 According to data reported by El Salvador, in 2019 the Multi-Purpose Household Survey (EHPM) registered that 41,195 girls and adolescents ages 15 to 19 were married or in a union at the national level.

El Salvador's response to the CEVI for preparation of the Hemispheric Report on CEFMUs.

59 According to the report submitted by Ecuador, between 2012 and 2015 there were 35,899 marriages of women under 18 years of age.

Ecuador's response to the CEVI for preparation of the Hemispheric Report on CEFMUs.

60 Peru reported that, according to information provided by the National Identity Registry, in the last three years (2017-2019) a total of 1,475 adolescents were married.

Peru's response to the CEVI for preparation of the Hemispheric Report on CEFMUs.

61 Huaita M. and Chávez J. (2019) *Marriage and legal age in Peru: at 14 years of age?* Constitutional Gazette, volume 143, pp. 207-222.

62 The State of Costa Rica reported that according to data reported in the Third Status of the Human Rights of Women in Costa Rica (INAMU, 2019), for the year 2016, before the approval of the Law of Prohibition of Improper Relationships, 265 marriages involving women aged 15-17 were registered.

Costa Rica's response to the CEVI for preparation of the Hemispheric Report on CEFMUs.

rural areas, around **53% of women ages 20 to 24 were married before the age of 18** and 13% before the age of 15. In **Argentina**, the Foundation for Studies and Research on Women prepared a report that reveals that more than 3,400,000 adolescent girls ages 14-19 were married or in a union by 2016, and this figure has been growing since 1990.⁶³ According to press releases published in Chile, the 2017 Census revealed that 1,121 women ages 15 to 19 entered into child marriage.⁶⁴

The CEVI warns that, regardless of the gender of those who enter a CEFMU, it is a harmful and serious practice that violates the human rights of girls and boys. At the same time, it is also important to note that the differences between boys and girls affected by these harmful practices are profound and evident.⁶⁵

Specifically, according to the information transmitted by **Mexico** for the preparation of this report, 9.6% of the population ages 15 to 19 was married or in a union in 2018, **involving 14.5% of women and 5.1% of men.**⁶⁶ In **Colombia**, by 2015, **1.2% of men ages 20 to 24 had formed an early union before the age of 15 and 6.7% before the age of 18, compared to 4.9% and 23.4% of women, respectively.**⁶⁷ Colombia also reported that by 2015, while 0.7% of girls ages 15 to 19 were married and 12.6% were in an early union, these percentages were reduced to .01% and 2.2% in the case of boys who were married or in a union before the age of 19, respectively.

El Salvador indicated that in 2019, at the national level, **3.9% of adolescent boys ages 15 to 19 were married or in a union, a percentage rising to 12.7% in the case of adolescent girls** in this age range who were married or in a union.⁶⁸ **Suriname**, for its part, **reported that 3.2% of men ages 20 to 24 had been married before the age of 15 and 19.6% before the age of 18, compared to 8.8% and 36% of women, respectively.**⁶⁹

Gender stereotypes and discrimination are the main reasons girls are present in most child marriages, unlike boys. Deeply rooted patriarchal conceptions and social mandates and norms about traditional masculinities condition adolescent boys to ensure that CEFMUs are not a desirable option at an

63 Bianco M. and Correa C. (2016). *Situation of child marriage or cohabitation in Argentina*. Available at: http://feim.org.ar/wp-content/uploads/2016/11/Color_de_Rosa_final.pdf

64 Evelín Ávila (June 17, 2021), "Child marriage and motherhood: a reality that still affects hundreds of girls in Chile." *Bravas Magazine*. Available at: <https://www.revistabravas.cl/2021/06/17/matrimonio-y-maternidad-infantil-una-realidad-que-aun-afecta-a-cientos-de-ninas-en-chile/>

65 Plan International and UNFPA (2020). *Masculinities and their impact on child marriages and early unions*

66 Mexico's response to the CEVI for preparation of the Hemispheric Report on CEFMUs.

67 According to the information submitted by Colombia, in 2015 1.1% men ages 20 to 24 who formed an early union before the age of 15 resided in urban areas and 1.7% in rural areas, while 5.6% of men ages 20 to 24 who formed an early union before the age of 18 lived in urban areas and 9.8% in rural areas. In addition, 2% of men ages 20 to 24 who were in an early union before the age of 15 were in the lowest wealth quintile, and 11.1% of those who were in an early union before the age of 18.

Colombia's response to the CEVI for preparation of the Hemispheric Report on CEFMUs.

68 El Salvador's response to the CEVI for preparation of the Hemispheric Report on CEFMUs.

69 Suriname reported that 2.1% of men ages 20 to 24 married before the age of 15 lived in urban areas, while 12.5% lived in rural areas of the interior, percentages that go up to 18.4% and 30.6% in the case of men married before the age of 18. Suriname's response to the CEVI for preparation of the Hemispheric Report on CEFMUs.

early age.⁷⁰ Thus, for example, reports from Bolivia indicate that among indigenous communities, men consider 13 years to be the ideal age for girls to enter a union, while the age for boys is 18.⁷¹

Qualitative research in the region has shown that gender expectations for boys generally have them going to school, working and gaining experience, recognizing their autonomy, independence, rationality, productivity, avoidance of emotions, domination and violent conflict resolution. Furthermore, many young people aspire to be sexually active, which is an important marker of hegemonic masculinity and makes early unions seem unattractive.⁷²

Based on the studies analyzed, the CEVI also observed that as young people advance into their adult lives, these same gender norms push them to seek and be in union with girls and adolescents they value based on their virginity, fertility and their disposition for domestic work, elements that allow marriage or unions to become a control mechanism that encourages the construction of dominant masculinities.⁷³

Studies in Brazil, Nicaragua and the Dominican Republic corroborate that, as men grow older, they look for younger women as partners, considering that they are more controllable and sexually desirable, which also gives validation from the community and their peers. Boys and men often pressure their underage partners to have sex and do not consider preventing pregnancy as their responsibility.⁷⁴

In like manner, in many communities, men are considered incapable of carrying out self-care tasks and need a woman to do their housework and care for them since they are assumed to have the “natural” abilities to perform these tasks. On the other hand, girls find men older men attractive, considering them as a source of protection and emotional and family support, and assume their domestic and caretaking tasks as naturally their own. This gender binary logic encourages girls and adolescents to marry men who are much older than they are. According to the *Save the Children* organization, 4 out of 5 married girls or adolescents have a partner considerably older than them,⁷⁵ and according to a study by Plan International and UNFPA in the Dominican Republic, the average age difference between men in union with underage girls was 6.4 years.⁷⁶

In the case of the information transmitted by the States party to the CEVI, **Colombia** reported that in

70 Esubden (2015). *Ladies and gentlemen: Engaging men and boys in women's development*. Dasra, USAID, Kiawah Trusth, Piramal Foundation.

71 Greene, M (2019). *A hidden reality for adolescent girls. Child, early and forced marriages and unions in Latin America and the Caribbean. Regional Report*. Plan International Americas and UNFPA, p. 43-50.

72 Plan International and UNFPA (2020). *Masculinities and their impact on child marriages and early unions*; Greene, M (2019). *A hidden reality for adolescent girls. Child, early and forced marriages and unions in Latin America and the Caribbean. Regional Report*. Plan International Americas and UNFPA, p. 45.

73 Green, M et. al (2015). *Engaging men and boys to end the practice of child marriage*. Promundo, GreeneWorks. USAID, Kiawah Trust, Subden (2015). *Ladies and gentlemen: Engaging men and boys in women's development*. Dasra, USAID, Kiawah Trusth, Piramal Foundation.

74 Greene, M (2019). *A hidden reality for adolescent girls. Child, early and forced marriages and unions in Latin America and the Caribbean. Regional Report*. Plan International Americas and UNFPA.

75 Plan International and UNFPA (2020). *Masculinities and their impact on child marriages and early unions*, p. 9.

76 Save the Children. *They are #NiñasnoEsposas (girls not wives)*. Available at: <https://apoyo.savethechildren.mx/prohibe-el-matrimonio-infantil>

2015, 6.7% of women ages 20 to 24 were the same age as their first conjugal partner, **29.7% had a difference of between 0 and 2 years**; 25.5% between 3 and 5 years; 20.2% between 6 and 9 years; 11.1% between 10 and 14 years; 3.1% between 15 and 19 years; **and 3.2% had a difference of 20 or more years with their first marital partner.**⁷⁷

In Costa Rica, 11.3% of married women or in union ages 20 to 24 had a younger partner or spouse, 49.3% had a partner or spouse between 0 to 4 years older, **23.4% between 5 and 9 years older, and 15.8% were over ten years older.**⁷⁸ Mexico, for its part, reported that of the women ages 20 to 24 who married during 2019, 4.6% have a partner who is a minor, 46.9% are married to a person of the same age group, **34.4% have a spouse between one and five years older, and 14.1% have a spouse who is more than five years older than them.**⁷⁹ Suriname also reported that 4.4% of women ages 15 to 19 years married or in a union have a partner who is at least ten years older than them, while 12.5% of women ages 20 to 24 who are married or in a union have a partner who is ten years older.⁸⁰

Lastly, the Dominican Republic reported that the age gap within marriages is a social and economic phenomenon affecting the poorest women. According to data sent to the CEVI, among married women ages 20 to 24, only 8.1% married or joined men younger than themselves, while the **last 91.9% married older men.** Of these, 38.9% were married or were in union with men 0 to 4 years older, 28.7% were married or were in union with men 5 to 9 years older, and 23.9% were married or in union with men at least ten years older than them.⁸¹

The CEVI highlights that this age disparity, a common pattern throughout the region, exacerbates gender inequalities between couples and their families. In this type of relationship, the couple's emotional and sexual ties are often intertwined with unequal power relations and production relations, reinforcing patterns of gender subordination through daily dynamics. Given that it is common for girls and adolescents who enter a union or marriage to have no education or resources of their own, their partners usually acquire the role of provider and they of recipients of what he has to give them, which generates contexts characterized by dependency, control and violence.⁸²

4.2 Relationship between poverty and CUFMs in LAC

The CEVI was also able to corroborate the relationship between poverty and the prevalence of CEFMUs based on the analysis of the information submitted by the States to prepare this report. As reflected in Table 2, in Colombia, Costa Rica, the Dominican Republic and Suriname, the risk of entering a union or marriage is significantly higher among the poorest girls and adolescents, with a **difference of almost 40 percentage points** in cases like Colombia or Costa Rica.

77 Colombia's response to the CEVI for preparation of the Hemispheric Report on CEFMUs.

78 Costa Rica's response to the CEVI for preparation of the Hemispheric Report on CEFMUs.

79 Mexico's response to the CEVI for preparation of the Hemispheric Report on CEFMUs.

80 Suriname's response to the CEVI for preparation of the Hemispheric Report on CEFMUs.

81 The Dominican Republic's response to the CEVI for preparation of the Hemispheric Report on CEFMUs.

82 Plan International and UNFPA (2020). *Masculinities and their impact on child marriages and early unions.*

Table 2. Percentage of women ages 20 to 24 who formed an early union before the age of 15 and before the age of 18, according to wealth quintile

Wealth quintile	Percentage of women ages 20 to 24 married or in a union before the age of 15	Percentage of women ages 20 to 24 married or in a union before the age of 18
COLOMBIA		
Lowest	12.9%	43.3%
Low	6.1%	32.2%
Medium	3.5%	21.5%
High	1.4%	13.2%
Highest	0.1%	3.9%
Total	4.9%	23.4%
COSTA RICA		
Lowest	8.5%	40.4%
Low	1.5%	24.5%
Medium	0.4%	13.5%
High	0.0%	6.1%
Highest	0.0%	2.3%
Total	2.0%	17.1%
DOMINICAN REPUBLIC		
Lowest	25.3%	89.8%
Low	21.9%	85.1%
Medium	26.8%	86.8%
High	22.1%	83.2%
Highest	20.4%	81.3%
Total	24.1%	86.5%
SURINAME		
Lowest	11.3%	44.1%
Low	14.9%	51.0%
Medium	6.7%	31.1%
High	8.8%	32.1%
Highest	2.1%	22.6%
Total	8.8%	36%

Source: Own preparation based on the reports submitted by Colombia, Costa Rica, the Dominican Republic and Suriname.

Likewise, the information transmitted to the CEVI confirms a solid causal relationship between the prevalence of child marriage and early unions and the level of economic development of certain localities located in rural areas, as well as between indigenous and Afro-descendant communities, given the high levels of marginalization and historical exclusion, and the social, economic and enjoyment of rights gaps existing in these communities compared to the rest of the population.⁸³

Significantly, a global study by UNFPA found that **girls in rural areas in countries of the Global South are twice as likely to enter a CEFMU** compared to those living in urban areas (44% and 22%, respectively).⁸⁴ Similarly, in the LAC region, a study by UN Women and UNICEF found that 36% of women married before the age of 18 lived in rural areas.⁸⁵ This phenomenon was also highlighted by the IACHR, stating that “States must recognize that, although child marriage occurs across the continent, higher rates of child marriage emerge among women, girls, and adolescents in rural areas, being almost double that of urban areas.”⁸⁶

According to the information the CEVI received in preparing this report, in countries such as **Mexico, 31.2% of women living in rural communities married or were in a union** before the age of 18, while 17% lived in urban areas,⁸⁷ a trend also observed in **Colombia, where 39.6% of the women lived in rural areas** and 18.8% in urban areas.⁸⁸

As revealed by interviews carried out in LAC countries by Plan International and UNFPA, many families and the girls themselves believe that early marriages are a mechanism that will presumably allow them to escape the poverty they face and improve their living conditions, with the girls themselves often deciding to enter a marriage or a union thinking that this will help take the economic burden off their family, or driven by hunger and need.⁸⁹ Because of their poverty and precariousness, families often cannot send girls to school. It becomes impossible for them to acquire sufficient skills to access paid employment. Hence,⁹⁰ In addition, in the region, it has been documented that poverty can lead them to early unions with foreigners and leave their communities of origin, which places them in a

83 IACHR (2015).

Indigenous Peoples, Afro-Descendent Communities, and Natural Resources: Human Rights Protection in the Context of Extraction, Exploitation, and Development Activities OAS/Ser.L/V/II. Doc. 47/15, para. 149. Available at: <https://www.oas.org/es/cidh/informes/pdfs/IndustriasExtractivas2016.pdf>

84 Greene, M. (2019). *A hidden reality for adolescent girls. Child, Early and Forced Marriages and Unions in Latin America and the Caribbean.* Regional Report. Plan International Americas and UNFPA, p. 43-50.

85 UNFPA (2021). *Marrying Too Young. End Child Marriage*, p. 35. Available at: <https://www.unfpa.org/sites/default/files/pub-pdf/MarryingTooYoung.pdf>; UN Women. *Change of legislation on the age of marriage: Successful experiences and lessons learned from Latin America and the Caribbean*, p. 8. Available at: <https://lac.unwomen.org/es/que-hacemos/fin-a-la-violencia-contra-las-mujeres/matrimonio-infantil-y-uniones-tempranas>

86 IACHR (2019), *Violence and discrimination against women, girls and adolescents: Best Practices and Challenges in Latin America and the Caribbean*, para. 222

87 Mexico's response to the CEVI for preparation of the Hemispheric Report on CEFMUs.

88 Colombia's response to the CEVI for preparation of the Hemispheric Report on CEFMUs.

89 Greene, M (2019). *A hidden reality for adolescent girls. Child, early and forced marriages and unions in Latin America and the Caribbean.* Regional Report. Plan International Americas and UNFPA.

90 United Nations. Human Rights Council. *Report of the Office of the United Nations High Commissioner for Human Rights, A/HRC/26/22* (April 2, 2014), para. 17. Available at: <https://undocs.org/es/A/HRC/26/22>

situation of special vulnerability to human trafficking for exploitation,⁹¹ or join the leaders of drug trafficking groups or militiamen in communities where these groups operate.

An exploratory study carried out in 2013 in five Latin American countries identified girls and adolescents living in predominantly poor rural areas as a population that is especially vulnerable to CEFMUs, with girls and adolescents in indigenous communities being at an even greater risk.⁹²

According to the UNICEF report *A Profile of Child Marriage and Early Unions*, at the regional level, 35% of women ages 20 to 24 who were married or in a union before the age of 18 lived in rural areas (compared to 22% in urban areas), and 39% belonged to the poorest quintile (compared to 8% from the richest quintile).⁹³ In this same report, for example, it was documented that in the Dominican Republic, women from rural areas of the poorest quintile and with only primary education were four times more likely to marry as girls than women from urban areas of the richest quintile and with secondary or higher education (67% compared to 16%).⁹⁴

91 Greene, M (2019). *A hidden reality for adolescent girls. Child, early and forced marriages and unions in Latin America and the Caribbean. Regional Report*. Plan International Americas and UNFPA.

92 Sorhaindo A. (2013). *Exploratory research to assess the problem of child marriage in five Latin American countries: El Salvador, Guatemala, Honduras, Nicaragua and Southern Mexico*. Population Council, Mexico. Available at: https://www.girlsnotbrides.org/documents/496/Pop-Council-Child-marriage-study-report_period-1Sept2012-to-31Aug2013_FINAL-3.pdf; Girls Not Brides (2020). *Child, Early and Forced Marriages and Unions in Latin America and the Caribbean*.

93 This study documented that in Mexico, 58.6% of the girls from the poorest quintile that marry or become part of a union before the age of 18, and 23% do so before reaching the age of 15, a trend also present in Peru where 46% of the girls in a union were very poor, and in Guatemala where by 2014, 19% of adolescents age 15 to 19 living in extreme poverty were mothers, compared to 10% of adolescents ages 15 to 19 who did not live in poverty. See: UNICEF (2019). *A Profile of Child Marriage and Early Unions in Latin America and the Caribbean*; INE and UNFPA Guatemala (2019). *Statistics on transforming the lives of adolescent girls*. Available at: <https://guatemala.unfpa.org/es/publicaciones/ni%C3%B1as-adolescentes>.

94 UNICEF (2019). *A Profile of Child Marriage and Early Unions in Latin America and the Caribbean*, pp. 8 and 9.

Table 3. Percentage of women ages 20 to 24 who formed an early union before the age of 15 and before the age of 18, by rural or urban location.

Women ages 20 to 24 who were married or in a union before the age of 15		Women ages 20 to 24 who were married or in a union before the age of 18			
ECUADOR					
Total percentage: 5%		(No information)			
Rural towns	Urban towns	-	-		
36%	21%	-	-		
COLOMBIA					
Total percentage (2015): 4.9%		Total percentage (2015): 23.4%			
Rural towns	Urban towns	Rural towns	Urban towns		
11.1%	3.1%	39.6%	18.8%		
COSTA RICA					
Total percentage (2018): 2.0%		Total percentage (2018): 17.1%			
Rural towns	Urban towns	Rural towns	Urban towns		
3.9%	1.5%	23.9%	15%		
MEXICO					
Total percentage (2018): 3.6%		Total percentage (2018): 20.7%			
Rural towns	Urban towns	Rural towns	Urban towns		
6.0%	3.0%	31.2%	17.7%		
DOMINICAN REPUBLIC					
Total percentage (2018): 24.1%		Total percentage (2018): ² 86.5%			
Rural towns	Urban towns	Rural towns	Urban towns		
25.1%	23.8%	90.5%	85.3%		
SURINAME					
Total percentage: 8.8%		Total percentage (2018): 36%			
Rural towns in the interior	Rural coastal towns	U r b a n towns	Rural towns in the interior	Rural coastal towns	Urban towns
18.7%	8.8%	7.9%	57.1%	41.9%	32.7%
Source: Own preparation based on the reports submitted by Ecuador, Colombia, Costa Rica, Mexico, the Dominican Republic and Suriname.					

On the other hand, the CEVI noted significant differences in the prevalence of CEFMUs by ethnic group. In Colombia, for example, according to the information received by the CEVI, the case of Afro-descendant girls and adolescents from San Basilio de Palenque in Colombia is notable, as they are almost twice as likely to enter a marriage or union (15.5 % of the women were married or in a union before the age of 15, compared to 4.3% who did not belong to a specific ethnic group), and indigenous girls and adolescents (35.4% of women married before the age of 18 belonged to indigenous peoples,

almost 10% more than non-indigenous women).⁹⁵ This trend was also verified in Mexico, where **girls and adolescents under 15 years of age who speak an indigenous language are almost twice as likely to enter a union or a marriage** than girls and adolescents who do not speak an indigenous language (8.2% versus to 3.4%).⁹⁶

Table 4. Percentage of women ages 20 to 24 who formed an early union before the age of 15 and before the age of 18 by ethnicity or language		
Ethnic group	Percentage of women ages 20 to 24 married or in a union before the age of 15	Percentage of women ages 20 to 24 married or in a union before the age of 18
COLOMBIA		
Indigenous	7.83%	35.4%
Rom (gypsy)	100%	100%
Raizal living in the Archipelago of San Andrés	5.93%	16.2%
Palenquero of San Basilio	15.5%	39.4%
Black, mulatto, Afro-Colombian or Afro-descendant	8.3%	27.5%
None of the above	4.3%	22.3
Total	4.9%	23.4%
MEXICO		
Indigenous language speakers	8.2%	30.3%
Non-indigenous language speakers	3.4%	20.2%
Total	3.6%	20.7%
SURINAME		
Indigenous/Amerindian	9.9%	45.8%
Cimarron	11.3%	39.6%
Creole	6.7%	33.7%
Hindustani	4.5%	25.7%
Total	8.8%	36%
Source: Own preparation based on the reports submitted by Colombia, Mexico and Suriname.		

This same trend was identified by UNICEF, which documented that ethnicity is significantly related to the prevalence rates of this harmful practice at the regional level. According to this international agency, the percentage of women ages 20 to 24 who were married or in union before the age of 18 and belonged to an indigenous community was among the highest (75% in Paraguay, 50% in Panama and

⁹⁵ Colombia's response to the CEVI for preparation of the Hemispheric Report on CEFMUs.

⁹⁶ Mexico's response to the CEVI for preparation of the Hemispheric Report on CEFMUs.

35% in Colombia), as well as that of Afro-descendant women (32% in Guyana, 29% in Panama, 27% in Colombia, and 31% in Bolivia).⁹⁷

Lastly, it should be noted that migrant and refugee girls and adolescents are particularly exposed to CEFMUs throughout the region. It has been reported that the largest migratory movements in LAC for several decades have occurred in Central America and Venezuela. In this context, it is noted that migrant girls and adolescents are particularly at risk in terms of their physical and food security, their exposition to violence, labor exploitation and human trafficking, added to their null or limited access to the most basic services and their eventual stay in shelters, migratory centers or overcrowded temporary accommodations, where they experience high levels of stress, uncertainty, fear and gender violence.⁹⁸ There has been an increase in marriage and unions between refugee girls and adolescents to alleviate their poverty and insecurity and ensure a form of protection or a resource to obtain the necessary immigration documents in the destination country.⁹⁹

As will be discussed later, the CEVI emphasizes that CEFMUs reproduce cycles of precariousness and exclusion of women and their children, despite being considered a solution to the suffering caused by poverty. It is frequently observed that girls and adolescents leave their families only to enter a new family nucleus where they will become victims of hunger, exploitation and abuse and will live in settings where they will lack economic autonomy due to their limited schooling, the great burden of domestic work and caretaking they assume and, even, the opposition of their partners to work outside the home.

4.3 Lack of education

Through the information transmitted by the States, the CEVI was able to identify that **girls and adolescents without any education are up to three times more likely to marry before the age of 18**. In Colombia, for example, 62.6% of girls and adolescents under 18 years of age who were married or in a union did not have any schooling,¹⁰⁰ and in Costa Rica, 58.7% of women in that age group who were married or in a union, had only elementary school education, compared to 1.5% who had tertiary education,¹⁰¹ a trend that was also observed in Mexico and Suriname.¹⁰² A UNICEF study identified similar trends in Honduras, where it was found that girls and adolescents in CEFMUs are less likely to be literate.¹⁰³

97 UNICEF (2019). *A Profile of Child Marriage and Early Unions in Latin America and the Caribbean*.

98 UNICEF (2010). Children and international migration in Latin America and the Caribbean. Available at: <https://www.acnur.org/fileadmin/Documentos/Publicaciones/2011/7504.pdf?file=fileadmin/Documentos/Publicaciones/2011/7504>

99 UNFPA and UNICEF (2021). Addressing child marriage in humanitarian settings; Girls Not Brides (2018). Child, Early and forced marriages and unions in humanitarian crisis settings. Available at: https://www.girlsnotbrides.org/documents/961/MUITF-en-contextos-de-crisis-humanitarias_Agosto-2020.pdf

100 Colombia's response to the CEVI for preparation of the Hemispheric Report on CEFMUs.

101 Costa Rica's response to the CEVI for preparation of the Hemispheric Report on CEFMUs.

102 Mexico's response to the CEVI for preparation of the Hemispheric Report on CEFMU; Suriname's response to the CEVI for preparation of the Hemispheric Report on CEFMUs.

103 Greene, M (2019). *A hidden reality for adolescent girls. Child, early and forced marriages and unions in Latin America and the Caribbean. Regional Report*. Plan International Americas and UNFPA, p. 49.

Table 5. Percentage of women ages 20 to 24 who were married or in an early union before the age of 15 and before the age of 18 by educational level

Wealth quintile	Percentage of women ages 20 to 24 married or in a union before the age of 15	Percentage of women ages 20 to 24 married or in a union before the age of 18
COLOMBIA		
No schooling	25.2%	62.6%
Elementary	24.2%	61.3%
Middle school	14.9%	56.1%
High school	5.2%	44.3%
Professional	2.0%	23.3%
COSTA RICA		
No schooling	-	-
Elementary	14%	58.7%
Middle school	1.6%	21.6%
Higher education	0.0%	1.5%
MEXICO		
No schooling	21.2%	38.8%
Did not finish grade school	16.9%	50%
Finished grade school	5.8%	39.4%
Upper middle	1.1%	16.7%
Higher education	0.3%	2.7%
SURINAME		
No schooling/pre-grade school	-	-
Elementary	14.9%	48.7%
Middle school	10.5%	47.2%
High School	8.3%	28.4%
Higher education	1.7%	25.5%
Source: Own preparation based on the reports submitted by Colombia, Costa Rica, Mexico and Suriname.		

4.4 Lack of access to comprehensive sexuality education and sexual and reproductive health services

As the CEVI has pointed out in its report on teenage pregnancies, there is still a lack of public policy in the entire region aimed at the girls and adolescents to exercise their sexual and reproductive rights free from violence consistently. There is a general lack of trained personnel, adequate protocols, and sufficient resources to provide sexual and reproductive health care, and it is common for girls and adolescents not to be able to access contraceptive methods, which makes them vulnerable to sexually transmitted infections, including sexually transmitted diseases and HIV and AIDS, increasing the likelihood of early or unwanted pregnancies that carry health risks and often lead to early marriage or union.¹⁰⁴

Following up on the findings of the Hemispheric Report on Adolescent Pregnancy, based on the analysis of the information provided by the States, the CEVI was able to verify that although the use of contraceptive methods has spread throughout the region, a significant number of young people remain unaware of them.¹⁰⁵ According to the report submitted by Mexico, for example, only 56% of sexually active adolescents ages 15 to 19 use some type of modern contraceptive method.¹⁰⁶ In Colombia, 49.6% of girls and adolescents ages 15 to 19 used some type of modern contraceptive method in 2015 while 24.1% used a traditional method.¹⁰⁷ Costa Rica also reported that 61.2% of sexually active women ages 15 to 17 used some contraceptive method,¹⁰⁸ and in Ecuador 43.7% of women of childbearing age indicated having used one.¹⁰⁹ With respect to data reported by the Dominican Republic, 30.4% of adolescents ages 15 to 19 (approximately 1 in 3) indicated in 2014 that they did not use contraceptive methods, while 51.2% reported using modern contraceptive methods and 1.2 % traditional methods.¹¹⁰ El Salvador also reported that in 2014, 60.9% of women ages 15 to 19 who were married or in union used a contraceptive method,¹¹¹ and a UNFPA study in Bolivia revealed that more than half of the girls who were married or in union did not they had used no contraceptive method.¹¹²

104 CIM, MESECVI (2016). *Hemispheric Report on Sexual Violence and Child Pregnancy in the States Party to the Belém do Pará Convention*, para. 11.

105 Modern contraceptive methods include “combined oral contraceptives (“the pill”), progesterone-only contraceptives (“the mini-pill”), implants, injectables, patches, vaginal ring, intrauterine devices, male and female condoms, vasectomy, tubal ligation, lactational amenorrhea method, emergency contraception pills, standard days method, basal body temperature method, the two-day method, and the symptothermal method.” On the other hand, traditional methods refer to the calendar or rhythm method and the withdrawal or interrupted intercourse methods.

See: OECDiLibrary, *Family Planning*. Available at: <https://www.oecd-ilibrary.org/sites/33ec6f10-es/index.html?itemId=/content/component/33ec6f10-es>

106 Mexico reported that 14.2% of all adolescents use some type of contraceptive method and 9.1% are former users, while 74.8% have not used them but are aware of them. Mexico’s response to the CEVI for preparation of the Hemispheric Report on CEFMUs.

107 Colombia’s response to the CEVI for preparation of the Hemispheric Report on CEFMUs.

108 Ecuador’s response to the CEVI for preparation of the Hemispheric Report on CEFMUs.

109 Costa Rica’s response to the CEVI for preparation of the Hemispheric Report on CEFMUs.

110 The Dominican Republic’s response to the CEVI for preparation of the Hemispheric Report on CEFMUs.

111 El Salvador’s response to the CEVI for preparation of the Hemispheric Report on CEFMUs.

112 Greene, M (2019). *A hidden reality for adolescent girls. Child, early and forced marriages and unions in Latin America and the Caribbean. Regional Report*. Plan International Americas and UNFPA, p. 56.

The CEVI has also identified that at the regional level the provision of comprehensive sexuality education is deficient and limited both in the formal educational system and within families, with even more important deficiencies in indigenous and rural communities. As a consequence of cultural and religious norms, gender stereotypes and mistaken beliefs about the risk of early stimulation of sexual activity, boys and girls are rarely educated to understand the development of their own bodies and their sexuality and, when the education is provided, it often transmits stereotyped, inaccurate, and non-gender equality information.¹¹³

Although the States reported having national plans on sexuality education, no actions have been implemented to make them a reality, with a persistent lack of adequate training so teachers can guide students. In particular, the CEVI warns that **educational systems in the region do not include the subject of child marriages and unions in their study programs**, which prevents them from providing tools to girls and adolescents to identify the harmful characteristics of these practices and avoid them.

According to qualitative studies by UNICEF in the region, outside the educational sphere, mothers and fathers do not speak with their sons and daughters about these issues and, in fact, it is often the parents who do not understand the biological foundations of sexuality. Families fear that girls and adolescents are sexually active, which motivates them to restrict their freedom of movement instead of providing them with sexuality education or access to contraception.¹¹⁴

This means that girls and boys grow up without a proper understanding of the association between sex, reproduction and health, obtaining inaccurate information that leads them to think, for example, that condoms are related to sexual promiscuity, that faithfulness and procreation are matters exclusive to women, or that virginity defines the value of girls and all of these beliefs contribute to early marriages and unions.¹¹⁵

In addition, the lack of sexuality education means that adolescents do not understand what constitutes forced sex and leads girls and adolescents to have early sexual relations, in disadvantaged and violent conditions, with fear and without being able to negotiate the sexual and reproductive outcome. In Nicaragua, for example, a 2011 survey revealed that 48% of women married or in a union before the age of 18 regretted their first sexual encounter.¹¹⁶ Furthermore, it has been determined that early sexual initiation is associated with school dropout rates.¹¹⁷

113 CIM, MESECVI (2016). *Hemispheric Report on Sexual Violence and Child Pregnancy in the States Party to the Belém do Pará Convention*.

114 Greene, M (2019). *A hidden reality for adolescent girls. Child, early and forced marriages and unions in Latin America and the Caribbean. Regional Report*. Plan International Americas and UNFPA; Pan American Health Organization (PAHO), WHO, UNFPA and UNICEF (2018). *Accelerating progress toward the reduction of adolescent pregnancy in Latin America and the Caribbean*. Available at: https://www.unicef.org/lac/media/1336/file/PDF_Acelerar_el_progreso_hacia_la_reduccion_del_embarazo_en_la_adolescencia.pdf

115 Greene, M (2019). *A hidden reality for adolescent girls. Child, early and forced marriages and unions in Latin America and the Caribbean. Regional Report*. Plan International Americas and UNFPA, pp. 55 and 56.

116 Greene, M (2019). *A hidden reality for adolescent girls. Child, early and forced marriages and unions in Latin America and the Caribbean. Regional Report*. Plan International Americas and UNFPA, pp. 33 and 34.

117 UNICEF (2016). *Legal minimum ages and the realization of adolescents' rights: A review of the situation in Latin America and the Caribbean*, p. 23.

This lack of sex education is prolonged even when girls and adolescents are already in a marriage or union, as it is frequent to find that they are not familiar with the contraceptive methods available to them or do not have enough information that allows them to have autonomy to prevent or delay pregnancies, which carries risks to their health, exacerbates their level of poverty and makes them even more dependent on their partners.¹¹⁸

4.5 Child and teenage pregnancies

Forced child and adolescent pregnancies are the cause and consequence of the prevalence of child, and early marriages and unions. As the CEVI noted in its *Hemispheric Report on Sexual Violence and Child Pregnancy*, these types of pregnancies are one of the most critical problems faced by women in the region and one of the main reasons for the lack of reduction in CEFMUs.¹¹⁹

In the same vein, UNFPA has noted that in the region “quantitative data on motherhood, sexual relations and pregnancy provide evidence that they are closely related to early forced marriages and unions, and often provide an impetus for them.”¹²⁰ Furthermore, factors such as the social stigma related to child motherhood or being a single mother can increase girls’ risk of entering a CEFMU.¹²¹

According to UNICEF studies, the teenage pregnancies rate in Latin America and the Caribbean is the second highest in the world, the only region where girls under 15 years of age giving birth have increased and where they are expected to continue increasing through 2030.¹²²

Based on the inputs received for the composition of this report, the CEVI was able to verify the high percentages of pregnant girls and adolescents in different countries of the region, continuing with the trend documented in 2018 in the hemispheric report on the subject matter.¹²³ Thus, Mexico reported that by 2018, **12.2% of women ages 15 to 19 had given birth to at least one child born alive**, with a fertility rate of 2.3 births per thousand girls ages 10 to 14, and 6.9 births per thousand adolescent girls ages 15 to 19.¹²⁴

Brazil reported that **one of every five children born each year in the country, is the child of an adolescent**. In 2017, the Brazilian Ministry of Health reported that 3.2 million adolescents became

118 Greene, M (2019). *A hidden reality for adolescent girls. Child, early and forced marriages and unions in Latin America and the Caribbean. Regional Report*. Plan International Americas and UNFPA, pp. 53-58

119 CIM, MESECVI (2016). *Hemispheric Report on Sexual Violence and Child Pregnancy in the States Party to the Belém do Pará Convention*.

120 Greene, M (2019). *A hidden reality for adolescent girls. Child, early and forced marriages and unions in Latin America and the Caribbean. Regional Report*. Plan International Americas and UNFPA, p. 53

121 Sorhaindo A. (2013). *Exploratory research to assess the problem of child marriage in five Latin American countries: El Salvador, Guatemala, Honduras, Nicaragua and Southern Mexico*. Population Council, Mexico.

122 OPS, WHO, UNFPA and UNICEF (2018). *Accelerating progress toward the reduction of adolescent pregnancy in Latin America and the Caribbean*.

123 Huaita M. (2019). “Teenage pregnancy in rural and urban areas of Cajamarca.” *Quaestio Iuris Magazine*, No. 9. Law School - National University of Cajamarca; Huaita M. (2020). “Teenage pregnancy as a manifestation of gender violence.” In *Violence against children and adolescents in vulnerable groups*. Carlos Villagrasa Alcaide and Carmen Julia Cabello Matamala (coord.), University of Barcelona, PUCP and Huygens Editorial, pp. 109-127.

124 Mexico’s response to the CEVI for preparation of the Hemispheric Report on CEFMUs.

mothers between 2011 and 2016, of which 95% were in the 15-19 age group, and 5% were between the ages of 10 and 14.¹²⁵

In Colombia, according to the 2015 National Demographic and Health Survey (ENDS), **20% of adolescents between the ages of 15 and 17 were mothers** and 8.6% were pregnant with their first child. It was also reported that between January and July 2020, 0.68% of births corresponded to mothers between the ages of 10 and 14, and 17.6% to mothers between the ages of 15 and 19, with a birth rate of 2.43 births per 1,000 women between the ages of 10 and 14 and 57.19 births per 1,000 women between the ages of 15 and 19.¹²⁶

In Costa Rica, **9.3% of women ages 15 to 19 gave birth to a child born alive by 2018, and 1.9% gave birth to a live child before the age of 15.**¹²⁷ Peru reported that in 2018, at the national level, **12.6% of women ages 15 to 19 got pregnant or became mothers for the first time.**¹²⁸ In El Salvador, according to data from 2014, **15.5% of women ages 15 to 19 gave birth to at least one child**, with a birth delivery rate among adolescents ages 15 to 19 of 74 births per 1,000 women. It was also reported that 19.3% of the total birth deliveries attended in the National Health System corresponded to births by girls and adolescents.¹²⁹

The CEVI highlights that, like child and early and marriage and unions, child pregnancy has a higher prevalence in situations of poverty and marginalization, revealing the close link both have in the lives of girls and adolescents, who at the same time getting pregnant are frequently trapped in circles of procreation, gender subordination, limitation to the domestic sphere, and economic inequality. For example, according to the information sent by the Colombian State, by 2015 **the difference between adolescents from the poorest sectors who were already mothers and those who belonged to the highest wealth quintile was almost 20 percentage points.**¹³⁰

125 Most of the births of children of adolescents ages 10 to 14 occurred in the Northeast Region, 37.6% (61,271), followed by the Southeast Region with 26.3% (42,821). Among people ages 15 to 19, the region where most of these births occurred was the Southeast, 33.1% (1,033,809), followed by the Northeast, 32.7% (1,022,983). The Central-West Region reported the lowest frequency of this type of births: 7.7% (12,609) of mothers between the ages of 10 and 14 and 7.9% (245,759) of mothers between the ages of 15 and 19. Brazil also reported that in 2019 there were 418,895 live births of girls up to 19 years of age.

Brazil's response to the CEVI for preparation of the Hemispheric Report on CEFMUs.

126 Colombia's response to the CEVI for preparation of the Hemispheric Report on CEFMUs.

127 Costa Rica's response to the CEVI for preparation of the Hemispheric Report on CEFMUs.

128 Peru reported that this indicator registers a slight decrease of 0.8% compared to 2017 (13.4%). However, when comparing 2018 with 2011 (12.5%), this figure remains the same.

Peru's response to the CEVI for preparation of the Hemispheric Report on CEFMUs.

129 El Salvador reported that, according to data reported by the Ministry of Health (MINSAL) in the June 2019 - May 2020 Work Report, the 2019-2020 period reports the lowest percentage of adolescent pregnancies in recent years with 24.5%.

El Salvador's response to the CEVI for preparation of the Hemispheric Report on CEFMUs.

130 Colombia's response to the CEVI for preparation of the Hemispheric Report on CEFMUs.

Table 6. Percentage of teenagers who are mothers or pregnant with a child			
Wealth quintile	They are already mothers	Pregnant with their first child	Mother or pregnant with her first child
Lowest	22.7	4.4	27.2
Low	19.9	5.3	25.2
Medium	12.0	4.6	16.6
High	7.4	2.4	9.8
Highest	3.5	1.2	4.7
Source: Own preparation based on the report submitted by Colombia.			

Costa Rica also reported that 18.5% of women ages 15 to 19 who gave birth to a child in 2018 belonged to the lowest wealth quintile, compared to 6.9% who belonged to the highest quintile, and in the case of girls who gave birth to a child before the age of 15, the percentage was 4.5% among those who belonged to the lowest wealth quintile compared to 0.3% in the highest wealth quintile.¹³¹ Peru also reported that the highest percentages of adolescents who were mothers or were pregnant with their first child belonged to the lowest wealth quintile (24.9%) with 3.3% at the other extreme of the highest quintile.¹³²

In like manner, based on the information provided by the States Party, the CEVI notes that the infant pregnancy rate is higher in rural communities compared to urban areas. In Colombia, according to data from 2015, 11.6% of adolescents in urban areas were mothers and 3.5% were pregnant with their first child, while in rural areas this figure rose to 20.3% and 4.4%, respectively.¹³³ Also in Mexico, the percentage of teenage pregnancies in 2018 was notably higher in rural locations (15.9%) than in urban locations (10%),¹³⁴ and Peru noted that by 2018, the difference between rural areas (22.7%) and urban areas (10.1%) was 12.6 percentage points.¹³⁵

The prevalence of child and teenage pregnancies is extremely relevant when analyzing CEFMUs, since, as mentioned earlier, pregnancies are often considered by families and communities as a legitimate justification for getting girls to engage in early marriage or union, as the fathers and mothers pressure or consent to this practice considering that it will provide greater protection to their daughters, to avoid the community's moral or religious judgment, or the possibility of a possible evasion by men from their responsibilities in raising their sons and daughters. It should be noted that the decision parents make about their daughters marrying or become part of a union is often indisputable since childhood pregnancy and early and forced marriage are considered private family matters.¹³⁶

131 Costa Rica's response to the CEVI for preparation of the Hemispheric Report on CEFMUs.

132 Peru's response to the CEVI for preparation of the Hemispheric Report on CEFMUs.

133 Colombia's response to the CEVI for preparation of the Hemispheric Report on CEFMUs.

134 Peru's response to the CEVI for preparation of the Hemispheric Report on CEFMUs.

135 Mexico's response to the CEVI for preparation of the Hemispheric Report on CEFMUs.

136 Greene, M (2019). *A hidden reality for adolescent girls. Child, early and forced marriages and unions in Latin America and the Caribbean. Regional Report*. Plan International Americas and UNFPA, p. 53; Huaita M. (2021). "Teenage pregnancy in rural and urban areas of Cajamarca." *Quaestio Iuris Magazine*, No. 9. Law School - National University of Cajamarca.

For example, in Mexico in 2018, 3.2% of women ages 12-18 had at least one child, but only 0.8% were single and had children, which indicates that in that country the majority of girls and adolescents enter into a union or marriage when they become pregnant.¹³⁷

As the MESECVI mentioned in its hemispheric report on the subject matter, child and teenage pregnancies is related to health risks of girls and adolescents, including obstetric fistula and higher infant mortality rates.¹³⁸ According to the WHO, girls and adolescents under the age of 16 are four times more likely to die from complications related to pregnancy and childbirth than women between the ages 20 and 30, and in the region, complications related to pregnancy are the main cause of mortality for adolescent girls ages 15 to 19.¹³⁹

It has ALSO been documented that children of girls and adolescents are more likely to be born dead or die in their first month of life. Studies on the subject MATTER indicate that the risk that the baby of a mother under 19 years of age will die in their first year of life is 60% higher than that of a baby born to an older mother. In addition, if the baby survives, he is more likely to suffer from malnutrition, low birth weight and physical and cognitive development problems.¹⁴⁰

On this point, Peru reported that the percentage of maternal deaths in adolescents under 18 years of age in 2019 was 6.1%; 53% of the deaths had an indirect cause and the predominant age was 17 years.¹⁴¹ For its part, Ecuador noted that in 2019, 8.48% of all deaths during pregnancy, childbirth and the puerperium corresponded to girls under 18 years of age, and 7.91% of fetal deaths occurred in girls under 18 years of age.¹⁴² Brazil noted that in 2019, there were 7,917 deaths of babies of pregnant girls ages 15 to 19 and 627 children of adolescents under 14 years of age. Together, these deaths accounted for 20% of all deaths.¹⁴³

The CEVI emphasizes that these pregnancies can also affect the mental health of girls and adolescents, as shown by studies in El Salvador and Guatemala, where it has been documented that the lack of access to contraceptives and safe abortion can lead adolescents to commit suicide.¹⁴⁴

The CEVI has also insisted that physical, psychological and sexual violence is a constant in cases of forced motherhood. As reported by this Committee, based on information from the Pan American Health Organization (PAHO), in the region between 11% and 20% of pregnancies among girls and ad-

137 Mexico's response to the CEVI for preparation of the Hemispheric Report on CEFMUs.

138 CIM, MESECVI (2016). *Hemispheric Report on Sexual Violence and Child Pregnancy in the States Party to the Belém do Pará Convention*.

139 World Health Organization (WHO) (2015). *Bulletin of the World Health Organization: Adolescent pregnancy: a culturally complex issue*. Available at: <http://www.who.int/bulletin/volumes/87/6/09-020609/es/>

140 World Health Organization (WHO) (2015). *Bulletin of the World Health Organization: Adolescent pregnancy: a culturally complex issue*.

141 Peru's response to the CEVI for preparation of the Hemispheric Report on CEFMUs.

142 Ecuador's response to the CEVI for preparation of the Hemispheric Report on CEFMUs.

143 Brazil's response to the CEVI for preparation of the Hemispheric Report on CEFMUs.

144 Girls Not Brides (2020). *Child, early and forced marriages and unions in Latin America and the Caribbean*, p. 6.

olescents are the result of sexual violence, with data indicating that 60% of the girls who had sexual intercourse before the age of 15, did so voluntarily, with men exceeding them by six years on average.¹⁴⁵ In this regard, UNICEF has also documented that pregnancies in girls and adolescents under 14 years of age are closely linked to sexual violence, which are mostly unwanted and affect especially vulnerable and unprotected groups.¹⁴⁶

With respect to the link between violence and pregnancies at an early age, the information transmitted by El Salvador for the preparation of this report is relevant: according to the 2017 National Survey of Violence against Women of that country, of those women who said they had suffered violence during their childhood or adolescence in the family of origin, 22% had their first pregnancy when they were between 11 and 15 years of age and 36% when they were between 16 and 19 years old.¹⁴⁷

Lastly, the CEVI observes with concern that despite all the risks that teenage pregnancies entails, in many countries pregnant girls and adolescents still do not have access to safe abortion, so they must resort to methods that put their health and lives at risk, or they are forced to continue with an unwanted pregnancy and eventually to forcibly enter a union or marriage. In addition, many of these girls and adolescents frequently face indifference, mistreatment and discrimination by health care sector officials, and the lack of appropriate reproductive health services to address sexual violence that culminate in forced pregnancies.¹⁴⁸

4.6 Other forms of violence and abuse

Through the analysis of qualitative studies, the CEVI was able to corroborate that throughout the region the violence suffered by girls and adolescents is a constant that extends throughout their lifetimes.¹⁴⁹ A UNICEF study, for example, documented that in the Dominican Republic a risk factor for entering an early marriage or union is sexual violence within the home,¹⁵⁰ and in Peru, reports have shown that physical assaults and beatings are closely linked to the risk of girls ages 10-15 entering a marriage, with data indicating that up to 75% of women married or in a union between the ages of 10

145 CIM, MESECVI (2016). *Hemispheric Report on Sexual Violence and Child Pregnancy in the States Party to the Belém do Pará Convention*, para. 18 and 20; World Health Organization (WHO) (2015). *Bulletin of the World Health Organization: Adolescent pregnancy: a culturally complex issue*.

146 OPS, WHO, UNFPA and UNICEF (2018). *Accelerating progress toward the reduction of adolescent pregnancy in Latin America and the Caribbean*.

147 El Salvador's response to the CEVI for preparation of the Hemispheric Report on CEFMUs.

148 CIM, MESECVI (2016). *Hemispheric Report on Sexual Violence and Child Pregnancy in the States Party to the Belém do Pará Convention*; IACHR (2010). *Access to Maternal Health Services from a Human Rights Perspective*, para. 36; WHO, UNFPA and UNICEF (2018). *Accelerating progress toward the reduction of adolescent pregnancy in Latin America and the Caribbean*.

149 Greene, M. (2019). *A hidden reality for adolescent girls. Child, Early and Forced Marriages and Unions in Latin America and the Caribbean. Regional Report*. Plan International Americas and UNFPA; IACHR (2019). *Violence and discrimination against women, girls and adolescents: Best Practices and Challenges in Latin America and the Caribbean*.

150 Greene, M. (2019). *A hidden reality for adolescent girls. Child, Early and Forced Marriages and Unions in Latin America and the Caribbean. Regional Report*. Plan International Americas and UNFPA.

and 15 had been beaten by their parents.¹⁵¹ The link between family violence and early marriages and unions has also been identified in UNICEF studies in El Salvador, Honduras and Bolivia.¹⁵²

According to data reported by the State of Colombia in the framework of the preparation of this report, by 2015, **81.1% of girls ages 13 and 14 and 68.9% of adolescent girls ages 15 to 19 had experienced some type of violence.** According to the 2015 National Demographic and Health Survey (ENDS), 81.1% of girls ages 13 and 14 experienced psychological violence, 18% suffered physical violence, and 27% experienced economic violence. Among women ages 15 to 19 years, 68.1% reported having experienced psychological violence, 28.1% physical violence, 26.9% economic violence, and 4.1% sexual violence.¹⁵³

Ecuador reported that among girls and adolescents under 18 years of age, 49% said they had been victims of psychological violence, 26% of physical violence, and 25% of sexual violence, with a higher prevalence in urban areas (69%) than in rural locations (31%). As for women 18 and older, it was indicated that 64.9% had suffered violence throughout their lifetimes (56.9% psychological violence, 35.4% physical violence, 32.7% sexual violence and 16.4% patrimonial violence), with a difference of three percentage points between the prevalence in urban (65.7%) and rural (62.8%) areas. Ecuador also reported that 6% of girls and adolescents ages 15 to 19 who entered an early marriage or union had been victims of sexual violence.¹⁵⁴

According to the information received within the framework of the preparation of this report, **Mexico** indicated that in 2016, **60% of women ages 15 to 17 and 66.6% of those of legal age had experienced at least one incident of gender violence against women during their lifetimes.** The most frequent was sexual (43.3%), followed by emotional (38.6%), physical (28.1%) and economic (11.2%) violence. It was also determined that the higher the schooling level, the higher the report of violence, as well as a higher incidence in urban communities. In addition, 43.1% of underage indigenous language speakers reported having experienced violence, compared to 57.0% of non-speakers. It should be noted that in Mexico of **women 15 years and older, 38.2% stated that they have experienced at least one incident of violence in childhood before reaching the age of 15.** In addition, 3.7% of women ages 15 to 19 who are or were married or in a union experienced sexual violence by their partner at some point during the relationship.¹⁵⁵

It is worth mentioning that in 2018, the IPAS México Salud Acceso y Derechos organization conducted the study on *Sexual Violence and Child Pregnancy in Mexico: A public health and human rights problem*, in which it was found that the high fertility rate in girls and adolescents is not only associated with

151 UNICEF (2019), Progressing with Solidarity Program (PROSOLI). *Child marriage and early unions*. Study of knowledge, attitudes and practices in six municipalities of the Dominican Republic. Available at: <https://www.unicef.org/dominican-republic/media/2706/file/Publicaci%C3%B3n%207C%20El%20matrimonio%20infantil%20y%20las%20uniones%20temporas:%20Estudio%20de%20conocimientos,%20actitudes%20y%20pr%C3%A1cticas%20en%20seis%20municipios%20de%20la%20Rep%C3%BAblica%20Dominicana.pdf>

152 UNICEF (2019). *A Profile of Child Marriage and Early Unions in Latin America and the Caribbean*.

153 Colombia's response to the CEVI for preparation of the Hemispheric Report on CEFMUs.

154 Ecuador's response to the CEVI for preparation of the Hemispheric Report on CEFMUs.

155 Mexico's response to the CEVI for preparation of the Hemispheric Report on CEFMUs.

sexual relations during dating in which, in some cases, it is possible to agree on sexual encounters and the use of contraceptive methods, but is also linked to coercion and sexual violence in the context of early unions, which can limit their autonomy and ability to define their life project.¹⁵⁶

On the other hand, **Paraguay** reported that violence against women in relationships affects 36 out of 100 women, with psychological violence (35.2%) ranked highest, followed by economic (16.1%), physical (13%) and sexual (7.3%) violence. It was also indicated that there is a higher prevalence of physical and sexual violence in rural areas, while emotional and economic violence are more frequent in urban areas.¹⁵⁷

Peru indicated that by 2019, 15% of women ages 15 to 19 had suffered physical violence from their partner, 55.4% psychological violence, and 3.1% sexual violence. Regarding geographic distribution, 10.5% of women in urban areas have been victims of intimate partner violence in the last 12 months, compared to 9.8% of women in rural areas. As for women over 15 years of age, 55.7% reported that they were victims of intimate partner violence, with a higher percentage in urban locations (55.3%) than in rural areas (55.3%).

El Salvador noted that 75.1% of girls and adolescents had suffered sexual violence in 2018, 14.2% physical violence and 3.7% patrimonial violence. As for women over 18 years of age, it was reported that by 2017, 67% had suffered some type of violence over their lifetimes. The most frequent violence reported was psychological violence (53.4%) and sexual violence (43.4%). Likewise, 36.2% of the total aggressions reported in 2017 were committed by the spouse.

Lastly, Costa Rica reported that, due to budgetary problems, it had not been able to conduct the National Survey of Violence against Women scheduled for 2019, so it did not have updated data in this regard. Peru mentioned, however, that according to the 2018 Women, Children and Adolescents Survey, 11.4% of women ages 15 to 19 had suffered physical violence inside their homes.

The CEVI warns that the link between domestic violence and CEFMUs reveals that girls and adolescents who are victims of abuse do not have a support network or support from public institutions to report and escape from these circles of violence within the home, forcing them to find their own

156 IPAS México. *Sexual violence and child pregnancy in Mexico: A public health and human rights problem*. https://ipas-cam.org/recursos/violencia_sexual_y_embarazo_infantil_en_mexico/

157 According to data reported by Paraguay, according to the combination of types of violence, it has been found that, of every 100 women attacked, 56 experience five attacks a year, mainly psychological attacks; 30 women suffer 18 attacks mainly psychological and economic; 14 women suffer between 38 and 96 attacks, of all types, with the latter group having 261% more incidents of morbidity and damage to their physical and/or mental health. In the first groups, women's health is also affected, since psychological and economic violence increases incidents of morbidity by 53%. It was reported that 33.2% of women who perform unpaid activities (housewives, students, unemployed) have been attacked by their current or former partner at some point in their relationship, while the percentages of violence of women working as dependents or independents, are higher (39.6 and 37.4% respectively). This trend of results coincides with those obtained in the ENDSSR 2008, where it was found that there is a higher prevalence of violence among urban and working women. In other words, women in urban areas who work outside the home are more likely to be attacked by their partners.

Paraguay's response to the CEVI for preparation of the Hemispheric Report on CEFMUs.

method to survive. As reported by the CEVI in its Hemispheric Report on Sexual Violence and Child Pregnancy, the entire region lacks adequate programs and sufficient human and material resources to meet the needs of girls who have suffered violence, sexual abuse, rape or violence exploitation, and to prevent this type of human rights violations, with persistent mistrust on the part of the girls in the government offices in charge of protecting them.¹⁵⁸ This neglect contributes to girls and adolescents being trapped in a CEFMU, where many times they will also live, throughout their adult life, in situations of gender violence given the imbalances of power they have vis-à-vis their partners.

It was identified that another of the determining factors to enter a union or forced marriage is the sexual violence of which girls and adolescents are victims by their partners during the courtship.¹⁵⁹ Research shows that many girls and adolescents have experienced a forced sexual initiation without being able to use a contraceptive, which can result in unwanted pregnancies that eventually create pressure to enter a marriage or union.¹⁶⁰ As United Nations sources have reported, not only in Latin America but throughout the world, it is very common for adolescents to be unclear about what constitutes forced sex, which is indicative of the degree of violence with which they experience their first sexual relations.¹⁶¹ As mentioned above, the constant lack of comprehensive sexuality education means that girls and adolescents cannot have sufficient knowledge and resources to exercise and demand respect for their sexual and reproductive rights.

This Committee insists that sexual violence against women, girls and adolescents has dire consequences both for them and for society as a whole. This violence affects their physical and reproductive health, increases the risk of sexually transmitted diseases including HIV and AIDS, and maternal and infant morbidity and mortality, and leads to high-risk pregnancies and pregnancy-related problems, including unsafe abortions, premature births, depression, post-traumatic stress, anxiety and an increased risk of suicide.

Lastly, the CEVI observes that studies on the subject have documented that in situations of urban violence and crime, the risk of girls and adolescents entering an early marriage or union increases. In countries such as El Salvador, Honduras and Brazil, and surely in other states of the region, the information available indicates that girls and adolescents decide to join or are united to members of gangs or cartels to obtain protection and security for themselves and their families.¹⁶²

158 CIM, MESECVI (2016). *Hemispheric Report on Sexual Violence and Child Pregnancy in the States Party to the Belém do Pará Convention*.

159 Greene, M (2019). *A hidden reality for adolescent girls. Child, Early and Forced Marriages and Unions in Latin America and the Caribbean*. Regional Report. Plan International Americas and UNFPA.

160 UNFPA and UNICEF (2021). *Evolution in the evidence base on child marriage 2000-2019*. Global Programme to End Child Marriage.

161 Kilonzo, N et al. *Engendering health sector responses to sexual violence and HIV in Kenya: results of a qualitative study*. AIDS Care 2008 20 (2): 188-190; OPS, WHO, UNFPA and UNICEF (2018). *Accelerating progress toward the reduction of adolescent pregnancy in Latin America and the Caribbean*.

162 Moloney Anastasia (2015). *Gang violence fuels child marriage in Central America, researchers say*. Thomson Reuters Foundation; Greene, M (2019). *A hidden reality for adolescent girls. Child, Early and Forced Marriages and Unions in Latin America and the Caribbean*. Regional Report. Plan International Americas and UNFPA; Girls not Brides (2020). *Child, early and forced marriages and unions in Latin America and the Caribbean*, pp. 4 and 5.

4.7 Search for autonomy

“We started dating; my mom forbade me to be with him. When I told him that I was no longer going to hang out with him, he stole and took me to a ranch that he had here. Of course I got married because virginity... I was very innocent.”
(Excerpt from the testimony of a child marriage survivor)

Qualitative research by various organizations has identified that behind the decision to enter into a forced marriage or union lies a desire of girls and adolescents to live in less oppressive conditions where their opinion, wishes and interests are taken into account.¹⁶³

Many times immersed in social and family settings where there is strong control of their movements and sexuality, and in which they have to assume a significant burden of domestic and caretaking work, girls and adolescents can see in unions and the early marriage a space to have greater autonomy from their parents and other social controls, and move away from moral judgments of the community that harm them.

The CEVI notes that this search for autonomy is part of a systemic denial of the right of women to make decisions about their bodies. According to the report recently published by the UNFPA on body autonomy, *My Body Belongs to Me*, almost half of women in 57 countries in the Global South are denied the right to decide whether they want to have sex with their partners, to choose a contraceptive method or to seek health care. This denial of bodily autonomy is a violation of the fundamental human rights of women and girls that entails serious effects on their lives and physical and mental integrity, as well as consequences for the development of the countries, by impacting economic productivity and generating costs in the judicial and health care systems.¹⁶⁴

Studies in Brazil, El Salvador and Guatemala confirm this trend, by documenting that some girls and adolescents use marriage as a way to satisfy their need for freedom, escape poverty and violence in their families of origin, establish a relationship with a partner and create your own family in a socially respectable framework.¹⁶⁵

For many of them, however, marriage or early unions end up limiting their autonomy permanently, causing them to drop out of school, isolate themselves and become economically dependent, all of which in the long run is detrimental to the autonomy they hoped to acquire when leaving their families of origin.

163 Greene, M (2019). *A hidden reality for adolescent girls. Child, early and forced marriages and unions in Latin America and the Caribbean. Regional Report*. Plan International Americas and UNFPA.

164 UNFPA (2021). *My body is my own: Claiming the right to autonomy and self-determination*. Available at: <http://unfpa.org/sowp-2021>

165 Greene, M. (2019). *A hidden reality for adolescent girls. Child, early and forced marriages and unions in Latin America and the Caribbean. Regional Report*. Plan International Americas and UNFPA; Girls Not Brides (2020). *Child, early and forced marriages and unions in Latin America and the Caribbean*; CARE. *Harmful Practices. Study on child marriage and early unions in Ecuador*. Available at: <https://www.care.org.ec/project/practicar-nocivas-estudio-sobre-el-matrimonio-infantil-y-las-uniones-precoces-en-ecuador/>

4.8 CEFMUs in indigenous and native communities

"I was 11 years old when I learned that someone came to call for me. I watched as they had a drink to celebrate the agreement. On the date the deal was closed, some pigs and groceries were ready... I ran away. I was very scared. And then felt a lot of guilt about whatever happened to me being my fault for fleeing my community"

(Testimony of Odilia López Álvaro, a woman of the Chol ethnic group and defender at the Chiapas Center for Women's Rights. Quoted from a press release).¹⁶⁶

Based on the information available, the CEVI was able to determine that CEFMUs are a harmful practice that has a particularly high prevalence among indigenous and native peoples and communities of the region, where girls are up to twice as likely to united at an early age. In Colombia, for example, of the women ages 20 to 24 who formed an early union before the age of 18, 35.4% are indigenous peoples, rising to more than 10% of non-indigenous women (22.3%).¹⁶⁷

Initial investigations indicate that these communities have a history of discrimination and marginalization, racism and colonialism, lack of opportunities and access to services and rights, which are intertwined with cultural, customary and/or religious values and norms, fostering the recurrence of CEFMUs of girls and adolescents, a harmful practice that is frequently promoted by families, and authorized by the traditional and religious authorities of these communities as a solution to face poverty.¹⁶⁸

It should be noted, however, that there is still a general lack of comprehensive studies on the prevalence of child, early and forced marriage among indigenous and native peoples in the region, as well as information on how their practices affect the meaning of CEFMUs.¹⁶⁹ This lack of official information responds, in large part, to the fact that within these communities marriages and unions are usually carried out through ceremonies witnessed by the traditional leaders; hence, there are no written records. Such is the case of indigenous communities in Chiapas in Mexico, where marriages are supported by community orality, not requiring any other formality other than the presence of witnesses.¹⁷⁰

The CEVI notes that in various indigenous peoples and communities in the region, affected by historical processes of inequality and discrimination, women face three interrelated systems of

166 @PatriaChandomi. *Matrimonios forzados en Chiapas: cuando los Usos y Costumbres se imponen a la Constitución (Forced marriages in Chiapas: when Usages and Customs prevail over the Constitution)*. Available at: https://www.scjn.gob.mx/sites/default/files/igualdad-genero/2017-05/2dolugarReportajeEscrito2016_0.pdf

167 Colombia's response to the CEVI for preparation of the Hemispheric Report on CEFMUs.

168 UNFPA and UNICEF (2021). *Evolution in the evidence base on child marriage 2000-2019*. Global Programme to End Child Marriage.

169 Greene, M. (2019). *A hidden reality for adolescent girls. Child, Early and Forced Marriages and Unions in Latin America and the Caribbean. Regional Report*. Plan International Americas and UNFPA, p. 8.

170 Ortega González N. C. (2019). *Matrimonios forzados en comunidades indígenas mexicanas: ¿tradición cultural o violencia de género? (Forced marriages in Mexican indigenous communities: cultural tradition or gender violence?)* Doctoral thesis. Universidad Carlos III de Madrid.

oppression that facilitate this harmful practice: a patriarchal system institutionalized in marriage and family, a capitalist system that limits them to the domestic sphere, and a colonizing system that excludes and marginalizes them. This implies that women, girls and adolescents live at the crossroads of discrimination based on ethnicity, gender, socioeconomic status and harmful cultural traditions, putting them in a position of subordination where they are denied their autonomy as subjects of rights. In these situations, women are valuable as wives and mothers and, therefore, their right to choose when and with whom to marry is limited.¹⁷¹ Child and early marriage is established as a practice “that perpetuates the dominance of the male sex and the inequality of women and girls, due to sex, gender, age and other interrelated factors,”¹⁷² which is evident, for example, in communities of Bolivia, where it is considered that the ideal age for girls to enter a union is 13, and 18 for boys.¹⁷³

In these communities, CEFMUs reflects the consideration of women as an object whose property can be freely commercialized and, consequently, the payment of dowries, prices or advantages in exchange for girls and adolescents is frequently verified, which can increase their vulnerability to violence by their spouses or family members if the expectations for payment are not met. As has been noted by the CEDAW and the Committee on the Rights of the Child, these payments and the resulting marriage or union can be considered as a form of sale of girls and adolescents recognized as a violation of the human rights of the child in the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.¹⁷⁴

Among many of these indigenous peoples, the decision to marry girls or adolescents is in the hands of the adults of the families and the community, resulting in stigmatization and sanctions in case of not meeting community expectations. Information on the prevalence of CEFMUs in Guatemala states that in some indigenous communities, “marriage has historically been a type of union between families, in which the interests and autonomy of the person was less important,”¹⁷⁵ and in indigenous communities of Mexico and Peru, it has been documented that unions are organized by the parents and community authorities, without considering the opinion of the girls and their mothers.¹⁷⁶

171 Ortega González N. C. (2019). *Matrimonios forzados en comunidades indígenas mexicanas: ¿tradición cultural o violencia de género? (Forced marriages in Mexican indigenous communities: cultural tradition or gender violence?)* Doctoral thesis. Universidad Carlos III de Madrid, p. 246; Igareda González, Noelia (2013). “Debates on autonomy and consent in forced marriages.” *Anales de la Cátedra Francisco Suárez*, Vol. 47: 203-219, p. 207.

172 General Recommendation 31 of the Committee for the Elimination of Discrimination against Women and General Comment 18 of the Committee on the Rights of the Child on harmful practices, adopted jointly. CEDAW/C/GC/31/CRC/GC/18, para. 16

173 Greene, M. (2019). *A hidden reality for adolescent girls. Child, Early and Forced Marriages and Unions in Latin America and the Caribbean*. Regional Report. Plan International Americas and UNFPA, p. 45.

174 United Nations. Committee on the Elimination of Discrimination against Women and Committee on the Rights of the Child (2014). *Joint General Recommendation No. 31 of the Committee on the Elimination of Discrimination against Women and No. 18 of the Committee on the Rights of the Child on harmful practices*, CEDAW/C/GC/31/CRC/GC/18, para. 24.

175 Greene, M. (2019). *A hidden reality for adolescent girls. Child, Early and Forced Marriages and Unions in Latin America and the Caribbean*. Regional Report. Plan International Americas and UNFPA, pp. 45, 52.

176 Greene, M. (2019). *A hidden reality for adolescent girls. Child, Early and Forced Marriages and Unions in Latin America and the Caribbean*. Regional Report. Plan International Americas and UNFPA, p. 17.

It has also been proven that in some communities sex with girls or adolescents is admitted or tolerated, and that many families hide the fact that girls or adolescents are raped for fear that it will affect their reputation, forcing them into early marriage as a solution.¹⁷⁷

Indigenous girls and adolescents exposed to harmful practices such as CEFMUs are particularly vulnerable, and when they do not receive support from the institutions, they often decide to flee their communities due to the risk of being forced into marriage, which makes them even more vulnerable to exploitation and human trafficking. Furthermore, civil laws often play a secondary role in these communities with respect to community or traditional justice systems, which often have no impact on girls' living conditions.

As noted above, there is still much to learn about the different cultural contexts and traditional attitudes that determine entry into a CEFMU, requiring further studies on gender norms, social mandates, traditional practices and experiences that girls and adolescents affected by this harmful practice face in their communities.¹⁷⁸

In this context, the CEVI emphasizes that despite the fact that the right of indigenous peoples and communities to self-determination and their autonomy to apply their own regulatory systems have been recognized, there is an international consensus that child, forced marriage and early unions are not a practice that should be protected or sheltered by traditions and customs, as it is a continuous violation of multiple human rights of girls and adolescents.

177 Greene, M. (2019). *A hidden reality for adolescent girls. Child, Early and Forced Marriages and Unions in Latin America and the Caribbean. Regional Report*. Plan International Americas and UNFPA, p. 9.

178 Greene, M. (2019). *A hidden reality for adolescent girls. Child, Early and Forced Marriages and Unions in Latin America and the Caribbean. Regional Report*. Plan International Americas and UNFPA, p. 19.

5. CEFMUs and the COVID-19 Pandemic: 10 Million More Girls at Risk

Studies have confirmed that CEFMU rates tend to increase during humanitarian crises, pandemics, and in situations of insecurity and violence, as families have limited resources and may consider these practices to be an effective mechanism to protect their daughters from early precariousness and sexual violence.¹⁷⁹ Added to this vulnerability is the invisibility and discrimination faced by girls and adolescents who are married or in union during humanitarian crises and pandemics, which are seldom considered in emergency response, mitigation and recovery strategies.¹⁸⁰

Humanitarian situations have been widely found to risk increasing poverty, especially in lower-income households, where marrying or uniting a daughter with an older man may seem the most viable option to counter the financial difficulties faced by all family members. Also, in these situations, girls and adolescents themselves may consider that a union or marriage is a viable alternative to satisfy their basic needs or those of their family, even bordering on accepting their sexual exploitation to improve their precarious situation.¹⁸¹

As reported worldwide, the feminization of poverty has intensified during the COVID-19 pandemic, which has generated even more precariousness, job losses, an overload of caretaking and gender-based violence against women, with estimates that in the LAC region the pandemic will leave 118 million women and girls in poverty.¹⁸² In particular, the Inter-American Commission of Women has drawn attention to the fact that “the emergency derived from COVID-19 is causing specific impacts on women and deepening existing gender inequalities, both within and outside of households.”¹⁸³

179 UNICEF (2021), *COVID-19: A threat to progress against child marriage*. Available at: <https://data.unicef.org/resources/covid-19-a-threat-to-progress-against-child-marriage/>; UN Women, UNFPA, UNICEF (2020), *Child Marriage and Early Unions in Latin America and the Caribbean in crisis and humanitarian settings*; UNFPA, UNICEF, Girls Not Brides, et al. (2021). *Addressing child marriage in humanitarian settings*. Available at: <https://www.unicef.org/media/93491/file/Child-marriage-humanitarian-settings-technical-guide-2021-v2.pdf>; Naciones Unidas. Committee for the Elimination of Discrimination against Women. General recommendation No. 30 on women in conflict prevention, conflict and post-conflict situations, CEDAW/C/GC/30, para. 62.

180 Care. *Child, early and forced marriage. Care's Global Experience*, p. 24.

181 UNFPA, UNICEF, Girls Not Brides, et al. (2021). *Addressing child marriage in humanitarian settings*; Women's Refugee Commission (2016). *A Girl No More: The Changing Norms of Child Marriage in Conflict*. Available at: <https://reliefweb.int/sites/reliefweb.int/files/resources/Changing-Norms-of-Child-Marriage-in-Conflict.pdf>

182 UN Women (2020). *The economic impact of COVID-19 on women in Latin America and the Caribbean*. Available at: <https://lac.unwomen.org/es/noticias-y-eventos/articulos/2020/11/impacto-economico-covid-19-mujeres-america-latina-y-el-caribe>; UNFPA, UN Women (2021). *The impacts of COVID-19 on women's economic autonomy*. Available at: https://www.latinamerica.undp.org/content/rblac/es/home/library/womens_empowerment/los-impactos-del-covid-19-en-la-autonomia-economica-de-las-mujer.html

183 CIM (2020). *COVID-19 in the lives of women. Reasons to recognize differentiated impacts*. Available at: <https://oas.org/es/cim/docs/ArgumentarioCOVID19-ES.pdf>

Although the collection of specific data on the impacts of the COVID-19 pandemic on early marriages and unions in LAC is still pending, there are already some studies that allow us to affirm that the health contingency has placed millions of girls and adolescents in the region at greater risk of entering one of these harmful practices, given the exacerbation of poverty and the loss of jobs, the suspension of face-to-face classes, the lack of support networks for girls, the lack of access to basic and health services, the increase in domestic violence, the deaths of parents and, in general, the changes in the social fabric that have occurred as a result of the confinement measures decreed since 2020.¹⁸⁴

In the recent report published by UNICEF entitled *COVID-19: A threat to progress against child marriage*, based on initial data on the subject matter, it has been said that over the next decade, up to 10 million more girls will be at risk of becoming child brides as a result of the pandemic.¹⁸⁵

In particular, the CEVI highlights that the confinement measures and restrictions on mobility and social distancing decreed in connection with the pandemic have represented an obstacle for girls and adolescents to access health care, social services and community support. As the CIM has pointed out, the crisis has impacted and exacerbated the already limited access girls and adolescents have to sexual and reproductive health information and services and supplies, including contraceptive methods, menstrual health, and specialized services and personnel to provide medical and psychological care in cases of sexual violence.¹⁸⁶ In many cases, responses to the health emergency have meant that resources for sexual and reproductive health services are diverted in order to face the situation, which may imply an increase in maternal and neonatal mortality, lack of resources for family planning, an increase in sexually transmitted diseases due to the lack of contraceptive methods and the number of unsafe abortions and CEFMUs.

In addition, given the confinement measures, the closure of schools, the increase in domestic and care-taking work due to the increase in the number of family members at home, and the digital gender gaps that make it difficult to continue their education online, many girls and adolescents have lost their spaces for socialization, learning and protection from CEFMUs. In this regard, it is noted that studies carried out during the Ebola pandemic found an increase in domestic and caretaking activities, and income-generating activities for girls and adolescents, which limited their possibilities of being able to study at home.¹⁸⁷

In addition, available data confirm that in these types of humanitarian crisis settings, given the impossibility for girls and adolescents to continue with their schooling and their limited life options, the perception of families that girls and adolescents have become a financial burden; therefore, their marriage or union is a positive transition for them.¹⁸⁸

184 UNICEF (2021), *COVID-19: A threat to progress against child marriage*.

185 UNICEF (2021), *COVID-19: A threat to progress against child marriage*.

186 CIM (2020). *COVID-19 in the lives of women. Reasons to recognize differentiated impacts*.

187 Plan International (2015). *Ebola: beyond the health emergency - Summary of research into the consequences of the Ebola outbreak for children and communities in Liberia and Sierra Leone*. Available at: <https://plan-international.org/publications/ebola-beyond-health%20emergency>

188 UNICEF, UNFPA, et al. *Child marriage in humanitarian settings: Spotlight on the situation in the Arab region*. Available at: <https://www.unicef.org/mena/sites/unicef.org.mena/files/2018-08/CM%20in%20humanitarian%20settings%20MENA.pdf>

The CEVI also warns that, in the current crisis caused by the pandemic and derived from the confinement measures, an increase in the levels of violence within families and by known persons has been documented, which may also lead girls and adolescents to enter a CEFMU.¹⁸⁹ In this regard, it is worth mentioning that studies carried out during previous humanitarian crises have documented that families tend to anticipate an increase in violence against their daughters and, therefore, push them into a CEFMU as a form of protection.¹⁹⁰ However, the results of these decisions have proven to have the opposite effects. As mentioned above, marriage and unions of girls and adolescents frequently exacerbate sexual violence against them, and in fact, in humanitarian crises, increase the risks of sexual exploitation and trafficking of girls who engage in these harmful practices.

189 CIM (2020). *COVID-19 in the lives of women. Reasons to recognize differentiated impacts.*

190 Plan International (2015). *Ebola: beyond the health emergency - Summary of research into the consequences of the Ebola outbreak for children and communities in Liberia and Sierra Leone.* <https://plan-international.org/publications/ebola-beyond-health%C2%A0emergency>

6. What the Data Reveal: A Widespread And Silenced Practice In The Region.¹⁹¹

The Committee of Experts of the Mechanism to Follow Up on the Implementation of the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women (Belém do Pará Convention) notes that, even though figures indicate the high prevalence of these harmful practices in the Latin American and Caribbean region (LAC), only recently has the issue begun to be recognized and made visible. Historically, child marriage has been a normalized issue in the region, and which, in some instances is still allowed by certain laws rendering it invisible and lacking attention from the States. This has resulted in the LAC region being the only one in the world that has not reported a drop in CEFMU rates for 25 years¹⁹², reflecting the conditions of helplessness, discrimination and violence in which millions of women and girls have grown up.

The fact that the prevalence of CEFMU has not changed in the LAC region in recent decades, as stated by several UN agencies, indicates “the omnipresent and persistent nature of the inequalities and discrimination girls face, which are exacerbated depending on the level of income, education and/or cultural group.”¹⁹³ At the base of these practices is a deep historical and structural violence and a set of gender norms and stereotypes that interact to place women in a subordinate position vis-à-vis men, binding them to the domestic sphere and limiting their participation in economic, political and social life.

The CEVI notes with concern that while CEFMU rates have been reduced in other parts of the world, except for four countries (El Salvador, Guatemala, Honduras and Nicaragua), their prevalence in LAC has not decreased or varied in the last 25 years. According to UNICEF reports, if this trend continues, by 2030, LAC will rank second with the highest rates of child marriage, behind only Sub-Saharan Africa.¹⁹⁴

191 Technical note: In order to analyze the prevalence of CEFMUs in the region, this report used the SDG 5.3.1 indicator as a basis: *Proportion of women aged 20-24 years who were married or in an early union before the age of 15 and before the age of 18*. In the framework of the requests for information made to the States Party, the CEVI sought to gather data that would make it possible to know the prevalence of both marriages and de facto unions. However, these precision was not necessarily made in the responses received. When permitted by the information received, this report clarifies when it refers to one or another of these harmful practices, although it is emphasized that this differentiation could not often be made due to the limited information. As mentioned above, although marriages are registered in most countries, the lack of recognition and administrative registration of informal unions has led to their under-registration, so to date there are no data that allow us to understand the actual scope of this particular phenomenon.

192 UNICEF (2019). *Child Marriage: Latest trends and future prospects*. Available at: <https://data.unicef.org/resources/child-marriage-latest-trends-and-future-prospects/>

193 UN Women, UNFPA, UNICEF (2018). *Accelerate actions to end child marriage and early unions in Latin America and the Caribbean*, p. 6. Available at: <https://www.unicef.org/lac/media/2866/file/PDF%20Publicaci%C3%B3n%20Acelerar%20acciones%20para%20erradicar%20el%20matrimonio%20infantil%20y%20las%20uniones%20tempranas%20en%20ALC.pdf>

194 UNICEF (2019). *A Profile of Child Marriage and Early Unions in Latin America and the Caribbean*. p. 4 Available at: <https://www.unicef.org/lac/media/9381/file/PDF%20Perfil%20del%20matrimonio%20infantil%20y%20las%20uniones%20tempranas%20en%20ALC.pdf>

According to UNICEF data, in LAC, approximately 60 million girls and adolescents were married before the age of 18.¹⁹⁵ In the region, one in four women ages 20 to 24 had married for the first time or were involved in an early union before reaching the age of 18, and one in five girls and adolescents had married a man at least ten years older than them. This is equal to 25% of women in the region, which is higher than the world's 21% rate of CEFMUs.¹⁹⁶¹⁹⁷ According to the *Girls Not Brides* Interactive Atlas, by 2020, Brazil and Mexico were on the list of the 20 countries with the highest absolute number of CEFMUs, ranking fifth and eighth, respectively.¹⁹⁸

It should be noted that this region also ranks second in the world in the number of child and adolescent pregnancies and is the only one with an upward trend in the number of girls under 15 years of age giving birth.¹⁹⁹

The available data, however, is a mere approximation to the real dimension of the problem. Multiple agencies and international organizations have highlighted the lack of official data that allows us to fully understand the characteristics that this phenomenon adopts throughout the region, which will probably be underestimated.²⁰⁰ Specifically, the persistence of anomalies have been noted in all countries regarding the failure to register informal child unions, the lack of information on the specific characteristics adopted by indigenous groups for CEFMUs, and a lack of records in domestic demographic surveys and health conditions of marriages and unions contracted before the age of 15.²⁰¹

In particular, the CEVI observes that one of the greatest challenges faced by the region is the lack of information on the number and characteristics of informal unions of girls and adolescents. As previously noted, various studies indicate that, unlike other parts of the world, LAC has a higher prevalence of de facto or informal unions than official marriages and, in fact, it could be expected that this practice will increase after the recent prohibition of child marriage in various countries of the region (see Section 5.2). According to UNICEF data, the vast majority of girls ages 15 to 17 who entered this harmful practice did so through an informal union, with percentages reaching more than 80% in countries such as Bolivia, Colombia, Honduras, and Peru.²⁰² However, the underreporting of these harmful practices in national statistics and their invisibility in the public agenda imply only an approximation of their prevalence.

195 UNFPA, UNICEF, UN Women (2018). *Accelerate Actions to End Child Marriage and Early Unions in Latin America and the Caribbean* (Poster). Available at: <https://www.unicef.org/lac/media/2426/file>

196 In the case of the Caribbean, the percentage drops to 14%.

197 UNICEF (2019). *A Profile of Child Marriage and Early Unions in Latin America and the Caribbean*. p. 5.

198 *Girls Not Brides. Child marriage atlas*. Available at: <https://atlas.girlsnotbrides.org/map/>

199 PAHO, WHO and UNFPA (2020). *Teenage pregnancy in Latin America and the Caribbean. Technical Review*.

200 *Girls Not Brides* (2020).

Child, early and forced marriages and unions in Latin America and the Caribbean, p. 2.

201 Greene, M (2019). *A hidden reality for adolescent girls. Child, early and forced marriages and unions in Latin America and the Caribbean. Regional Report*. Plan International Americas and UNFPA, p. 16; *Girls Not Brides* (2020). *Child, Early and Forced Marriages and Unions in Latin America and the Caribbean*, p. 21.

202 UNICEF (2019). *A Profile of Child Marriage and Early Unions in Latin America and the Caribbean*, p. 7.

These informal unions are equivalent in terms of their impact on marriage and can place girls and adolescents in a situation of greater risk. In certain settings, marriage offers a higher social status and greater protection by generating alimony rights.²⁰³ The Girls Not Brides global partnership noted that this type of informal union would further deepen gender inequality by implying less commitment for the male partner and leaving women and girls who enter this practice more vulnerable.²⁰⁴ Furthermore, they “often remain outside the administrative purview of government agencies, creating enormous loopholes to avoid official penalties and support services.”²⁰⁵

As indicated above, within the framework of the integration of this report, the CEVI submitted requests for information to all the Member states of the Belém do Pará Convention for first-hand information about the situation prevailing in the region, and only received statistical data on the prevalence of CEFMUs from six countries.²⁰⁶ Given the lack of official information transmitted by the States Party, this Committee undertook the task of collecting data on the incidence of CEFMUs through reports from international agencies and specialized organizations and other public sources available online to obtain an overview of the challenges facing the region.

Of particular importance for the identification of regional trends was the UNICEF report “A Profile of Child Marriage and Early Unions in Latin America and the Caribbean,” which identified that the prevalence rates of this harmful practice vary significantly across the entire region, from less than 10% in Jamaica to more than 30% in Belize, Honduras, Nicaragua and the Dominican Republic. As noted above, UNICEF also identified that child marriage in the region is frequently presented as unions in which girls and adolescents live with a partner without any type of formality involved.²⁰⁷

203 Greene, M (2019). *A hidden reality for adolescent girls. Child, early and forced marriages and unions in Latin America and the Caribbean. Regional Report*. Plan International Americas and UNFPA, p. 16; Girls Not Brides (2020), *Child, early and forced marriages and unions in Latin America and the Caribbean*, p. 16.

204 Girls Not Brides (2020).

Child, early and forced marriages and unions in Latin America and the Caribbean.

205 Greene, M (2019). *A hidden reality for adolescent girls. Child, early and forced marriages and unions in Latin America and the Caribbean. Regional Report*. Plan International Americas and UNFPA, p. 16; Girls Not Brides (2020), *Child, early and forced marriages and unions in Latin America and the Caribbean*, p. 9.

206 Colombia, Costa Rica, Dominican Republic, Mexico, Peru, and Suriname.

207 UNICEF (2019). *A Profile of Child Marriage and Early Unions in Latin America and the Caribbean*.

7. Consequences of CEFMUs for the Lives of Girls and Adolescents: Trapped In Circles of Precariousness and Violence.

Early marriages and unions often reflect the lack of access to fundamental prerogatives such as education, protection, equality and non-discrimination. As described in the section above, when living in societies that offer them very limited possibilities to develop, girls and adolescents who enter early marriages and unions often do so fleeing poverty, insecurity, violence and marginalization. However, studies in the region show that the position of girls and adolescents within marriage and union often resembles that from which they sought to escape from their families of origin, or even experience increased deprivation, poverty and suffering than at home.

Once in a CEFMU, girls and adolescents suffer permanent and multidimensional effects on their lives in the short, medium and long terms. These harmful practices have an impact on their physical and psychological integrity, limit their autonomy to make decisions about themselves or their families, entail time restrictions due to the huge burden of unpaid domestic work they must endure, and hinder their access to social capital, knowledge, resources and decision-making power, isolate them from school, friends and work opportunities, restrict their ability to express their opinions and, in general, hinder their independence and the development of skills that would allow them to independently create and develop their life project.

The IACHR has recognized that “child marriage reproduces cycles of poverty and exclusion of women; it can cause physical and psychological damage; and it prevents girls from achieving gender parity, equal protection under the law, the free exercise of their human rights and the ability to realize their full potential and develop skills.”²⁰⁸

Research from the global Girls Not Brides alliance has identified that the main consequences for girls and adolescents entering a CEFMU include a sudden and early dropout from school, early and unwanted pregnancy, financial dependency, and limited life opportunities.²⁰⁹

CEFMUs also affect the families created within them, since the lack of autonomy and the violence suffered by girls and adolescents who enter this practice profoundly affect the upbringing of their

208 IACHR (2019). *Violence and discrimination against women, girls and adolescents: Best Practices and Challenges in Latin America and the Caribbean*, para. 222.

209 Girls not Brides. “Child Marriage in Latin America and the Caribbean.” Available at: <https://www.girlsnotbrides.org/documents/535/Child-marriage-in-LAC-01.2017.pdf>

children. In addition, these harmful practices have social consequences that go beyond the girls themselves and their families, resulting in very high economic costs that affect country development.

As the UN has highlighted, child marriage seriously affects the possibility of achieving the 2030 Development Agenda Goals, undermining efforts to achieve gender equality (SDG 5), eradicate poverty (SDG 1), and by implicating impacts on education and decent work for women (SDG 8) and on maternal and infant mortality (SDG 3).²¹⁰ For its part, the Girls Not Brides global partnership has emphasized that, if significant progress is not made in eradicating CEFMUs, eight of the 17 SDGs will not be met, including those related to poverty, food security, health, education, equality of gender, economic growth, peace and justice.²¹¹

The World Bank has calculated that only in the 12 countries where child marriage is frequent, the loss of human capital will be USD 63 million between 2017 and 2030.²¹² Thus, according to a UNICEF study in the Dominican Republic, the elimination of early marriage and unions could have reduced poverty at the national level from 30.5% to 27.7%; and from 41% to 32.1% in households where women were married at an early age.²¹³

7.1 Limitation of personal autonomy and exposure to various forms of violence and abuse

"I was a virgin ... He beat me; I rolled down the stairs; I was hospitalized twice. He did with me what he wanted.

I no longer wanted anything sexually with him; I went to sleep in my children's room; he would come in and threaten me saying "I'm going to kill my children" and I would come out. "
(Excerpt of the testimony of a child marriage survivor)

"Taking advantage of his family's political relationships, they sued me for stealing some watches. I didn't even know; I was caring for my youngest son who had had a very bad accident. I was with him for several months and they arrested me the first day I left his side. My son was in bed and I didn't know what was happening... He forced my oldest son to testify against me. It caused him a trauma that has lasted many, many years. I was in jail for eight months, without knowing why. "

(Excerpt from the testimony of a survivor of child marriage)

210 United Nations. Department of Economic and Social Affairs. *Goal 5. Achieve gender equality and empower all women and girls*. Available at: <https://sdgs.un.org/goals/goal5>. See also: Girls Not Brides (2020). *SDGs and child marriage*. Available at: https://www.girlsnotbrides.org/documents/893/SDG-and-child-marriage_July-2020-update.pdf

211 Girls Not Brides (2020). *SDGs and child marriage*. Available at: https://www.girlsnotbrides.org/documents/893/SDG-and-child-marriage_July-2020-update.pdf

212 Wodon Q. and Male Ch. et al. (2018). *The cost of not educating girls. Educating girls and ending child marriage: a priority for Africa*. World Bank Group, Children's Investment Fund Foundation and Global Partnership for Education, p. 9. Available at: <https://documents1.worldbank.org/curated/en/268251542653259451/pdf/132200-WP-P168381-PUBLIC-11-20-18-Africa-GE-CM-Conference-Edition2.pdf>; See also: Wodon Q. and Male C. et al. (2017). *Economic Impacts of Child Marriage: Global Synthesis Report*. Available at: <https://documents1.worldbank.org/curated/en/530891498511398503/pdf/116829-WP-P151842-PUBLIC-EICM-Global-Conference-Edition-June-27.pdf>

213 World Bank and UNICEF (2017). *Economic Impact of Child Marriage and Early Unions: Summary for the Dominican Republic*, p. 6. Available at: <https://documents1.worldbank.org/curated/en/712331503496265611/pdf/119056-WP-P151842-SPANISH-PUBLIC-WorldBank-CountryBriefDR-PrintReady.pdf>

Girls and adolescents who enter a CEFMU face a new situation involving roles and responsibilities of adults, and in which they usually lack the autonomy and decision-making power to develop their own life plans.²¹⁴ Studies in the region indicate that these girls and adolescents often live in settings marked by gender inequality and deprived of their most basic rights and freedoms, placing themselves under the control of their partners and the demand to submit to their reproductive and domestic roles.²¹⁵

Both the CEDAW and the Committee against Torture have recognized that child marriage produces multiple physical, mental and sexual harms, including self-injurious behavior in the form of immolation or suicide, domestic violence of a physical and psychological nature, acid attacks and murder.²¹⁶

The CEVI warns that, in a clear manifestation of the continuum of gender violence, girls and adolescents frequently encounter the same violence in their early marriages or unions that they fled from in their homes of origin. Having internalized gender roles and idealized romantic love, many of them hope that by marrying or entering a union, their partner will protect them and provide them with security. However, the patriarchal gender norms that frequently define these harmful practices make the reality very different for them. The vulnerability in which girls and adolescents enter, the imbalances of power that arise due to the difference in ages with their partners, economic dependence and the lack of social support within permissive cultures with dominant masculinities, are factors that prevent them from opposing the violence exercised against them and ask for help, enclosing them in situations of violence that can extend over their lifetimes.

Research on the subject consistently corroborates that in the LAC region, girls and adolescents who marry or become part of a union at an early age are more likely to suffer various forms of gender-based violence by their partners, including sexual, physical, psychological and emotional violence, and have a greater risk of becoming victims of femicide.²¹⁷ According to UNICEF data, in the region 4 out of 10 girls ages 15 to 19 have experienced intimate partner violence.²¹⁸ UNFPA also reported that by 2019, worldwide, physical or sexual violence were greater among married women as girls and, in the same sense, Save the Children reported that in Mexico married girls or adolescents experience 49% more

214 Care. *Child, early and forced marriage. Care's Global Experience*, p. 17.

215 Greene, M. (2019). *A hidden reality for adolescent girls. Child, Early and Forced Marriages and Unions in Latin America and the Caribbean. Regional Report*. Plan International Americas and UNFPA, pp. 43-50; Girls Not Brides. *Child Marriage in Latin America and the Caribbean*. Available at: <https://www.girlsnotbrides.org/documents/535/Child-marriage-in-LAC-01.2017.pdf>

216 United Nations. Human Rights Council. *Report of the Office of the United Nations High Commissioner for Human Rights, A/HRC/26/22* (April 2, 2014). Available at: <https://undocs.org/es/A/HRC/26/22>; United Nations. Human Rights Council. *Report of the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment A/HRC/31/57* (January 5, 2016). Available at: <https://www.acnur.org/fileadmin/Documentos/BDL/2016/10361.pdf>; UNFPA (2020). *Against my will - Defying the practices that harm women and girls and undermine equality. State of World Population 2020*, p. 29. Available at: <https://mexico.unfpa.org/sites/default/files/pub-pdf/spanish-v6.29-web.pdf>

217 Greene, M. (2019). *A hidden reality for adolescent girls. Child, Early and Forced Marriages and Unions in Latin America and the Caribbean. Regional Report*. Plan International Americas and UNFPA, pp. 43-50; Girls Not Brides. *Child Marriage in Latin America and the Caribbean*. Available at: <https://www.girlsnotbrides.org/documents/535/Child-marriage-in-LAC-01.2017.pdf>. See also: UNFPA (2020). *Against my will - Defying the practices that harm women and girls and undermine equality. State of World Population 2020*, p. 29. Available at: <https://mexico.unfpa.org/sites/default/files/pub-pdf/spanish-v6.29-web.pdf>

218 UNICEF (2019). *Boys and Girls in Latin America and the Caribbean. Overview 2019*. Available at: <https://www.unicef.org/lac/en/reports/children-latin-america-and-caribbean>

physical violence and 68% more sexual violence than those who married after the age of 18.^{219,220} In addition, it has been documented that gender-based violence rates are higher among women who had their first child at a younger age or through an unplanned pregnancy.²²¹

Corroborating this trend, interviews carried out by Plan International and UNFPA reveal that in Honduras the majority of girls in union had suffered domestic violence and abuse, and reports in Bolivia indicate that 43% of the violence experienced by girls in early unions comes from of their intimate partner.²²² Studies in the Dominican Republic also show that girls and adolescents ages 15 to 19 are more likely to be victims of physical or sexual violence by their partner compared to women who married older.²²³

In particular, it has been proven that sexual violence is persistent within early marriages and unions, given that girls and adolescents lose or lack the ability to negotiate their sexual activity, including the possibility of making decisions about the use of contraceptives or the spacing of the birth of their sons and daughters.²²⁴ Thus, for example, surveys carried out in the Dominican Republic indicate that 40% of girls stated that one of the main disadvantages of being in an early union was sexual violence, and in Nicaragua, studies reveal that 3% of women involved in a union before 18 years of age, had suffered rape and 32% had been forced to have sexual relations.²²⁵ Other studies have also collected testimonies about girls and adolescents forced into prostitution by their partners.²²⁶

Sexual violence against girls and women, as the CEVI has pointed out, “is one of the clearest manifestations of the social mandates and traditions of a patriarchal culture that encourages men to believe that they have the right to control women’s bodies and sexuality.”²²⁷ According to the Declaration on Violence against Women, Girls and Adolescents and their Sexual and Reproductive Rights, this violence has extremely serious consequences and impacts their physical and reproductive health, increases

219 UNFPA (2020). *Against my will - Defying the practices that harm women and girls and undermine equality. State of World Population 2020*, p. 29. Available at: <https://mexico.unfpa.org/sites/default/files/pub-pdf/spanish-v6.29-web.pdf>

220 Save the Children. *We want girls with dreams, not wives*. Available at: <https://apoyo.savethechildren.mx/matrimonio-infantil-en-mexico>

221 Bott, S., Alessandra Guedes, et al. (2012). *Violence against women in Latin America and the Caribbean. A comparative analysis of population-based data from 12 countries*. Pan American Health Organization and World Health Organization. Available at: https://oig.cepal.org/sites/default/files/violenciaespanol_2.4-web_0.pdf

222 Greene, M. (2019). *A hidden reality for adolescent girls. Child, Early and Forced Marriages and Unions in Latin America and the Caribbean. Regional Report*. Plan International Americas and UNFPA, pp. 34-35.

223 UNICEF, The World Bank et al. (2017). *Economic impact of child marriage and early unions: Summary for the Dominican Republic*. Available at: <https://www.unicef.org/dominicanrepublic/informes/impacto-econ%C3%B3mico-del-matrimonio-infantil-y-las-uniones-tempranas>

224 UNFPA (2020). *Against my will - Defying the practices that harm women and girls and undermine equality. State of World Population 2020*, p. 109. Available at: <https://mexico.unfpa.org/sites/default/files/pub-pdf/spanish-v6.29-web.pdf>

225 Greene, M. (2019). *A hidden reality for adolescent girls. Child, Early and Forced Marriages and Unions in Latin America and the Caribbean. Regional Report*. Plan International Americas and UNFPA, pp. 43-50.

226 Girls Not Brides (2020). *Forced early child marriages and unions in Latin America and the Caribbean*, p. 5. Available at: <https://www.girlsnotbrides.es/documents/948/Matrimonios-y-uniones-infantiles-tempranas-y-forzadas-en-ALC.pdf>

227 CIM, MESECVI (2016). *Hemispheric Report on Sexual Violence and Child Pregnancy in the States Party to the Belém do Pará Convention*, para. 5.

the risk of maternal and infant mortality, generates high-risk pregnancies, and entails psychological affectations such as lack of autonomy, fear, depression, anguish, post-traumatic stress, anxiety and greater risk of suicide.²²⁸

The CEVI has also highlighted that girls who are victims of sexual violence rarely seek medical attention due to fear or stigma, and “tend to have less access to health services, emergency oral contraception or the termination of a forced pregnancy, which facilitates a greater pattern of violence that extends throughout their lifetimes.”²²⁹ Girls are usually unaware of the laws that protect them and, in general, systemic impunity persists in cases of sexual violence against them, derived from deficiencies in care and investigation protocols, discrimination, and the minimization of the harm they suffer, since they are considered a mere object of protection and not as subjects of rights.²³⁰ It is often observed that girls and adolescents face harmful gender stereotypes when approaching care services offered by health and security personnel, which discourages them from asking for help.

The CEVI highlights that there are studies that indicate that the greater the age difference with their partners, the greater the probability that girls and adolescents will experience violence.²³¹ In this regard, the IACHR has highlighted that “a marked difference in the age of the spouses of a child marriage can mean different levels of maturity, education, and skills to function in a community in a differentiated manner. In this sense, a marked difference in age further deepens inequalities in historically unequal power relations between women and men, and places the victims in a situation of greater defenselessness in the face of different forms of violence based on the intersectionality of their sex and age.”²³²

It should be noted that in various countries, indications have been found that suggest that men gradually develop more violent masculinities as child marriages and early unions take hold and girls and adolescents are isolated in their domestic roles.²³³ Studies in countries such as Nicaragua, Bolivia or El Salvador have found that male partners frequently do not allow girls or adolescents to work or study, which further increases their dependency and consolidates the control they have over their lives. Furthermore, this intimate partner violence is often accompanied by violence by other family members, such as in-laws and brothers-in-law, and reflects and is linked to community violence that affects girls.²³⁴

228 CIM, MESECVI (2014). *Declaration on Violence against Women, Girls and Adolescents and their Sexual and Reproductive Rights*, OAS/Ser.L/II.7.10 (September 19, 2014). Available at: <https://www.oas.org/es/mesecvi/docs/declaracionderechos-es.pdf>

229 CIM, MESECVI (2016). *Hemispheric Report on Sexual Violence and Child Pregnancy in the States Party to the Belém do Pará Convention*, para. 12.

230 CIM, MESECVI (2016). *Hemispheric Report on Sexual Violence and Child Pregnancy in the States Party to the Belém do Pará Convention*, para. 28.

231 Kidman, R. (2017). “Child marriage and intimate partner violence: a comparative study of 34 countries”. *International Journal of Epidemiology*, Vol.46, Issue 2, pp. 662-675.

232 IACHR (2019). *Violence and discrimination against women, girls and adolescents: Best Practices and Challenges in Latin America and the Caribbean*, para. 219.

233 Plan International and UNFPA (2020). *Masculinities and their impact on child marriages and early unions*.

234 Greene, M. (2019). *A hidden reality for adolescent girls. Child, early and forced marriages and unions in Latin America and the Caribbean. Regional Report*. Plan International Americas and UNFPA.

Finally, the CEVI notes that in investigations in the region carried out by UNFPA, a recurring pattern was identified in which girls are abandoned by their partners and relatives before or once they entered a union or marriage, especially after the first pregnancy, which causes them to remain in poverty and a helpless state due to the lack of support and resources for their survival and that of their sons and daughters. Some of the reasons behind this abandonment include the partner's denial of paternity (before or once within a union), and the migration of parents and partners from their places of origin.²³⁵

7.2 Impact on sexual and reproductive rights and health risks

*"I got pregnant 20 days later and 15 to 20 days after I got married, he started beating me."
(Excerpt from the testimony of a child marriage survivor)*

As noted above, girls and adolescents who enter a CEFMU often lack the capacity and tools necessary to exercise their sexual and reproductive rights and make free decisions about their reproductive health and sexuality.

As a result of their lack of autonomy and from the lack of sufficient and adequate information, CEFMUs entails very important effects on the sexual and reproductive health of girls and adolescents, who are seriously affected by their ability to fully develop their sexuality and decide on the number and frequency of sons and daughters and negotiating the use of contraceptives, with evidence indicating that these practices increase the risk of contracting sexually transmitted diseases, including HIV and AIDS, and complications associated with unwanted pregnancies.²³⁶

In the same sense, the CEDAW and the Committee on the Rights of the Child in their General Recommendation no. 31 y su Observación General no. 18 highlighted that child marriage is often accompanied by early and frequent pregnancies and deliveries, leading to higher than average maternal mortality and morbidity rates.²³⁷

Women who marry at an early age begin to have children earlier, increasing the odds by 45% if a girl marries at 13 and not at 18. According to UNFPA reports, in Latin America and the Caribbean, 86% of women married or in union before the age of 18 had had a child before the age of 20, in contrast to 34% of those who married after the age of 18.²³⁸ This trend was also verified by UNICEF by specifying that eight out of ten girls or adolescents in a union gave birth before reaching the age of 20.²³⁹

235 Greene, M. (2019). *A hidden reality for adolescent girls. Child, Early and Forced Marriages and Unions in Latin America and the Caribbean. Regional Report*. Plan International Americas and UNFPA, pp. 43-50.

236 UNICEF (2017). *Child Marriage in the Middle East and North Africa*. Available at: <https://www.unicef.org/mena/media/1786/file/MENA-ChildMarriageInMENA-Report.pdf>

237 United Nations. Committee on the Elimination of Discrimination against Women and Committee on the Rights of the Child (2014). *Joint General Recommendation No. 31 of the Committee on the Elimination of Discrimination against Women and No. 18 of the Committee on the Rights of the Child on harmful practices*, CEDAW/C/GC/31/CRC/GC/18, para. 22.

238 UNFPA (2020). *Against my will - Defying the practices that harm women and girls and undermine equality. State of World Population 2020*, p. 106

239 UNICEF (2019). *A Profile of Child Marriage and Early Unions in Latin America and the Caribbean*, p. 12; See also: UNFPA, UNICEF, PAHO, WHO (2016). *Accelerating progress toward the reduction of adolescent pregnancy in Latin America and the Caribbean*.

In addition, child marriage is linked to pregnancies and deliveries that are too close in time and too early.²⁴⁰ Reports on the subject matter indicate that **17% of women ages 20 to 24 who have been married or in a union before the age of 18, gave birth to three or more live babies.** This percentage drops to 4% among those married or in a union at a later age.²⁴¹ In Mexico, for example, 50.7% of women between the ages of 15 and 17 who were in a union in 2015 had had at least one child born live, a figure that dropped to 1.3% among single women of the same age.²⁴²

As previously noted, early motherhood is associated with the risk of complications during pregnancy and childbirth, with the sons and daughters of girls and adolescents being more likely to be stillborn or die in their first month of life.²⁴³ Additionally, pregnancy in childhood requires more time for recovery, and affects the economy of the family and communities, without losing sight of the fact that when mothers die, their families are much more vulnerable and their children are more likely to die at an early age.

The CEVI observes that these limitations and effects experience by women have different origins. On the one hand, there are gender norms and symbolic and structural violence that keep girls and adolescents away from knowledge about their sexual and reproductive rights (even before entering CEFMUs) and, on the other hand, the situation of inequality and difference in power in which they live in front of their partners, which puts them at a latent risk of suffering violence and forced sexual relations.

The Inter-American Court of Human Rights has recognized that “the freedom and autonomy of women in matters of sexual and reproductive health has historically been limited, restricted or annulled based on negative and harmful gender stereotypes (...). This is due to the fact that men have been assigned a preponderant role socially and culturally in decision-making processes related to women’s bodies and because women are seen as the reproductive entity par excellence.”²⁴⁴

The Committee for the Rights of the Child, for its part, in its General Comment no. 4 on Adolescent Health, expressed concern in this regard, stating that early marriage and pregnancies are an important factor in health problems related to sexual and reproductive health.²⁴⁵

240 Girls Not Brides. *Teenage pregnancy and child marriage*. Available at: <https://www.girlsnotbrides.org/learning-resources/child-marriage-and-health/adolescent-pregnancy-and-child-marriage/>; See also: World Health Organization (2020). *Teenage pregnancy. Data and figures*. Available at: <https://www.who.int/es/news-room/fact-sheets/detail/adolescent-pregnancy>.

241 UNICEF (2019). *A Profile of Child Marriage and Early Unions in Latin America and the Caribbean*, p. 12; UNFPA (2020). *Against my will - Defying the practices that harm women and girls and undermine equality. State of World Population 2020*, p. 105.

242 Save the Children et al. (2017). *Amicus Curiae presented before the Supreme Court of Justice of the Nation on the occasion of the unconstitutionality action 22: 2016*. Available at: https://www.savethechildren.mx/sci-mx/media/Banner_hero/AMICUS-FINAL-VERSION-WEB.PDF

243 UNICEF (2019). *Child Marriage in the World UNFPA. Infographic*; UNFPA (2020). *Against my will - Defying the practices that harm women and girls and undermine equality. State of World Population 2020*, p. 107.

244 Inter-American Court of Human Rights (IACHR). *Case I.V. Vs. Bolivia. Preliminary Objections, Merits, Reparations and Costs. Ruling handed down on November 30, 2016*, para. 243. Available at: https://www.corteidh.or.cr/docs/casos/articulos/seriec_329_esp.pdf

245 United Nations. Committee on the Rights of the Child. *General comment No. 4 (2003). Adolescent health and development in the context of the Convention on the Rights of the Child CRC/GC/2003/4* (July 1, 2003), para. 16. Available at: <https://www.ohchr.org/Documents/Issues/Women/WRGS/Health/GC4.pdf>

Given its multiple impacts, the CEVI insists that infant pregnancy is a scourge that requires urgent attention and specific actions by the States. As noted in its *Hemispheric Report on Sexual Violence and Child Pregnancy*, official measures to address the problem for girls, before or within the framework of CEFMUs, have not reversed the increase in maternal deaths among adolescent girls, nor have they improved the options of life to complete schooling or obtain paid work,²⁴⁶ calling for an urgent change in the approach to the matter to achieve its eradication.

7.3 School dropouts

Once in a CEFMU, girls and adolescents are generally affected by their access to formal and informal educational services. As has been pointed out by various studies, this harmful practice presents an adverse setting for girls and adolescents that directly competes with the possibility of them being educated, leading to them to drop out of school.²⁴⁷ The reorganization of the priorities of the girls and adolescents themselves, their early motherhood, the overload of housework and caretaking, and family pressures, are some of the elements that directly or indirectly come together to keep girls and adolescents from studying.²⁴⁸

It has been repeatedly confirmed that the majority of married girls and adolescents drop out or are forced to drop out of school to dedicate themselves to housework, with a relatively small minority remaining in school after forming a CEFMU.²⁴⁹ In Mexico, for example, Save the Children has indicated that 73% of girls and adolescents married or in union dropped out of school.²⁵⁰ According to the UNFPA, CEFMUs and early pregnancies, together imply 15% and 33% of the school dropout rate, respectively.²⁵¹

These girls and adolescents are more likely to drop out of school and complete fewer years of education, all of which profoundly affects their ability to acquire knowledge and skills for life. As a study by the World Bank and UNICEF points out, at the regional level, getting married at age 17 reduces a teenager's possibility of finishing middle school by up to 5 percentage points, and by up to 21 percentage points when a girl is 12 or younger.²⁵²

246 CIM, MESECVI (2016). *Hemispheric Report on Sexual Violence and Child Pregnancy in the States Party to the Belém do Pará Convention*.

247 UNFPA, UNICEF (2021). *Evolution in the evidence base on child marriage 2000-2019; UNFPA (2020). Against my will - Defying the practices that harm women and girls and undermine equality. State of world population 2020*.

248 UNICEF, Plan International (2014). *Experiences and stories about teenage pregnancy. An approach to cultural, social and emotional factors from a study in six countries of the region, Final Report*. Available at: <https://www.unicef.org/ecuador/media/2481/file/Vivencias%20y%20relatos%20sobre%20el%20embarazo%20en%20adolescentes.pdf>

249 Greene, M. (2019). *A hidden reality for adolescent girls. Child, Early and Forced Marriages and Unions in Latin America and the Caribbean. Regional Report*, p. 49. The study reports that 30% of the girls who settle in a union and continue studying are creole, 13% are mixed race and 20% live in urban areas.

250 Save the Children, OXAM (2019).

Free to live, free to learn, free from danger. Let's eradicate #Child marriage. Available at: <https://www.savethechildren.mx/sci-mx/files/c0/c0d983f7-dca7-490d-9552-b699cd057e10.pdf>

251 UNFPA (2020). *Against my will - Defying the practices that harm women and girls and undermine equality. State of World Population 2020*, p. 109.

252 World Bank (2017). *Would you hate to see a 15-year-old girl get married? It happens every day*. Available at: <https://www.bancomundial.org/es/news/feature/2017/09/22/matrimonio-infantil-america-latina-republica-dominicana>; UNICEF, The World Bank et al. (2017). *Economic impact of child marriage and early unions: Summary for the Dominican Republic*.

In turn, a study carried out by UNFPA documented that in the Dominican Republic, only 64% of girls and adolescents who marry before the age of 18 finished elementary school. In Guatemala, early unions reduce the number of girls and adolescents who stay in school by 16%,²⁵³ and in Mexico, at the national level, 88.7% of adolescents ages 15 to 17 who were in a union in 2015 did not go to school, a figure four times higher than that observed in single women of the same age.²⁵⁴

This lack of continuity in education is due in large part to the gender norms that structure CEFMUs. Many times it is the partner who prevents or discourages the girl or adolescent from staying in school, or the housework and caretaking duties they must assume keep them from going to school, with statistics that prove that girls and adolescents in a CEFMU who have given birth are more likely to drop out of school.²⁵⁵ In El Salvador, for example, most of the girls and adolescents interviewed by UNFPA dropped out of school once they entered a union, and in Nicaragua and Bolivia, it was reported that girls and adolescents who have had a child within a union are less likely than single mothers to complete their middle school education.²⁵⁶ It is noteworthy that this same study found that when girls and adolescents separate from their partners, they are more likely to go back to school.

In addition, it has been reported that girls and adolescents frequently face prejudice within the school system for being pregnant, which is one more factor that discourages them from continuing their studies, with reports in Nicaragua, Honduras and Bolivia of incidents in which they have been denied access to classes or are expelled from school.²⁵⁷

The lack of education affects the right to development of these girls and adolescents and contributes to the spiral of marginalization that afflicts them over their lifetimes, who by not finishing their studies have limited opportunities to find a directly paid and formal job. Additionally, when they leave school, girls and adolescents lose the social network and the support structure that schools provide, which prevents them from socializing and participating in activities within the community with people of their age.

253 Greene, M. (2019). *A hidden reality for adolescent girls. Child, Early and Forced Marriages and Unions in Latin America and the Caribbean. Regional Report*. Plan International Americas and UNFPA, p. 49.

254 Save the Children et al. (2017). *Amicus Curiae presented before the Supreme Court of Justice of the Nation on the occasion of the unconstitutionality action 22: 2016*.

255 UNFPA, UNICEF, OPS, WHO (2016). *Accelerating progress toward the reduction of adolescent pregnancy in Latin America and the Caribbean*; UNICEF (2018). *Child Marriage. Latest trends and future prospects*. Available at: <https://data.unicef.org/resources/child-marriage-latest-trends-and-future-prospects/>

256 Greene, M. (2019). *A hidden reality for adolescent girls. Child, Early and Forced Marriages and Unions in Latin America and the Caribbean. Regional Report*. Plan International Americas and UNFPA, p. 49. The study reports that 30% of the girls who settle in a union and continue studying are creole, 13% are mixed race and 20% live in urban areas.

257 Greene, M. (2019). *A hidden reality for adolescent girls. Child, Early and Forced Marriages and Unions in Latin America and the Caribbean. Regional Report*. Plan International Americas and UNFPA, p. 51.

7.4 Economic constraints and child exploitation

"I sold clothes, shoes, cheese; he didn't give me a dime. I never received alimony. I had to raise my children. The older one needed a lot of help due to the trauma caused by having to testify against me."
(Excerpt from the testimony of a child marriage survivor).

As mentioned above, the conditions of poverty that girls and adolescents lived in their homes of origin extend when they enter a union or a marriage. In general, CEFMUs favor girls having a stronger economic dependence on their partners, and prevents them having access to economic opportunities and jobs and obtaining a decent income in the future, placing them in a situation of exclusion and marginalization.

Factors such as the high burden of domestic work and caretaking, early maternity care, short inter-genetic periods, a greater number of sons and daughters, and limited schooling mean that many of them cannot earn their own money or have financial independence. These limitations on the exercise of the right to work have repercussions on the exercise of other human rights, such as the right to work is, as the IACHR has recognized, "a key component for the eradication of women's poverty, empowerment, and autonomy."²⁵⁸

UNICEF has documented that in four out of five countries in the region with available data, girls and adolescents in a CEFMU were less likely to have a job, compared to those who married as adults or never married.²⁵⁹ In addition, in conjunction with the World Bank, it has identified that this harmful practice reduces women's income by up to 17%.²⁶⁰ In Bolivia, for example, the 2012 census indicated that 70% of girls and adolescents who were married or in union were housewives.²⁶¹ Reports from Guatemala also indicate that only 27% of women ages 20 to 24 who were in a union before the age of 18 had a job in the last month, compared to 61% of women of the same age who were not part of a union.²⁶²

In addition, when girls and adolescents in a union or marriage manage to get a job, it is frequently precarious, irregular and poorly paid, often qualifying as child labor exploitation.²⁶³ Studies in Mexico, for example, indicate that 84% of adolescents under 15 years of age in a CEFMU did some type of work outside the home, which is indicative of the conditions of poverty in which they and their families found themselves.²⁶⁴

258 IACHR, *The Work, Education and Resources of Women: The Road to Equality in Guaranteeing Economic, Social and Cultural Rights*, OAS/Ser.L/V/II.143 Doc. 59 (November 3, 2011), para. 17. Available at: <https://oas.org/es/cidh/mujeres/docs/pdf/MujeresDESC2011.pdf>

259 UNICEF (2019). *A Profile of Child Marriage and Early Unions in Latin America and the Caribbean*, p. 15.

260 UNICEF, World Bank, et al. (2017). *Economic impact of child marriage and early unions: Summary for the Dominican Republic*, p. 5.

261 Greene, M. (2019). *A hidden reality for adolescent girls. Child, Early and Forced Marriages and Unions in Latin America and the Caribbean. Regional Report*. Plan International Americas and UNFPA, p. 39

262 UNICEF (2019). *A Profile of Child Marriage and Early Unions in Latin America and the Caribbean*, p. 15.

263 UNICEF (2018). *Child Marriage. Latest trends and future prospects*; Greene, M. (2019). *A hidden reality for adolescent girls. Child, Early and Forced Marriages and Unions in Latin America and the Caribbean. Regional Report*. Plan International Americas and UNFPA, p. 39.

264 Save the Children et al. (2017). *Amicus Curiae presented before the Supreme Court of Justice of the Nation on the occasion of the unconstitutionality action 22: 2016*.

7.5 Intergenerational transmission of poverty

The CEVI warns that early marriages and unions perpetuate chains of exclusion and promote the intergenerational transmission of poverty, understood as all those obstacles that a generation that has lived its first years in poverty must face in order to generate an upward change from poverty in their socioeconomic status and well-being.

The lack of autonomy, isolation, education, economic independence, decent work and domestic violence experienced by girls and adolescents in a CEFMU deprive them of tools and resources to improve their living conditions and that of their sons and daughters, who have a greater risk of remaining in poverty and social exclusion.²⁶⁵ Thus, it is estimated that the poverty rate for people in households where the woman married at an early age is 41%.²⁶⁶ In addition, given that the fertility level of girls and adolescents within a CEFMU is higher, over the years the family economy becomes more expensive due to the larger number of dependents.

This vulnerability is accentuated in the case of informal unions, which are more recurrent in the LAC region, as noted above, since in certain circumstances, marriage can provide girls with more security by generating at least some rights related to property and child support, as well as social status.²⁶⁷

It is also important to mention that various organizations have documented a constant practice of abandonment of many girls and adolescents by their partners or potential partners derived from denying their paternity of their children.²⁶⁸ This situation is further accentuated since girls and adolescents who are married or in a union are not usually considered a priority population in social programs that could support them by ensuring that the union or pregnancy was not a barrier for them to access their rights. Therefore, given the lack of specific support and their own resources and the discrimination they usually face, it is common for these girls and adolescents to be left in a particularly precarious and vulnerable economic position after becoming pregnant, having to raise their children as single mothers producing negative impacts on the life and future development of the entire family.

265 Grils not Brides (2020). *Marriage and Child, Early and Forced Unions in Latin America*, p. 5; World Bank (2017). *Child marriage will cost developing countries trillions of Dollars by 2030, says World Bank/ICRW Report*. Available at: <https://www.worldbank.org/en/news/press-release/2017/06/26/child-marriage-will-cost-developing-countries-trillions-of-dollars-by-2030-says-world-bankicrw-report>

266 UNICEF, World Bank, et al. (2017). *Economic impact of child marriage and early unions: Summary for the Dominican Republic*, p. 6.

267 Greene, M. (2019). *A hidden reality for adolescent girls. Child, Early and Forced Marriages and Unions in Latin America and the Caribbean. Regional Report*. Plan International Americas and UNFPA.

268 Greene, M. (2019). *A hidden reality for adolescent girls. Child, Early and Forced Marriages and Unions in Latin America and the Caribbean. Regional Report*. Plan International Americas and UNFPA.

8. The Inter-American Normative Framework to Protect the Rights of Girls and Adolescents From CEFMUs: A Multiple and Serious Violation of Human Rights.

Child, Early and Forced Marriage and Unions are harmful practices that undermine the human dignity of girls and adolescents, and negatively affect all spheres of their lives and their development in the short, medium and long terms. In addition, they are discriminatory practices that traps them in cycles of inequality, marginalization and poverty, violating fundamental principles of human rights and specific rights emanating from their condition as minors.

As the CEVI notes in its *Hemispheric Report on Sexual Violence and Child Pregnancy*, both the universal system and the Inter-American Human Rights System have a broad framework for the protection of girls and adolescents affected by these harmful practices.²⁶⁹ In the inter-American human rights system, the *corpus iuris* of protection against CEFMUs includes the American Declaration of the Rights and Duties of Man,²⁷⁰ the American Convention on Human Rights,²⁷¹ the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights,²⁷² the Belém do Pará Convention,²⁷³ and the Inter-American Convention to Prevent and Punish Torture.²⁷⁴

269 CIM, MESECVI (2016). *Hemispheric Report on Sexual Violence and Child Pregnancy in the States Party to the Belém do Pará Convention*. Available at: <http://www.oas.org/en/mese cvi/docs/MESECVI-EmbarazoInfantil-ES.pdf>

270 *Inter-American Convention to Prevent and Punish Torture*, adopted at the 15th regular session of the General Assembly of the Organization of American States, on September 12, 1985. Available at: <https://www.oas.org/juridico/spanish/tratados/a-51.html>

271 *Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women. (Convention of Belém do Pará)*, adopted at the 24th regular session of the General Assembly of the Organization of American States, on September 6, 1994. Available at: <http://www.oas.org/juridico/spanish/tratados/a-61.html>

272 *Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social And Cultural Rights (Protocol of San Salvador)*, adopted at the 18th regular session of the General Assembly of the Organization of American States, on November 17, 1988. Available at: <https://www.oas.org/juridico/spanish/firmas/a-52.html>

273 Article 17. Family Protection: "(...)

2. The right of men and women to marry and found a family is recognized if they are of the age and conditions required for it by domestic laws, insofar as these do not affect the principle of non-discrimination established in this Convention.

3. Marriage cannot be celebrated without the free and full consent of the parties.

4. The States Party must take appropriate measures to ensure the equality of rights and the adequate equivalence of responsibilities of the spouses regarding the marriage, during the marriage and in the event of its dissolution. In the event of dissolution, provisions shall be adopted to ensure the necessary protection of the children, on the sole basis of their interest and convenience.

(...) "

Article 19. Rights of the Child: "Every child has the right to the protection measures that their condition as a minor requires on the part of their family, society and the State."

American Convention on Human Rights (The Treaty of San Jose) adopted at the Inter-American Specialized Conference on Human Rights, November 22, 1969. Available at: https://www.oas.org/dil/esp/tratados_b-32_convencion_americana_sobre_derechos_humanos.htm

274 American Declaration of the Rights and Duties of Man, adopted at the IX International Conference of American States, 1948. Available at: <https://www.oas.org/es/cidh/mandato/Basicos/declaracion.asp>

At the international level, the conventional obligations vis-à-vis CEFMUs are contained in the Universal Declaration of Human Rights,²⁷⁵ the International Covenant on Civil and Political Rights,²⁷⁶ the International Covenant on Economic, Social and Cultural Rights,²⁷⁷ the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW),²⁷⁸ the International Convention on the Rights of the Child,²⁷⁹ the Convention on Consent to Marriage, the Minimum Age for Marriage and

275 According to article 16 of the Universal Declaration:

(1) "Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

(2) Marriage shall be entered into only with the free and full consent of the intending spouses."

Universal Declaration of Human Rights. Adopted and proclaimed by the UN General Assembly in its resolution 217 A (III), of December 10, 1948. Available at: https://www.ohchr.org/EN/UDHR/Documents/UDHR_Translations/spn.pdf

276 Article 23.2: "The right of men and women of marriageable age to marry and to found a family shall be recognized." *International Covenant on Civil and Political Rights*. Adopted by the UN General Assembly in its resolution 2200 A (XXI), of December 16, 1966. Available at: <https://www.ohchr.org/sp/professionalinterest/pages/ccpr.aspx>

277 Article 10.1: "The States Parties to the present Covenant recognize that: 1. The widest possible protection and assistance should be accorded to the family, which is the natural and fundamental group unit of society, particularly for its establishment and while it is responsible for the care and education of dependent children. Marriage must be entered into with the free consent of the intending spouses."

International Covenant on Economic, Social and Cultural Rights. Adopted by the UN General Assembly in its resolution 2200 to (XXI), of December 16, 1966. Available at: <https://www.ohchr.org/sp/professionalinterest/pages/cescr.aspx>

278 According to Article 16 of the CEDAW:

"1. States Party shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:

- a) The same right to enter into marriage;
- b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;
- c) The same rights and responsibilities during marriage and at its dissolution;
- d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;
- e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;
- f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;
- g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;
- h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.

2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory."

Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). Adopted by the UN General Assembly in its resolution 34/180, of December 18, 1979. Available at: <https://www.ohchr.org/sp/professionalinterest/pages/cedaw.aspx>

279 Regarding institutions and practices analogous to slavery, the Convention states:

"Article 1. Each of the States Party to this Convention shall take all practicable and necessary legislative and other measures to bring about progressively and as soon as possible the complete abolition or abandonment of the following institutions and practices, where they still exist and whether or not they are covered by the definition of slavery contained in article 1 of the Slavery Convention signed at Geneva on 25 September 1926:

(...)(c) Any institution or practice whereby:

- (i) A woman, without the right to refuse, is promised or given in marriage on payment of a consideration in money or in kind to her parents, guardian, family or any other person or group; or
- (ii) The husband of a woman, his family, or his clan, has the right to transfer her to another person for value received or otherwise; or
- (iii) A woman on the death of her husband is liable to be inherited by another person;

(...)Article 2. With a view to bringing to an end the institutions and practices mentioned in article 1 (c) of this Convention, the States Party undertake to prescribe, where appropriate, suitable minimum ages of marriage, to encourage the use of facilities whereby the consent of both parties to a marriage may be freely expressed in the presence of a competent civil or religious authority, and to encourage the registration of marriages.

Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery. Adopted by a Plenipotentiary Conference convened by the United Nations Economic and Social Council in its resolution 608 (XXI), of April 30, 1956. Available at: <https://www.ohchr.org/sp/professionalinterest/pages/supplementaryconventionabolitionofslavery.aspx>

the Registration of Marriages,²⁸⁰ and the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery.²⁸¹

These international instruments are supplemented by an extensive number of analyses, declarations, resolutions and jurisprudence of bodies in charge of the interpretation of treaties that have established the scope and content of the human rights violated by CEFMUs, and that have drawn attention to their persistence and the urgent need to eradicate it both in the American region and throughout the world.²⁸² Together, these international instruments and the doctrine and jurisprudence “serve as a framework for the interpretation of the obligations of the States Party and for the analysis of the reality in the Latin American and Caribbean region regarding sexual violence against girls, their causes and their consequences.”²⁸³

At the United Nations level, since the 1950s the General Assembly has condemned these practices,²⁸⁴ to which were added prominent pronouncements regarding the incompatibility of CEFMUs with the full exercise of the human rights of women and girls by the government. CEDAW, the Committee on the Rights of the Child, the United Nations High Commissioner for Human Rights,²⁸⁵ the Human Rights Council²⁸⁶ and the Secretary General.²⁸⁷

280 *Convention on the Rights of the Child*, adopted by the UN General Assembly in its resolution 44/25, of November 20, 1989. Available at: <https://www.ohchr.org/sp/professionalinterest/pages/crc.aspx>

281 *Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages*. Adopted by the UN General Assembly in its resolution 1763 A (XVII), of November 7, 1962. Available at: <https://www.ohchr.org/sp/professionalinterest/pages/minimumageformarriage.aspx>

282 CIM, MESECVI (2016). *Hemispheric Report on Sexual Violence and Child Pregnancy in the States Party to the Belém do Pará Convention*, para. 58.

283 CIM, MESECVI (2016). *Hemispheric Report on Sexual Violence and Child Pregnancy in the States Party to the Belém do Pará Convention*, para. 30.

284 The resolution that laid the foundations for the prohibition of forced marriages was adopted for the first time by the UN General Assembly in 1954, in which it pointed out that certain customs, ancient laws and practices regarding marriage and the family were incompatible with the principles enunciated in the Charter of the United Nations and the Universal Declaration of Human Rights. The Recommendation on consent to marriage, the minimum age for marriage and the registration of marriages was added as of November 1, 1965.

See: UN General Assembly. *Resolution 843 (IX) on the Status of women in private law: customs, ancient laws and practices affecting the human dignity of women* (December 17, 1954). Available at: <https://www.un.org/es/documents/ag/res/9/ares9.htm>; Naciones Unidas, Asamblea General. *Resolution 2018 (XX) Recommendation on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages (November 1, 1965)*. Available at: <https://www.ohchr.org/SP/ProfessionalInterest/Pages/RecommendationOnConsentToMarriage.aspx>

285 UN Human Rights Council, *Report of the Office of the United Nations High Commissioner for Human Rights on Preventing and eliminating child, early and forced marriage*, A/HRC/26/22 (April 2, 2014). Available at: <https://undocs.org/es/A/HRC/26/22>

286 In 2015, the Human Rights Council adopted its first substantive resolution on the subject matter, recognizing CEFMUs as a violation of human rights and asking the OHCHR to hold a workshop on the impact of strategies and initiatives to address CEFMUs. In addition, in its resolution on the subject matter in 2019, the Human Rights Council expressed concern about the prevalence of impunity and the lack of identification of responsibilities in CEFMUs. See: UN Human Rights Council. *Resolution 29/8 Strengthening efforts to prevent and eliminate child, early and forced marriage*, A/HRC/RES/29/8 (July 22, 2015). Available at: <https://undocs.org/es/A/HRC/RES/29/8>; UN Human Rights Council. *Resolution 41/8 Consequences of child, early and forced marriage*, A/HRC/RES/41/8 (July 19, 2019); UN General Assembly. *Expert Workshop on the Impact of Existing Strategies and Initiatives to Address Child, Early and Forced Marriage: report of the High Commissioner for Human Rights*, A/HRC/35/5 (March 24, 2017). Available at: <https://undocs.org/es/A/HRC/35/5>.

287 UN General Assembly. *Report of the Secretary General on child, early and forced marriage*, A/71/253 (July 29, 2016). Available at: <https://undocs.org/A/71/253>; UN General Assembly. *Report of the Secretary General on the Issue of child, early and forced marriage. Promotion and protection of the rights of the child*, A/73/257 (July 26, 2018). Available at: <https://undocs.org/es/A/73/257>; UN General Assembly. *Report of the Secretary General on the Issue of child, early and forced marriage*, A/75/262 (July 28, 2020). Available at: <https://undocs.org/es/A/75/262>

In particular, the CEDAW in its General Recommendation No. 21 on equality in marriage and family relations stated that a woman's right to choose when, if, and whom she will marry must be protected and enforced by law.²⁸⁸ Subsequently, in conjunction with the Committee on the Rights of the Child, the CEDAW classified child or forced marriage in its General Recommendation No. 31 as a harmful practice, emphasizing the need to establish additional safeguards to protect the right of all persons to marry freely.²⁸⁹

Treaty bodies such as the Committee against Torture (CAT) have considered that child marriage is a practice that could cause physical, mental and sexual harm and an obstacle for girls, boys and adolescents to exercise their rights. It is also a cruel, inhuman or degrading treatment when the minimum age for marriage has not been established in accordance with international standards, and a form of sale for the purpose of sexual exploitation that violates Article 35 of the Convention on the Rights of the Child and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.²⁹⁰

A possible relationship between CEFMUs and acts of slavery outlawed by the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, has also been recognized, given that women and girls who have contracted child and forced marriages may experience a situation that matches the international legal definitions of slavery and practices similar to slavery, such as servile marriage, sexual slavery, child servitude, child trafficking and forced labor.²⁹¹ In like manner, it has been concluded that a potentially high proportion of cases of child marriage are equivalent to the worst forms of child labor according to Convention No. 182 (1999) of the International Labor Organization (ILO).²⁹²

288 The CEDAW notes: "para. 16. The right to choose a spouse and the freedom to marry are essential in the life of women and for their dignity and equality as a human being. (...) Subject to certain reasonable restrictions based, for example, on the woman's young age or consanguinity with her spouse, her right to decide whether to marry, when and with the law must be protected and enforced under the law. who."

United Nations. Committee for the Elimination of Discrimination against Women. General Recommendation No. 21. Equality in marriage and family relationships, A/49/38 (1995). Available at: https://conf-dts1.unog.ch/1%20SPA/Tradutek/Derechos_hum_Base/CEDAW/00_4_obs_grales_CEDAW.html#GEN21

289 United Nations. Committee for the Elimination of Discrimination against Women, Committee on the Rights of the Child. *Joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women and No. 18 of the Committee on the Rights of the Child on harmful practices*, CEDAW/C/GC/31/CRC/GC/18 (November 14, 2014). Available at: https://conf-dts1.unog.ch/1%20SPA/Tradutek/Derechos_hum_Base/CEDAW/00_4_obs_grales_CEDAW.html#GEN21

290 For example, the matter has been addressed in the concluding observations of the Committee against Torture concerning Bulgaria (CAT/C/BGR/CO/4-5) and Yemen (CAT/C/YEM/CO/2/Rev.1), the concluding observations of the Committee on the Elimination of Discrimination against Women for Montenegro (CEDAW/C/MNE/CO/1), Mauritania (CRC/C/MRT/CO/2), Togo (CRC/C/TGO/CO/3-4) and Zambia (CEDAW/C/ZMB/CO/5-6).

291 United Nations Human Rights Council. Special Rapporteur on contemporary forms of slavery, including its causes and consequences. Thematic report on servile marriage, A/HRC/21/41, (June 10, 2012). Available at: https://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session21/A-HRC-21-41_sp.pdf; General Assembly of the United Nations. *Report of the Special Rapporteur on the sale of children, child prostitution and child pornography. Establishment of comprehensive and rights-based national child protection systems to prevent and combat child abuse, child prostitution and child pornography*, A/66/228 (August 2, 2011). Available at: <https://undocs.org/es/A/66/228>

292 UN General Assembly. Report of the Office of the United Nations High Commissioner for Human Rights on the prevention and elimination of child, early and forced marriage, A/HRC/26/22 (April 2, 2014), para. twenty-one. Available at: https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session26/Documents/A_HRC_26_22_SPA.DOC

It should be noted that the Human Rights Council ruled in 2017 on child, early and forced marriage in humanitarian situations, specifying that the incidence of this harmful practice is exacerbated by factors such as poverty, insecurity, risks of sexual violence or crisis in the rule of law.²⁹³ Added to this was a report on the subject by the United Nations High Commissioner for Human Rights, in which she reiterated that this practice is “a violation of human rights, a form of discrimination based on gender, a harmful practice and a form of sexual and gender-based violence, which requires States to take measures to prevent and eradicate the problem.”²⁹⁴

In line with universal standards, at the regional level, increasing attention has been paid to the issue due to the high prevalence of CEFMU rates and the lack of progress during the last 25 years. The IA-CHR had the opportunity to comment on the matter in its recent report *Violence and discrimination against women, girls and adolescents: Best Practices and Challenges in Latin America and the Caribbean*, noting that “child marriage or de facto unions are discriminatory based on sex, gender and age, and constitute a violation of the human rights of women and girls. This practice has a significant impact on the lives of girls and adolescents by reducing and affecting their opportunities for personal, educational, professional development and their ability to make important decisions about their lives, including their financial independence. It places them in a position of greater risk of exploitation, abuse and gender-based violence, in particular sexual violence.”²⁹⁵

This pronouncement was to be added to the condemnation formulated by the CEVI in its *Hemispheric Report on Sexual Violence and Child Pregnancy*, in which it stressed that this harmful practice seriously affects the human rights of girls and perpetuates sexual violence against them, exposing them to new and repeated forms of violence that seriously affect their personal integrity, their development and their life project.²⁹⁶

8.1 An integrative approach to the corpus juris for the protection of girls and adolescents from CEFMUs

Taking into consideration that girls and adolescents are fully entitled to their rights, and that these rights form a continuity with those possessed by adult women, the CEVI emphasizes that the principles and prerogatives recognized by the international corpus of human rights must be framed and analyzed with a systematic and inclusive approach, harmoniously articulating the general human rights treaties with those instruments that provide specific protection to both women and minors.

293 UN Human Rights Council. Resolution 35/16 Child, early and forced marriage in humanitarian situations, A/HRC/RES/35/16 (July 12, 2017). Available at: <https://undocs.org/es/A/HRC/RES/35/16>

294 UN General Assembly. Child, early and forced marriage in humanitarian settings – Report of the United Nations High Commissioner for Human Rights A/HRC/41/19 (April 26, 2019), para. 4. Available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/117/86/PDF/G1911786.pdf?OpenElement>

295 IACHR (2019). *Violence and discrimination against women, girls and adolescents: Best Practices and Challenges in Latin America and the Caribbean*, para. 216.

296 CIM. MESECVI. 2016. *Hemispheric Report on Sexual Violence and Child Pregnancy in the States Party to the Belém do Pará Convention*.

When analyzed in a concatenated manner, the set of general and specific instruments provide protection to girls and adolescents from various fronts and in a complementary manner, allowing, on the one hand, an analysis from a gender perspective of the human rights of children and, on the other hand, the adoption of a perspective based on children's rights and the consideration of the situation of special vulnerability in the face of gender violence and abuse that women face when they are minors.

The CEVI recalls that the interrelation between the American Convention on Human Rights and the Convention on the Rights of the Child is a criterion firmly established in the inter-American sphere. As indicated by the Inter-American Court, both instruments are part of a comprehensive international *corpus juris* for the protection of children and adolescents that should serve to establish the content and scope of the general provision defined in Article 19 of the American Convention that establishes the right of girls, boys and adolescents to the protection measures that their condition as minors requires from their family, society and the State.²⁹⁷ In this regard, it is important to remember that the Convention on the Rights of the Child has been ratified by almost all the Member States of the Organization of American States, which "reveals a broad international consensus (*opinio iuris comunis*) that favors the principles and institutions welcomed by said instrument, which reflects the current development of the subject matter."²⁹⁸

Although the Convention on the Rights of the Child does not make explicit reference to CEFMUs, as the CEDAW and the Committee on the Rights of the Child have noted that various provisions are considered applicable to this harmful practice.²⁹⁹ In particular, Article 4, which establishes the obligation of the States to adopt all administrative, legislative and other measures to give effect to the rights recognized in the Convention, which, as will be detailed in the following section, are considered as seriously violated when girls and adolescents enter an early marriage or forced union.

CEFMUs also violate Article 2 of the Convention on the Rights of the Child, which recognizes the principle of non-discrimination, Article 3 on the best interest of the child, Article 12 on girls' right to be heard depending on their age and maturity, Article 19 on the essential measures to be adopted to protect children against all forms of violence, Article 34 on the protection of children against all forms of sexual exploitation and abuse, Article 35 on measures to prevent the kidnapping, sale or trafficking of girls and boys, and Article 36 on the protection of children against all other forms of exploitation that are harmful to them.

The CEVI warns that when analyzing CEFMUs, the rights prescribed in the general human rights protection treaties and the rights of girls, boys and adolescents must be interpreted in light of the

297 IACHR. *Case of "Street Children" (Villagrán Morales et al.) Vs. Guatemala*. Ruling handed down of November 19, 1999 (merits), para. 194. Available at: https://www.corteidh.or.cr/docs/casos/articulos/seriec_63_esp.pdf

298 IACHR. Advisory Opinion OC-17/2002 on the legal status and rights of the child (August 28, 2000). para. 29. Available at: https://www.corteidh.or.cr/docs/opiniones/seriea_17_esp.pdf

299 United Nations. Committee on the Elimination of Discrimination against Women and Committee on the Rights of the Child (2014). *Joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women and No. 18 of the Committee on the Rights of the Child on harmful practices*, CEDAW/C/GC/31/CRC/GC/18.

obligations set forth in the Belém do Pará Convention, which establishes in Article 9 that the States Party must consider the situation of special vulnerability to violence that a woman may suffer because she is underage, among other things. Therefore, the rights of girls and adolescents “must be concatenated with the obligations to guarantee to all women the right to have their physical, mental and moral integrity respected; the right to personal liberty and security; and the right to a simple and quick appeal before the competent courts that protect them against acts that violate their rights; as well as the obligation to adopt, by all means and without delay, policies aimed at preventing, punishing and eradicating violence against women, with the understanding that violations of these rights occur within a framework of historically power relations unequal between women and men.”³⁰⁰

As stated by the CEVI in its Hemispheric Report on Sexual Violence and Child Pregnancy, “[c]ith this international legal framework, the State has an even more intense duty of due diligence regarding girls due to the obligation to protect contained in Articles 19 of the American Convention and VII of the American Declaration, as well as the obligation of enhanced due diligence established in the Belém do Pará Convention.”³⁰¹

A joint reading of these instruments allows the Belém do Pará Convention to provide targeted protection by addressing the context of gender inequality and violence that affects women from the first years of life. It also allows the ACHR and the Convention on the Rights of the Child to be interpreted in light of the gender norms and stereotypes present in the socialization of boys and girls from their earliest years. In addition, this integrating perspective makes it possible to identify the areas of complementarity of these instruments to achieve their effective and punctual application.

It is emphasized that, from this systematic and inclusive approach, the obligations established in the Belém do Pará Convention and in the Convention on the Rights of the Child are mutually reinforcing, especially in those cases in which States must face public policies aimed at addressing violations of the right to live a life free of violence against girls and adolescents who have entered or are at risk of entering an early marriage or union.

This approach is crucial since it serves to emphasize the eradication of gender stereotypes that reproduce and reinforce from an early age an inferior position of women throughout their life cycle compared to men, which is the root cause of CEFMUs.

In this regard, it is relevant to note that according to Article 6 of the Belém do Pará Convention, the right of every woman to a life free of violence includes the right to be valued and educated free from stereotyped patterns of behavior and social practices and based on concepts of inferiority or subordination. Based on this, the States Party have the obligation to adopt specific measures to “modify the sociocul-

300 CIM, MESECVI (2016). *Hemispheric Report on Sexual Violence and Child Pregnancy in the States Party to the Belém do Pará Convention*, para. 31.

301 CIM, MESECVI (2016). *Hemispheric Report on Sexual Violence and Child Pregnancy in the States Party to the Belém do Pará Convention*, para. 32.

tural patterns of behavior of men and women, including the design of formal and non-formal education programs appropriate at all levels of the educational process, to counteract prejudices and customs and all other types of practices based on the premise of the inferiority or superiority of any of the genders or on stereotyped roles for men and women that legitimize or exacerbate violence against women.”³⁰²

8.2 The CEFMU and the general principles of the human rights of children

Both the CEDAW and the Committee on the Rights of the Child have indicated that in order to determine the scope and content of the human rights of girls and adolescents who are victims of harmful practices such as CEFMUs, State obligations must be interpreted in the light of the four general principles established in the Convention on the Rights of the Child.³⁰³ These principles are: protection against discrimination, which requires States to actively identify children when the recognition and effectiveness of their rights may require the adoption of special measures (Article 2); attention to the best interests of children as a primary consideration in all measures concerning girls, boys and adolescents (Article 3); the defense of the right to life, survival and development (Article 6); and the right of girls, boys and adolescents to express their opinion freely and to be heard in all matters that affect them (Article 12).³⁰⁴

As a priority, the CEVI shows that in all the measures adopted by public or private institutions that affect girls and adolescents within an early marriage or union—or at risk of entering one of these practices—there should be a consideration that their best interests are paramount, a requirement that comes from the specific situation in which they find themselves and given their immaturity and lack of experience. This principle has acquired the character of a fundamental norm of the international human rights system, and is a guiding criterion for the protection of boys, girls, and adolescents, guiding the development of a more egalitarian, inclusive and respectful culture of human rights for this sector of the population.

It bears noting that the Inter-American Court has widely accepted in its jurisprudence this regulatory principle of the regulations of the rights of the child, specifying that “it is based on the dignity of the human being, on the characteristics of boys and girls, and in the need to promote their development, with full use of their potential.”³⁰⁵ This concept of dignity demands that each child and adolescent be “recognized, respected and protected as a holder of rights and as a unique and valuable human being

302 Article 8. *Inter-American Convention to Prevent, Punish, and Eradicate Violence against Women (Belém do Pará Convention)*, adopted at the 24th regular session of the General Assembly of the Organization of American States, on September 6, 1994. Available at: <http://www.oas.org/juridico/spanish/tratados/a-61.html>

303 UN Committee on the Elimination of Discrimination against Women and Committee on the Rights of the Child (2014). *Joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women and No. 18 of the Committee on the Rights of the Child on harmful practices*, CEDAW/C/GC/31/CRC/GC/18, para. 32.

304 UN Committee on the Rights of the Child. *General comment 5: General measures of implementation of the Convention on the Rights of the Child (articles 4 and 42 and article 44, paragraph 6)*, CRC/GC/2003/5 (November 27, 2003), para. 12. Available at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fG-C%2f2003%2f5&Lang=en

305 IACHR. *Advisory Opinion OC-17/2002 on the legal status and rights of the child* (August 28, 2000), para. 56. Available at: https://www.corteidh.or.cr/docs/opiniones/seriea_17_esp.pdf

with his or her own personality, specific needs, interests and privacy.”³⁰⁶ Therefore, in accordance with this principle, States must respect the right of girls, boys and adolescents to ensure that “in all matters that concern or affect them, their best interests are addressed as a primary consideration, especially when they are victims of acts of violence, as well as in all prevention measures.”³⁰⁷

In this sense, actions to prevent and eradicate child marriage and early and forced unions must be structured based on the human rights of girls as a top priority. This approach is particularly important given the causes of CEFMUs, which include issues such as family dynamics, the sexual division of labor, including the heavy burden of domestic work and caretaking that girls undertake as the traditional practices of certain cultures, migration or the economic situation of families.

The CEVI also emphasizes that, in accordance with the provisions established by Article 12 of the Convention on the Rights of the Child, there must surely be that girls and adolescents at risk of entering a marriage or early union, or who are already married or part of an early union, can freely express their opinion regarding the decisions that affect them, according to their age and maturity. In this regard, the Committee on the Rights of the Child has emphasized that “in all decision-making processes, the right of the girl to be heard and to have her opinions duly considered must be systematically taken into account, and their empowerment and participation should be basic elements of the strategies and programs for the care and protection of children.”³⁰⁸

For the CEVI, it is clear that respect for this principle is particularly important when considering CEFMUs, which frequently occurs in contexts in which parents unilaterally decide whether to enter their daughters into a union or marriage without their having any interference in that decision and despite the fact that they will suffer permanent consequences in their lives. Likewise, when addressing the issue, the possibility that the decision to enter a CEFMU is taken by the girls and adolescents themselves, in search of their emancipation or in view of the desire for greater autonomy and freedom derived from oppressive or abusive family contexts.

As will be discussed later, when analyzing the issue of consent to enter a marriage or union, the CEVI shows that in response to Article 12 of the Convention on the Rights of the Child, a balance should be sought between the protection of girls and adolescents and respect for their evolving capacities and their autonomy when making decisions that affect their lives.

Lastly, the CEVI emphasizes that the Convention on the Rights of the Child establishes in its Article 6 the intrinsic right to life of boys and girls, and the obligation of States to guarantee, to the extent pos-

306 United Nations, Committee on the Rights of the Child. General Comment No. 13 Right of the child not to be subjected to any form of violence, CRC/C/GC/13 (April 18, 2011), para. 3 c). Available at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fGC%2f13&Lang=en

307 UN Committee on the Rights of the Child (CRC). General comment No. 13 (2011): The right of the child to freedom from all forms of violence, CRC/C/GC/13 (April 18, 2011), para. 3 f).

308 UN Committee on the Rights of the Child (CRC). General comment No. 13 (2011): The right of the child to freedom from all forms of violence, CRC/C/GC/13 (April 18, 2011), para. 3 e).

sible, their survival and development, which should be understood broadly and “as a holistic concept that encompasses the child’s physical, mental, spiritual, moral, psychological and social development.”³⁰⁹ Taking this principle into consideration, the States must address child marriage and early and forced unions from a comprehensive perspective that takes into account the effects that these practices entail on the quality of life and well-being of girls and adolescents in the short, medium and long term, and take specific measures to promote and protect its optimal development and the deployment of all its potentialities.

8.3 Linking the right of girls and adolescents to live a life free of violence with other human rights recognized in the international legal framework.

CEFMUs constitute a specific form of gender violence based on harmful and traditional practices that discriminate against girls and adolescents and that violate multiple human rights given their universal, indivisible and interdependent nature.

The CEVI emphasizes that the damage caused by CEFMUs exceeds “the immediate physical and mental consequences and often intends to undermine the recognition, enjoyment or exercise of women and children’s human rights and fundamental freedoms. Likewise, such practices have a negative impact on their dignity, their integrity and development at a physical, psychosocial and moral level, their participation, their health, their education and their economic and social situation”³¹⁰, and “contribute to keeping women subordinate, to their little participation in politics and their lower level of education and training and employment opportunities.”³¹¹ Furthermore, “in its most extreme form, it has been argued that forced marriage can involve threatening behavior, kidnapping, imprisonment, physical violence, rape, and, in some cases, murder.”³¹²

Among some of the human rights of girls and adolescents that can be affected by entering a marriage or union at an early age are: the right to life, personal liberty and security, the right to live a life free of violence, the right to equality before the law and the prohibition of discrimination based on sex, the right to equality in marriage and within the family, the right to free development of the personality, the right to physical integrity, mental and moral rights, the right to education, the right to health, sexual and reproductive rights, the right not to be subjected to slavery or servitude, the right to an adequate standard of living, and the right to equitable working conditions and satisfactory.

As stated in the *Hemispheric Report on Sexual Violence and Child Pregnancy*, “the Convention on the Rights of the Child establishes other rights directly related to child marriage such as the right to

309 UN Committee on the Rights of the Child. *General Comment No. 5 General measures of implementation of the Convention on the Rights of the Child (articles 4 and 42 and article 44, paragraph 6)*, CRC/GC/2003/5 (November 27, 2003), para. 12.

310 UN Committee on the Elimination of Discrimination against Women and Committee on the Rights of the Child (2014). *Joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women and No. 18 of the Committee on the Rights of the Child on harmful practices*, CEDAW/C/GC/31/CRC/GC/18, para. 15.

311 United Nations. *CEDAW. General Recommendation No. 19 Violence against women* (1992), para. 11.

312 IACHR (2019). *Violence and discrimination against women, girls and adolescents: Best Practices and Challenges in Latin America and the Caribbean*, para. 216.

freedom of expression, the right to protection against all forms of abuse and the right to be protected from traditional practices that are detrimental to children's health."³¹³

Likewise, the UN General Assembly has recognized that "child, early and forced marriage is a harmful practice that violates, abuses and undermines human rights, and is related to other harmful practices and human rights violations and perpetuates them and that these violations have a disproportionately negative effect on women and girls."³¹⁴ In response to this phenomenon, it has urged governments to "promote and protect the human rights of all women and girls, in particular their right to have control and decide freely and responsibly on issues related to their sexuality, including sexual and reproductive health, without coercion, discrimination or violence, and to approve and accelerate the application of laws, policies and programs that protect and allow the enjoyment of all human rights and fundamental freedoms, including reproductive rights (...)." ³¹⁵

8.3.1 Right to marry with free and full consent.

CEFMUs violate the right of girls and adolescents to marry with free and full consent in accordance with the provisions established by Article 17 of the American Convention on Human Rights, which establishes the right of every person to marry and form a family, and specifies that the marriage cannot be celebrated without the free and full consent of the contracting parties.

Article 16 of the CEDAW also establishes the right, under conditions of equality between women and men, to freely choose their own spouse, as well as the right of everyone to marry only by their free will and full consent, specifying that the betrothal and marriage of girls and boys will have no legal effect. This Article prescribes the obligation of States to adopt all necessary measures, including legislative ones, to set a minimum age for the celebration of marriage and to make the registration of the marriage in an official registry mandatory. It also establishes the obligation of States to adopt all appropriate measures to eliminate discrimination against women in all matters related to marriage and family relations.

It should be noted that this right was recognized since 1962 in the Convention on Consent to Marriage, the Minimum Age for Marriage and the Registry of Marriages, which was ratified by the majority of the States Party to the Belém do Pará Convention, which provides in its Article 1 that "No marriage shall be legally entered into without the full and free consent of both parties." Likewise, in Article 2 it establishes that the States must "adopt the legislative measures necessary to determine the minimum age for marriage," and that "persons who have not reached that age may not legally contract

313 CIM, MESECVI (2016). *Hemispheric Report on Sexual Violence and Child Pregnancy in the States Party to the Belém do Pará Convention*, para. 67.

314 UN General Assembly. *Child, Early and Forced Marriage Resolution*, A/C.3/69/L.23/Rev.1 (November 17, 2014). Available at: <http://www.acnur.org/t3/fileadmin/Documentos/BDL/2015/9836.pdf?view=1>

315 UN General Assembly. *Child, early and forced marriage resolution*, A/C.3/69/L.23/Rev.1 (November 17, 2014), para. 5.

marriage, unless the competent authority for Justified causes and in the interest of the contracting parties, waive the age requirement.”³¹⁶

At the regional level, the Inter-American Court of Human Rights has specified that the full autonomy of the person to choose with whom they want to maintain a permanent and marital bond, be it natural (de facto union) or solemn (marriage) derives from the principle of human dignity. . This court has indicated that “free and autonomous choice is part of the dignity of each person and is intrinsic to the most intimate and relevant aspects of their identity and life project (Articles 7.1 and 11.2).”³¹⁷ Therefore, it can be understood that the protection and respect for the free and full consent of the contracting parties have an essential character derived, precisely, from their link with human dignity.

The CEVI recalls that in accordance with international human rights standards, when a marriage or union takes place without the full, free and informed consent of at least one of the contracting parties, it is in the presence of a forced marriage. This qualification covers marriages and unions in which one of the contracting parties is a minor, since it is estimated that she cannot express a free and informed consent as she has not reached a level of development and sufficient maturity that allows her to understand the consequences involved in this new relationship and, based on that, make an informed decision about her partner.³¹⁸

Along the same lines, the IACHR has specified that “child marriages or de facto unions are an expression of forced marriage insofar as there is an absence of sufficient maturity of at least one of the contracting parties to choose their spouse by their full, free and informed consent and there is a marked unequal relationship of power between the spouses.”³¹⁹

The CEDAW and the Committee on the Rights of the Child have also spoken out on this right, strongly recommending that States examine and, where necessary, reform their laws and practices to ensure that the minimum legal age for marriage for girls and boys, with or without parental consent, is set at 18 years of age, in addition to establishing the legal obligation to register the marriage and develop specific policies immediately and without delay to deal with this harmful practice.³²⁰

316 Article 1 and 2. *Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages*. Adopted by the UN General Assembly in its resolution 1763 A (XVII), of November 7, 1962. Available at: <https://www.ohchr.org/sp/professionalinterest/pages/minimumageformarriage.aspx>

317 IACHR. *Advisory Opinion OC- 24/17 Gender identity, and equality and non-discrimination against same-sex couples*. State obligations in relation to the change of name, gender identity, and the rights derived from a bond between same-sex couples (interpretation and scope of articles 1.1, 3, 7, 11.2, 13, 17, 18 and 24, in relation to Article 1 of the American Convention on Human Rights (November 24, 2017), para. 225. Available at: https://www.corteidh.or.cr/docs/opiniones/seriea_24_esp.pdf

318 IACHR (2019). *Violence and discrimination against women, girls and adolescents: Best Practices and Challenges in Latin America and the Caribbean*, para. 214.

319 IACHR (2019). *Violence and discrimination against women, girls and adolescents: Best Practices and Challenges in Latin America and the Caribbean*, para. 215.

320 United Nations. Committee on the Elimination of Discrimination against Women and Committee on the Rights of the Child (2014). *Joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women and No. 18 of the Committee on the Rights of the Child on harmful practices*, CEDAW/C/GC/31/CRC/GC/18. See also: United Nations. CEDAW. *General Comment No. 21. Equality in marriage and family relationships* (1994). Available at: [https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/A_49_38\(SUPP\)_4733_S.pdf](https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/A_49_38(SUPP)_4733_S.pdf)

The Office of the United Nations High Commissioner for Human Rights has recommended that the minimum age of marriage be compatible with the international obligations of States in the field of human rights and that measures be taken to avoid CEFMUs of girls,³²¹ and the Committee on Economic, Social and Cultural Rights has recommended that States raise the minimum age for marriage without any age distinction for girls and boys.³²²

As will be discussed later, for the CEVI it is clear that the freedom inherent in human dignity to decide when and with whom to marry is necessarily accompanied by the acquisition of the knowledge and understanding of their rights that allow people to form a criteria and be clear about the causes and consequences of their actions. In this sense, it is understood that this is a right that can be fully exercised as the contracting parties have acquired a level of development and maturity such that they are aware of the important obligations and responsibilities that a marriage or union entails and their impacts on them. the life projects of both contracting parties.

Therefore, in light of the current regulatory framework, the CEVI emphasizes that States are obliged to adopt laws and practices to establish legal age as the minimum age for marriage and without there being any distinction for men and women, eliminating exceptions to the legal minimum age.

8.3.2 Right to equality and non-discrimination

Child, early and forced marriage and unions are a form of discrimination that mainly affect women and girls, and that carry negative and disproportionate consequences “including physical, psychological, economic and social harm or violence and limitations on their ability to participate fully in society and develop their full potential.”³²³

As noted in previous sections, CEFMUs reflect sociocultural patterns of discrimination as they are built on the basis of gender roles and stereotypes that place women and girls in a lower position than men, defining them based on their sexualization and their reproductive function and domestic.³²⁴ By entering into these harmful practices, girls and adolescents find themselves in interpersonal and family contexts marked by subordination, marginalization, isolation and unequal treatment, which configures the favorable conditions for them to be victims of violence and exploitation, and is reflected in the unequal access to the exercise of their rights.³²⁵

321 UN Human Rights Council, *Report of the Office of the United Nations High Commissioner for Human Rights on Preventing and eliminating child, early and forced marriage*, A/HRC/26/22 (April 2, 2014). Available at: <https://undocs.org/es/A/HRC/26/22>

322 United Nations. Committee on Economic, Social and Cultural Rights. *Relative concluding remarks to Mexico*, E/C.12/MEX/CO/4 (June 9, 2006). Available at: <https://www2.ohchr.org/english/bodies/cescr/docs/E.C.12.MEX.CO.4.pdf>

323 United Nations. Committee on the Elimination of Discrimination against Women and Committee on the Rights of the Child (2014). *Joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women and No. 18 of the Committee on the Rights of the Child on harmful practices*, CEDAW/C/GC/31/CRC/GC/18, para. 16 b).

324 United Nations. Committee on the Elimination of Discrimination against Women and Committee on the Rights of the Child (2014). *Joint General Recommendation No. 31 of the Committee on the Elimination of Discrimination against Women and No. 18 of the Committee on the Rights of the Child on harmful practices*, CEDAW/C/GC/31/CRC/GC/18, para. 6 and 17.

325 UN Human Rights Council, *Report of the Office of the United Nations High Commissioner for Human Rights on the prevention and elimination of child, early and forced marriage*, A/HRC/26/22 (April 2, 2014), para. 16

Given their characteristics, impacts and the context in which they place girls and adolescents, CEFMUS violate the guarantees of equality and non-discrimination enshrined in Articles 24 and 1.1 of the ACHR and in the American Declaration of the Rights and Duties of Man, which are, at the same time, a fundamental right and a necessary presupposition for the effective and universal enjoyment of other human rights. In this regard, it is important to remember that “the principle of equality before the law, equal protection before the law and non-discrimination, belongs to jus cogens, since on it rests the entire legal framework of national and international public order and is a fundamental principle that permeates every legal system.”³²⁶

In this regard, the United Nations High Commissioner for Human Rights has indicated that “it is commonly accepted that child, early and forced marriage is a form of discrimination based on gender that disproportionately affects women and girls,”³²⁷ and both the CEDAW and the Committee on the Rights of the Child have agreed that the vast majority of child marriages—both by law and in fact—affect girls, these practices being a manifestation of discrimination against them and an impediment for them to fully enjoy their rights.³²⁸

At the inter-American level, the IACHR has recognized that child marriage and unions are based “on discrimination based on sex, gender, and age and constitute a violation of the human rights of women and girls.”³²⁹ According to the Inter-American Commission, these practices “have a significant impact on the lives of girls and adolescents by reducing and affecting their opportunities for personal, educational and professional development, and their ability to make important decisions about their lives, including their economic independence. It places them in a position of greater risk of exploitation, abuse and gender-based violence, in particular sexual violence.”³³⁰

It is important to remember that the harmful gender roles and stereotypes on which CEFMUs rely have been expressly prohibited by international human rights law. In accordance with Articles 3 and 6 of the Belém do Pará Convention, every woman, adolescent and girl has the right to a life free of violence in both the public and private spheres, which includes the right to be free from all form of discrimination, and to be valued and educated free from stereotyped patterns of behavior and social and cultural practices based on concepts of inferiority and subordination.

326 IACHR. Advisory Opinion OC-18/03 Legal Status and Rights of Undocumented Migrants (September 17, 2003), para. 101.

327 United Nations. Committee for the Elimination of Discrimination against Women, Committee on the Rights of the Child. *Joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women and No. 18 of the Committee on the Rights of the Child on harmful practices*, CEDAW/C/GC/31/CRC/C/GC/18 (November 14, 2014), para. 20-22.

328 UN Human Rights Council, Report of the Office of the United Nations High Commissioner for Human Rights on the prevention and elimination of child, early and forced marriage, A/HRC/26/22 (April 2, 2014), para. 16.

329 IACHR (2019).

Violence and discrimination against women, girls and adolescents: Best Practices and Challenges in Latin America and the Caribbean, para. 216.

330 IACHR (2019). *Violence and discrimination against women, girls and adolescents: Best Practices and Challenges in Latin America and the Caribbean*, para. 216.

In the same sense, Article 5 a) of CEDAW states that States must take all appropriate measures to “modify the sociocultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary practices and of any other nature that are based on the idea of the inferiority or superiority of either of the sexes or on stereotyped functions of men and women.”³³¹

In this regard, the Inter-American Court of Human Rights rejects harmful gender stereotypes for going against the international corpus iuris of human rights, ordering the States to adopt “measures to eradicate them, in circumstances in which they have been used to justify [the] violence against women or their impunity, the violation of their judicial guarantees, or the differentiated affectation of actions or decisions of the State.”³³²

In order for States to comply with their obligation to respect the right of women to be free from all forms of discrimination, they must “refrain from taking actions that in any way are directed, directly or indirectly, to creating situations of de jure discrimination or de facto” and create conditions so that women have the same opportunities as men and adopt measures to correct unbalanced situations, which includes affirmative action measures.³³³ This implies taking actions to transform the harmful gender stereotypes that underlie CEFMU and that lock women and girls into cycles of violence.

Likewise, the CEVI draws attention to the fact that the discriminatory gender stereotypes that lay the foundations of CEFMUs have also permeated the regulations, and it is frequent that national legislation sets a minimum age for women to marry different from that of men, which means that they do not enjoy the same protection established in international treaties.

In this regard, it is emphasized that States have the obligation not to introduce or eliminate from their legal system discriminatory regulations, policies and practices that have discriminatory effects on women due to the existence of gender-based stereotypes (indirect discrimination), and to establish norms and other measures that recognize and ensure effective equality before the law of women (positive discrimination). This implies reviewing its legislation and political frameworks to harmonize them with international standards, and taking the initiative in the application of all necessary measures to eradicate discrimination against women in all matters, prohibiting, for example, discrimination at the family level.

Finally, it should not be forgotten that discrimination based on sex or gender intersects with other factors that affect women, girls and adolescents, in particular those who belong or are perceived

331 Article 5 a). *Convention on the Elimination of All Forms of Discrimination Against Women*. Adopted by the UN General Assembly in its resolution 34/180, of December 18, 1979. Available at: <https://www.ohchr.org/sp/professionalinterest/pages/cedaw.aspx>

332 IACHR. *Case of Ramírez Escobar et al. V. Guatemala. Ruling handed down on March 9, 2018*. Merits, Reparations and Costs. para. 295. Available at: https://www.corteidh.or.cr/docs/casos/articulos/seriec_351_esp.pdf

333 IACHR. *Advisory Opinion OC- 24/17 Gender identity, and equality and non-discrimination against same-sex couples. State obligations concerning change of name, gender identity, and rights derived from a relationship between same-sex couples (interpretation and scope of articles 1(1), 3, 7, 11(2), 13, 17, 18 and 24, in relation to article 1, of the American Convention on Human Rights) (November 24, 2017)*, para. 61. Available at: https://www.corteidh.or.cr/docs/opiniones/seriea_24_esp.pdf

to belong to disadvantaged groups and, therefore, they are at greater risk of being victims of these harmful practices. Taking into account the intersection of the different discriminations that women suffer throughout their life cycle is crucial in the case of CEFMUs, since, as detailed in the previous section, they are indigenous, Afro-descendant girls and adolescents or those who those who are at greater risk of entering one of these harmful practices live in rural communities.

8.3.3 Right to live a life free of violence

Child, early and forced marriages and unions have also been recognized internationally as specific forms of gender-based violence committed against girls and adolescents. At the same time, they are the propitious scenario for the exercise of other types of violence against women such as sexual, economic and psychological violence.³³⁴

The CEVI recalls that the right of women, girls and adolescents to live a life free of violence is a fundamental principle of international human rights law established by the regional and universal system and included in various regional and universal instruments that prescribe legal duties. to eradicate gender-based violence against women.³³⁵

According to Article 3 of the Belém do Pará Convention, every woman, girl and adolescent has the right to a life free of violence, both in the public and private spheres, which should be understood as “any action or conduct based on their gender, that causes death, harm or suffering, sexual or psychological to women, both in the public and private spheres.”³³⁶

The Convention recognizes that violence against women prevents and nullifies the exercise of human rights (art. 5) and establishes the obligation of States to take all appropriate measures, including legislative ones, to modify or abolish laws and regulations in force, or to modify legal or customary practices that support the persistence or tolerance of violence against women.

The obligation to protect women from violence is also provided for in specialized instruments of the universal system. Specifically, the CEDAW has specified that violence against women constitutes a form of discrimination contained in the first Article of the Convention, which undermines the enjoyment and exercise of their human rights and fundamental freedoms, and includes acts that cause damage or physical, mental or sexual suffering, threats to commit such acts, coercion and other forms of deprivation of liberty. This Committee has recognized that traditional attitudes that regard women as subordinate or attribute stereotyped roles to them perpetuate the spread of practices involving violence or coercion that undermine the CEDAW. Among them are forced marriages, violence

334 United Nations. General Assembly. *Report of the Secretary General. In-depth study on all forms of violence against women*, A/61/122/Add.1 (July 6, 2006), para. 121. Available at: <https://undocs.org/es/A/61/122/Add.1>

335 IACHR (2019). *Violence and discrimination against women, girls and adolescents: Best Practices and Challenges in Latin America and the Caribbean*, para. 9.

336 Article 3. Inter-American Convention to Prevent, Punish, and Eradicate Violence against Women (Belém do Pará Convention), adopted at the 24th regular session of the General Assembly of the Organization of American States, on September 6, 1994. Available at: <http://www.oas.org/juridico/spanish/tratados/a-61.html>

and exploitation within the family, and practices that are used to justify violence against women as a form of protection or domination.³³⁷

The CEVI recalls that the definition of discrimination provided in Article 2 of CEDAW provides the essential framework for understanding the link between discrimination and violence, since violence against women constitutes discrimination.³³⁸ Therefore, the prohibition of discrimination is directly related to the right to equality enshrined in Article 4, paragraph f of the Belém do Pará Convention, and also in Article 2 of the Convention on the Rights of the Child, which establishes that the rights of girls and adolescents should be protected from all differential treatment.

Likewise, the Declaration on the Elimination of Violence against Women indicates in its Article 2 that violence encompasses “physical, sexual and psychological violence that occurs in the family, including mistreatment, sexual abuse of girls in the violence related to dowry, rape by the husband, female genital mutilation and other traditional practices harmful to women, acts of violence perpetrated by other members of the family and violence related to exploitation.”³³⁹ Article 4 establishes that States “must condemn violence against women and not invoke any custom, tradition or religious consideration to evade their obligation to seek to eliminate it.”³⁴⁰

For their part, Article 19 of the Convention on the Rights of the Child, States must adopt all appropriate legislative, administrative, social and educational measures to protect the child against all forms of physical or mental harm or abuse, neglect or negligent treatment, abuse or exploitation, including sexual abuse. Such protection measures should include, as appropriate, effective procedures for the establishment of social programs in order to provide the necessary assistance to children and their caregivers.

Article 24.3 establishes the obligation of States to adopt effective and appropriate measures to abolish traditional practices that are detrimental to the health of girls, boys and adolescents, and in Article 37 the obligation to ensure that they are not subjected torture or other cruel, inhuman or degrading treatment or punishment, as well as the duty to ensure that no child is illegally or arbitrarily deprived of their freedom.

In its General Comment No. 13 on the right of girls, boys and adolescents not to be subjected to any form of violence, the Committee on the Rights of the Child specified that forced and early marriage are harmful practices and forms of abuse and sexual exploitation prohibited by Article 19 of the UNCRC. The Committee also recognized the gender dimensions of violence against boys, girls and adolescents,

337 United Nations. CEDAW. *General Recommendation No. 19 Violence against women* (1992), para. 11.

338 MESECVI. *Guide to the application of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women* (Belém do Pará Convention), OAS/SER.L./II.6.14 (2014). Available at: <https://www.oas.org/es/mesecevi/docs/BdP-GuiaAplicacion-Web-ES.pdf>

339 United Nations. General Assembly Declaration on the Elimination of Violence against Women (December 20, 1993), article 2 a). Available at: <https://www.ohchr.org/SP/ProfessionalInterest/Pages/ViolenceAgainstWomen.aspx>

340 United Nations. General Assembly Declaration on the Elimination of Violence against Women (December 20, 1993) Article 4. Available at: <https://www.ohchr.org/SP/ProfessionalInterest/Pages/ViolenceAgainstWomen.aspx>

specifying that “States must ensure that the policies and measures adopted take into account the different risk factors that girls and boys face in regard to various forms of violence in different settings”³⁴¹ and “to address all forms of gender discrimination within the framework of a comprehensive violence prevention strategy. This means fighting gender-based stereotypes, power imbalances, inequalities and discrimination, all of which contribute to perpetuating the use of violence and coercion in the home, school and educational centers, communities., the workplace, institutions and society in general.”³⁴²

It is important to note that Article 8 b) of the Belém do Pará Convention establishes the obligation of states to “modify the sociocultural patterns of conduct of men and women, including the design of formal and non-formal education programs appropriate at all levels. of the educational process, to counteract prejudices and customs and all other types of practices that are based on the premise of the inferiority or superiority of any of the genders or on stereotyped roles for men and women that legitimize or exacerbate violence against women”.³⁴³

Regarding its Third Hemispheric Report, the CEVI highlighted the “importance of taking into account that the obligation to guarantee the rights established in the corpus juris of human rights implies for the States the adoption of a series of measures in the domestic order of diverse nature, which include the adaptation of the entire governmental apparatus and the structures through which the exercise of public power is manifested; as well as government conduct that is respectful of women’s human rights, aimed at eradicating sociocultural patterns and gender stereotypes that reinforce violence and discrimination.”³⁴⁴

8.3.4 Right to physical integrity, health and sexual and reproductive rights in connection with the right of women and girls to live a life free of violence

As mentioned above, CEFMUs involve various forms of sexual violence that violate the right to health and sexual and reproductive rights of girls and adolescents, which implies violations of the right to physical integrity provided for in Article 5 of the ACHR, and the right to health recognized in Article 10 of the Protocol of San Salvador.

Girls and adolescents who enter into a marriage or union are often impaired in their ability to enjoy a satisfactory and safe sex life, and in their freedom to decide when and how often to procreate, which has serious effects on their health. This sexual violence “has dire consequences both for them and for society as a whole, it affects their physical and reproductive health, increases the risk of maternal and infant morbidity and mortality and HIV transmission, generates high-risk pregnancies and problems

341 342 United Nations, Committee on the Rights of the Child. *General Comment No. 13 Right of the child not to be subjected to any form of violence*, CRC/C/GC/13 (April 18, 2011), para. 72 b)

342 United Nations, Committee on the Rights of the Child. *General Comment No. 13 Right of the child not to be subjected to any form of violence*, CRC/C/GC/13 (April 18, 2011), para. 72 b)

343 Article 8 b) of the *Inter-American Convention to Prevent, Punish, and Eradicate Violence against Women (Belém do Pará Convention)*, adopted at the 24th regular session of the General Assembly of the Organization of American States, on 6 September 1994. Available at: <http://www.oas.org/juridico/spanish/tratados/a-61.html>

344 MESECVI. *Third Hemispheric Report on the Implementation of the Belém do Pará Convention. Prevention of Violence Against Women in the Americas. Paths to Follow*, OAS/Ser.L/II (2017), para. 63. Available at: <https://www.oas.org/es/mesecevi/docs/TercerInformeHemisferico-ES.pdf>

related to Pregnancy, including unsafe abortions, premature births, fetal suffering and low birth weight, and also carries psychological consequences as serious as physical effects, such as lack of volitional autonomy, fear, anguish, depression, post-traumatic stress, anxiety and an increased risk of suicide.”³⁴⁵

In addition, as has been widely documented, many of the girls who enter a marriage or union do not have adequate health services that allow them to prevent and address the risks associated with their early initiation of sexual activity due to the persistence of gender stereotypes that cause that “certain powers are denied them –such as the power to decide autonomously about their own health- or special burdens are imposed on them –such as the requirement to have the authorization of a third party to access a certain treatment- which constitutes treatment unequal and discriminatory against women ,” and results in the violation of their reproductive autonomy.³⁴⁶

Sexuality is a crucial element for the development of the personality, and its development constitutes a legal asset protected by international human rights law that obliges States to guarantee people’s sexual and reproductive rights. The recognition of these rights as an integral part of human rights is based on universally accepted norms, including regional and international treaties, as well as documents of political consensus.³⁴⁷

Articles 5, 7 and 11 of the ACHR establish the obligation to guarantee respect for the physical, mental and moral integrity of all persons, ensure that they can enjoy their right to personal liberty and security, and protect all persons from arbitrary or abusive interference in their private lives, in that of their families, in their home or in their correspondence, or illegal attacks on their honor or reputation.³⁴⁸

In a complementary manner, the Protocol of San Salvador establishes the obligation of the States Party to guarantee everyone the right to health, understood as the enjoyment of the highest level of physical, mental and social well-being, as well as the obligation to ensure the education rights.³⁴⁹ As the CEVI has noted, “these obligations, when analyzed in the light of public policies aimed at guaranteeing

345 MESECVI. *Declaration on Violence against Women, Girls and Adolescents and their Sexual and Reproductive Rights*, OAS/Ser.L/II.7.10 (September 19, 2014). Available at: <https://www.oas.org/es/mese cvi/docs/declaracionderechos-es.pdf>

346 IACHR. *Report No. 72-14. Merits. Case 12.655. I.V. (Bolivia)*. August 15, 2014, para. 131.

347 For example, the Declaration on Violence against Women, Girls and Adolescents and their Sexual and Reproductive Rights of the MESECVI, the Program of Action of the International Conference on Population and Development, the Platform for Action of the Fourth World Conference on Women and the Montevideo Consensus.

348 Article 5.1 “Every person has the right to have his physical, mental and moral integrity respected” Article 7.1: “Everyone has the right to personal liberty and security; and article 11.2. “No one may be the object of arbitrary or abusive interference in his private life, that of his family, his home or his correspondence, or of illegal attacks on his honor or reputation.”

American Convention on Human Rights (The Treaty of San Jose) adopted at the Inter-American Specialized Conference on Human Rights, November 22, 1969. Available at: https://www.oas.org/dil/esp/tratados_b-32_convencion_americana_sobre_derechos_humanos.htm

349 Articles 13 and 14 of the San Salvador Protocol.

Additional Protocol to the American Convention on Human Rights in the area of Economic, Social and Cultural Rights (Protocol of San Salvador), adopted at the eighteenth regular session of the General Assembly of the Organization of American States, on November 17 from 1988. Available at: <https://www.oas.org/juridico/spanish/firmas/a-52.html>

the right of girls to live free from violence, must be interpreted according to the theoretical framework of the Convention of Belém do Pará.³⁵⁰

The IACHR has also recognized the existence of a close link between the right to humane treatment and the right to health, in such a way that the provision of adequate and timely health services is one of the main measures to guarantee the right to personal integrity of women, which has implications for the equality, autonomy, privacy and dignity of women. The Commission has indicated that “the protection of the right to personal integrity of women in the field of maternal health entails the obligation to guarantee that they have access under equal conditions to the health services they require according to their particular needs related to with pregnancy and the postpartum period and other services, and information related to maternity and reproductive matters over their lifetimes.”³⁵¹

Both the Belém do Pará Convention and the Protocol of San Salvador expressly establish the obligation of the States to guarantee that women have access to health services without discrimination and to allocate the necessary resources and taking into account their degree of development in order to progressively achieve the full realization of the right to health.

Article 12 of CEDAW also establishes the obligation to adopt measures aimed at eliminating discrimination against women in the field of medical care, including family planning services, and the Convention on the Rights of the Child establishes specific duties in sexual and reproductive rights, including the obligation to adopt measures to reduce maternal morbidity and mortality of girls and adolescents as a consequence of early pregnancies or unsafe abortion practices. Article 24 also establishes that States must adopt all possible effective and appropriate measures to abolish traditional practices that are harmful to the health of children, and provide preventive health care, as well as guidance to parents, and education and family planning services.

The Committee on the Rights of the Child has indicated that States must implement programs that provide access to sexual and reproductive health services, including family planning, contraceptives, and safe abortion practices, as well as general care and counseling, appropriate obstetrics standards and develop policies that allow prematurely pregnant girls to continue their education. In its General Comment Number 15, the Committee noted that in accordance with the evolution of their capacities, boys and girls should have access to confidential therapy and counseling, and the possibility of allowing them to undergo certain medical treatments and interventions, such as HIV and AIDS testing and safe abortion without parental consent.³⁵²

350 CIM, MESECVI (2016). *Hemispheric Report on Sexual Violence and Child Pregnancy in the States Party to the Belém do Pará Convention*. Available at: <http://www.oas.org/en/mese cvi/docs/MESECVI-EmbarazoInfantil-ES.pdf>, párr. 36

351 IACHR. *Report No. 72-14. Merits. Case 12.655. I.V. (Bolivia)*. August 15, 2014, para. 97

352 United Nations. Committee on the Rights of the Child. General comment No. 15 on the right of the child to the enjoyment of the highest possible level of health (article 24), CRC/C/GC/15 (April 17, 2013). Available at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fGC%2f15&Lang=en

The Committee also underscored the obligation of the States to meet the needs of adolescents in matters of sexual and reproductive health, including through family planning services and safe abortion, ensuring that girls and adolescents can make independent and informed decisions about their reproductive health and prohibiting discrimination in schools against adolescent girls who become pregnant. In addition, it noted that contraceptive methods and emergency contraceptives should be immediately available to sexually active adolescents and recommended that States guarantee access to safe abortion and post-abortion services, regardless of whether the abortion is itself legal.³⁵³

On the other hand, the CEVI has stated that a form of gender violence linked to the integrity and health of women refers to sexual and reproductive rights, pointing out that those who risk the most and are in danger are women with greater vulnerability: impoverished women, young people, and women from rural sectors for whom access to health is a serious problem and must resort to unhealthy and dangerous practices.³⁵⁴

It should be remembered that the Belém do Pará Convention recognizes in its Article 2 that violence against women includes physical, sexual and psychological violence that takes place in health facilities. In this regard, the CEVI has indicated that although public or private health entities are places where women exercise their economic, social and cultural rights, they are also the scene of different forms of physical, psychological and sexual violence with devastating consequences for the health and well-being of thousands of women in the region.³⁵⁵

In its Declaration on Violence against Women, Girls and Adolescents and their Sexual and Reproductive Rights, the MESECVI stressed that “sexual and reproductive rights are part of the catalog of human rights that the Universal and Inter-American Human Rights System protects and defends (...) and are based on other essential rights including the right to health, the right to be free from discrimination, the right to privacy, the right to personal integrity and not to be subjected to torture, cruel, inhuman and degrading treatment, the right of all couples and individuals to freely and responsibly decide the number, spacing and timing of having children and to have the information and means to do so, and the right to make decisions about reproduction free from discrimination, coercion and violence and therefore to be free from sexual violence.”³⁵⁶

353 United Nations. Committee on the Rights of the Child. General comment No. 15 on the right of the child to the enjoyment of the highest possible level of health (article 24), CRC/C/GC/15 (April 17, 2013). Available at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fGC%2f15&Lang=en.

354 CIM, MESECVI (2016). *Hemispheric Report on Sexual Violence and Child Pregnancy in the States Party to the Belém do Pará Convention*. Available at: <http://www.oas.org/en/mesecvi/docs/MESECVI-EmbarazoInfantil-ES.pdf>

355 CIM, MESECVI (2016). *Hemispheric Report on Sexual Violence and Child Pregnancy in the States Party to the Belém do Pará Convention*. Available at: <http://www.oas.org/en/mesecvi/docs/MESECVI-EmbarazoInfantil-ES.pdf>. See also: IACHR. *Access to Justice for Women Victims of Sexual Violence: Education and Health*, OAS/Ser.L/V/II. Doc. 65 (December 28, 2011). Available at: <https://www.corteidh.or.cr/tablas/r35274.pdf>; IACHR Inter-American Commission on Human Rights. *Access to Maternal Health Services from a Human Rights Perspective*, OAS/Ser.L/V/II. Available at: <http://cidh.org/women/SaludMaterna10Sp/SaludMaternaCap1.sp.htm>

356 MESECVI. *Declaration on Violence against Women, Girls and Adolescents and their Sexual and Reproductive Rights*, OAS/Ser.L/II.7.10 (September 19, 2014), p. 5. Available at: <https://www.oas.org/es/mesecvi/docs/declaracionderechos-es.pdf>

The MESECVI recommended guaranteeing education on sexual and reproductive rights in the educational system, “promoting the modification and transformation of cultural and customary practices, determined by customs, attitudes and behaviors, which are the root of violence against women, girls and women adolescents at home (...) to promote a change in social perceptions and behaviors and contribute to the effective fulfillment of sexual and reproductive rights.”³⁵⁷

Likewise, the MESECVI has recommended guaranteeing effective compliance with the laws that punish sexual violence against women, as well as victims’ access to justice and reparation, ensuring that victims of violence receive dignified treatment, taking appropriate measures relevant to promote their physical and psychological recovery and social reintegration, in an environment favorable to the health, well-being, self-esteem, dignity and autonomy of the person and that takes into account their different specificities and needs of women.³⁵⁸

8.3.5 Right to education

Education is a fundamental human right of girls and adolescents protected in Articles 12 and 15 of the American Declaration of the Rights and Duties of Man, in Article 26 of the American Convention on Human Rights and in Article 13 of the Protocol of San Salvador. Article 15 of the American Declaration of the Rights of Indigenous Peoples also indicates that indigenous girls, boys and adolescents have the right to all levels of education, without discrimination and under equal conditions.

Article 8 paragraph b) of the Belém do Pará Convention establishes the obligation of the States Party to adopt specific measures to modify the sociocultural patterns of behavior of men and women, including the design of formal and non-formal education programs appropriate to all level of the educational process, to counteract prejudices and customs and all kinds of practices that are based on the premise of inferiority or superiority of any of the genders or on stereotyped roles for men and women.

Within the framework of the universal system, this right is provided, among other instruments, in Article 13 of the International Covenant on Economic, Social and Cultural Rights, Article 28 of the Convention on the Rights of the Child, and Article 10 of CEDAW, which establishes equality in education as the foundation for the comprehensive realization of women’s rights and in all spheres of their lives.

As previously noted, lack of education is both cause and consequence of CEFMU and early unions. Marriage before the age of 18 is universally associated with low educational levels. In addition, when entering a CEFMU, girls and adolescents frequently see their ability to continue with their studies diminish, either because they are forced to dedicate all their time to unpaid domestic or care work, because their partners prevent them from attending school or because in some schools they are forbidden to attend classes once they become pregnant.

357 MESECVI. *Declaration on Violence against Women, Girls and Adolescents and their Sexual and Reproductive Rights*, OAS/Ser.L/II.7.10 (September 19, 2014), p. 15. Available at: <https://www.oas.org/es/mesecevi/docs/declaracionderechos-es.pdf>

358 CIM, MESECVI (2016). *Hemispheric Report on Sexual Violence and Child Pregnancy in the States Party to the Belém do Pará Convention*. Available at: <http://www.oas.org/en/mesecevi/docs/MESECVI-EmbarazoInfantil-ES.pdf>

This harmful practice entails serious violations of the right to education of girls and adolescents, which is a fundamental pillar to guarantee the enjoyment of a dignified life and plays a decisive role in their development by providing them with knowledge about their rights that serve them to your protection against abuse and violence.³⁵⁹ As recognized by the CEDAW, education reduces child marriage, maternal mortality and poverty, and increases the possibility of a healthy life. Furthermore, it “fulfills an essential, transformative and empowering role in promoting human rights values and is seen as the path to gender equality and the empowerment of women.”³⁶⁰

It is important to note that the Third Round of Multilateral Evaluation of the Implementation of the Belém do Pará Convention focused its efforts on the role of gender stereotypes in violence and, in particular, on the role of both formal and informal education in its eradication.³⁶¹

The CEVI has highlighted that “[one] essential measure to achieve the modification of sociocultural attitudes and beliefs that perpetuate violence against women is to influence the educational system. (...) In schools and colleges awareness should be raised about violence against women and promote their safety, training teachers and students on gender equality and human rights. Furthermore, study programs and educational materials must be revised in order to eliminate gender stereotypes and promote the elimination of violence against women. But in addition, comprehensive multisectoral interventions are required that involve key leaders (traditional, religious, community, political, among others), who can influence those harmful attitudes, opinions and practices that maintain an unequal treatment of women and men and that also perpetuate violence against women.”³⁶²

In addition, the States must “protect girls and women from all forms of discrimination that prevent them from accessing any of the levels of education and ensure that, when such discrimination occurs, they can resort to justice.”³⁶³ Based on this, they are obliged to protect the girls and adolescents of CEFMUs as it is a harmful practice and a form of discrimination that prevents them from accessing education, and to adopt all necessary measures to ensure equal rights in education sphere.

8.4 Special obligations vis-à-vis CEFMUs

The CEVI emphasized in its *Hemispheric Report on Sexual Violence and Child Pregnancy* that, in accordance with the international legal framework, the States have an “even more intense duty of care with

359 Inter-American Commission on Human Rights (IACHR) (2019). *Violence and discrimination against women, girls and adolescents: Best Practices and Challenges in Latin America and the Caribbean*.

360 United Nations. CEDAW. General Recommendation No. 36 (2017) on the right of girls and women to education, CE-DAW/C/GC/36 (November 27, 2017), para. 1.

361 MESECVI. *Third Hemispheric Report on the Implementation of the Belém do Pará Convention. Prevention of Violence Against Women in the Americas. Paths to Follow*, OAS/Ser.L/II (2017), para. 40. Available at: <https://www.oas.org/es/mesecevi/docs/TercerInformeHemisferico-ES.pdf>

362 MESECVI. *Guide to the application of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Belém do Pará Convention)*, OAS/SER.L/II.6.14 (2014), p. 54. Available at: <https://www.oas.org/es/mesecevi/docs/BdP-GuiaAplicacion-Web-ES.pdf>

363 United Nations. CEDAW. General Recommendation No. 36 (2017) on the right of girls and women to education, CE-DAW/C/GC/36 (November 27, 2017), para. 7

respect to girls due to the obligation of special protection contained in Articles 19 of the American Convention and VII of the American Declaration, as well as the obligation of reinforced due diligence established in the Belém do Pará Convention,”³⁶⁴ especially considering that CEFMUs are harmful practices “in which girls and adolescents are subject to diverse and multiple forms of violence and discrimination based on their age and gender.”³⁶⁵

Along the same lines, the CEDAW and the Committee on the Rights of the Child recommended to the States the adoption of a “holistic strategy” that includes, among other things, the formulation and supervision of compliance with legislation, and gathering data to implement adequate public policies.³⁶⁶

States are in charge of expanded and more intense duties vis-à-vis CEFMUs, which include the reinforced obligation to adopt a comprehensive, systematic, multisectoral and multidisciplinary strategy for the prevention and eradication of Child, early and forced marriages and unions and other traditional practices that are harmful to the health of children.

In accordance with what is indicated in the following section, the CEVI emphasizes that the States parties must establish, as a priority and without exception, the age of majority as the legal minimum age for marriage for both men and women. They must establish the legal obligation to officially register marriages and, in general, harmonize the laws for the protection and promotion of the rights of girls and adolescents with international and inter-American standards. As specified by the IACHR, this includes “repealing in customary, religious, and indigenous laws, norms, or practices, all legal provisions that discriminate against women and, thus, allow, tolerate, or condone marriage and child unions.”³⁶⁷

Only in particular cases should exceptions to the legal minimum age be accepted, which should never be less than 16 years old. It is emphasized that the reasons for marrying before the age of 18 must be clearly defined by law, and can only be carried out with the prior approval of a judge, taking into account the full, free and informed consent of the girl or of both minors.³⁶⁸

Likewise, institutions and practices that amount to a forced marriage, such as promising or giving in marriage to a woman without her consent in exchange for compensation in money or in kind, the husband’s right to transfer his wife to third party, or inheritance from a woman upon the death of her husband should be abolished.

364 CIM MESECVI. 2016. *Hemispheric Report on Sexual Violence and Child Pregnancy in the States Party to the Belém do Pará Convention*, para. 32.

365 IACHR (2019). *Violence and discrimination against women, girls and adolescents: Best Practices and Challenges in Latin America and the Caribbean*, para. 223.

366 United Nations. Committee for the Elimination of Discrimination against Women, Committee on the Rights of the Child. *Joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women and No. 18 of the Committee on the Rights of the Child on harmful practices*, CEDAW/C/GC/31/CRC/C/GC/18 (November 14, 2014).

367 IACHR (2019). *Violence and discrimination against women, girls and adolescents: Best Practices and Challenges in Latin America and the Caribbean*, para. 113.

368 IACHR (2019). *Violence and discrimination against women, girls and adolescents: Best Practices and Challenges in Latin America and the Caribbean*.

States must also adopt adequate laws and policies in the areas of health, education, sexual and reproductive rights, child protection and sustainable economic development, and “guarantee that their application responds effectively to the specific obstacles, barriers and resistance to the elimination of the discrimination that lead to harmful practices and violence against women.”³⁶⁹

In accordance with the Belém do Pará Convention, the States must progressively adopt specific measures to achieve the elimination of prejudices and customary practices and of any other nature that are based on the idea of the inferiority or superiority of either sex or in stereotyped roles of men and women that legitimize or exacerbate violence against women (art. 5 a). Actions should be implemented to empower girls and adolescents in the exercise of their rights, including programs aimed at breaking circles of transgenerational poverty, through the development of skills for their well-being and economic empowerment.

At the same time, States must protect the integrity and physical, social and psychological development of girls and adolescents who are already involved in one of these harmful practices, including their access to education, health services and sufficient resources to develop a decent life. This includes protection against acts of violence and abuse -particularly sexual violence-, forced labor and slavery, as well as eliminating obstacles to accessing justice.

The CEVI recalls that, based on the provisions established by Article 7 of the Belém do Pará Convention, the Declaration on Violence against Women, Girls and Adolescents and their Sexual and Reproductive Rights establishes the obligation of States to adopt, for all means and without delay, policies aimed at preventing, punishing and eradicating violence against women, including all behaviors that affect their integrity and sexual autonomy, even when they have not involved physical contact and occur in the public or private sphere, even within the framework of couple relationships. This includes ensuring that mistreatment and humiliation behaviors are not reproduced in institutional settings and the adoption of positive measures to guarantee the accessibility, availability, acceptability and quality of maternal health services, as part of their obligations derived from the principle of equality and not discrimination.³⁷⁰ Likewise, it entails the obligation of the States to provide access to services and information on reproductive health, which is essential for girls to be able to exercise their reproductive autonomy and their rights to health and physical integrity within and outside of a CEFMU, as well as how to ensure age-appropriate education on sexual and reproductive health and rights, including access to appropriate information on HIV and AIDS and other sexually transmitted diseases in the school curriculum at all levels.³⁷¹

369 United Nations. Committee for the Elimination of Discrimination against Women, Committee on the Rights of the Child. *Joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women and No. 18 of the Committee on the Rights of the Child on harmful practices*, CEDAW/C/GC/31/CRC/C/GC/18 (November 14, 2014), para. 31.

370 IACHR. Access to maternal health services from a human rights perspective, para. 76. Available at: <http://cidh.oas.org/women/SaludMaterna10Sp/SaludMaternaCap3.sp.htm>

371 CIM. MESECVI (2016). *Hemispheric Report on Sexual Violence and Child Pregnancy in the States Party to the Belém do Pará Convention*, para. 39. Available at: <http://www.oas.org/en/mesecevi/docs/MESECVI-EmbarazoInfantil-ES.pdf>

In this framework of obligations, the state obligation to adopt priority and specific measures directed at the populations with the highest prevalence of CEFMUs, as well as to protect victims who suffer from intersectional discrimination, should not be forgotten.

9. Legislation on CEFMUs Adopted in Latin America and the Caribbean: Permissive Legal Frameworks

9.1 International standards on the minimum age for marriage.

The notion of consent and who can give it is a crucial element when considering the legislation on the minimum age for marriage and child and early unions, as well as the possible violations of the human rights of children derived from the granting of that consent.

As noted in the previous section, Article 17 of the American Convention recognizes the right of all persons to marry and form a family “if they are of the age and conditions required for it by domestic laws,” and as long as there is “the free and full consent of the contracting parties.”³⁷² In the same sense, Article 16 subsection a) and b) of CEDAW establishes that States must ensure, under conditions of equality with men, the right of women to marry only by their free will and with their full consent, and to freely choose your spouse. In like manner, Article 16 paragraph 2 of the CEDAW establishes that “the betrothal or marriage of children will have no legal effect and all necessary measures, including legislative measures, will be adopted to set a minimum age for marriage.”³⁷³

The establishment of minimum ages is a very useful criterion to identify the transition between childhood and adulthood, and it is a guarantee that adult responsibilities will not be assigned prematurely to children.

Specifically, given its importance in protecting girls and adolescents from the violence and abuse that can be associated with child marriage, the minimum age of the contracting parties has been the subject of pronouncements by various international human rights bodies, which have coincided in the obligation of the States to establish by law the prohibition of marriages before the age of 18 for both men and women, considering that it is then when people have the necessary maturity to assess the obligations that marriage entails, choose a spouse freely and, consequently, express full and conscious consent to their new status.³⁷⁴

372 American Convention on Human Rights (Pact of San José), signed at the Inter-American Specialized Conference on Human Rights, on November 22, 1969.

Available at: https://www.oas.org/dil/esp/tratados_b-32_convencion_americana_sobre_derechos_humanos.htm

373 *Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)*. Adopted by the UN General Assembly in its resolution 34/180, of December 18, 1979. Available at: <https://www.ohchr.org/sp/professionalinterest/pages/cedaw.aspx>

374 Melchiorre, A. *A minimum common denominator?*

Minimum ages for marriage reported under the Convention on the Rights of the Child. Submission on child, early and forced marriage. Women’s Human Rights and Gender Section, OHCHR. Available at: <https://www.ohchr.org/Documents/Issues/Women/WRGS/ForcedMarriage/NGO/AngelaMelchiorre.pdf>

The CEDAW in its General Recommendation No. 21 specified that “Article 16, paragraph 2, and the provisions of the Convention on the Rights of the Child prevent States Party from allowing or recognizing marriage between persons who have not reached the legal age,”³⁷⁵ and, therefore, it considered that the minimum age for marriage should be 18 years for both men and women, given the obligations assumed upon marriage. The Committee stressed that “marriage should not be allowed before they have reached maturity and the capacity to act fully,” since the health and education of girls is put at risk due to the recurrence of pregnancies at an early age, the restriction of their economic autonomy, the limitation of the development of their aptitudes and independence and the reduction of their opportunities to have a job, among other personal, family and social effects.³⁷⁶

Also the Committee on the Rights of the Child in its General Comment No. 20 reminded States that “they must recognize the right of minors under 18 years of age to be continuously protected against all forms of exploitation and abuse, and affirms once again that 18 years should be the minimum age for marriage.”³⁷⁷

Subsequently, and in line with this pronouncement, in their General Recommendation No. 31 and General Comment No. 18 on harmful practices, both the Committee on the Rights of the Child and the CEDAW reiterated the need for the States Party to guarantee that “the legal minimum age for marriage for girls and boys, with or without parental consent, is set at 18 years.”³⁷⁸

At the regional level, the IACHR also ruled in this regard in its 2019 Report on Violence and Discrimination against Women, Girls, and Adolescents, recognizing the essential nature of the contracting parties in a marriage, and stating that “States must strengthen national laws, political frameworks, and mechanisms to protect and promote the rights of girls and adolescents, and harmonize them with international and inter-American standards. This includes, in particular, repealing in customary, religious and indigenous laws, norms or practices, all legal provisions that discriminate against women and thus allow, tolerate or condone child marriage. In this regard, the IACHR observes that, in order to protect girls and adolescents, the States must, in general, set the age of majority as the minimum legal age for marrying.”³⁷⁹

375 United Nations. Committee for the Elimination of Discrimination against Women. *General Recommendation No. 21. Equality in marriage and family relationships*, A/49/38 (1995), para. 36 Available at: https://conf-dts1.unog.ch/1%20SPA/Tradutek/Derechos_hum_Base/CEDAW/00_4_obs_grales_CEDAW.html#GEN21

376 United Nations. Committee for the Elimination of Discrimination against Women. *General Recommendation No. 21. Equality in marriage and family relationships*, A/49/38 (1995), para. 36 Available at: https://conf-dts1.unog.ch/1%20SPA/Tradutek/Derechos_hum_Base/CEDAW/00_4_obs_grales_CEDAW.html#GEN21

377 United Nations. Committee on the Rights of the Child. General Comment No. 20 on the effectiveness of the rights of the child during adolescence, CRC/C/GC/20 (December 6, 2016) para. 40. Available at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fGC%2f20&Lang=en

378 United Nations. Committee for the Elimination of Discrimination against Women, Committee on the Rights of the Child. *Joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women and No. 18 of the Committee on the Rights of the Child on harmful practices*, CEDAW/C/GC/31/CRC/C/GC/18 (November 14, 2014), para. 54 (f).

379 IACHR (2019). *Violence and discrimination against women, girls and adolescents: Best Practices and Challenges in Latin America and the Caribbean*, para. 224.

The CEVI joins this international consensus and underlines the reinforced obligation of the States Party to establish in the law the age of majority as the minimum age for marrying, as it is then that there can be greater certainty that the contracting parties have acquired a level of capacity, development and maturity sufficient to express their full, free and informed consent to the obligations and rights that emerge with marriage.

On the other hand, the CEVI also recognizes that the decision of an adolescent person to enter a marriage can be made consciously or be an indication that they are ready to start an adult life. While it is true that in many early marriages or unions one or both parties may not be in a position to make a decision with their free and full consent, it is also true that there are some other cases in which an adolescent person is willing and capable of committing to the responsibilities that arise with the marriage, and where there does not seem to be an evident imbalance of power between both contracting parties. In these circumstances it is important to respect marriage as a civil right and, in fact, establishing an exception to the legal minimum age is a way of recognizing the evolution of the capacities of the adolescent person.³⁸⁰

As UNFPA noted in its qualitative study on CEFMUs in LAC, “there is no doubt that a number of girls are entering early marriages or unions with a sense of opportunity, and have the resources and skills to counteract some of the disadvantages that arise from their youth and gender inequality. Adolescents are the protagonists of their own lives and require that their rights be respected, and they are also minors who require the protection of society and the law.”³⁸¹

Therefore, when analyzing the regulatory framework for entering into marriage, it is crucial to assess in detail the exceptions to the minimum age at which a person is legally authorized to marry and the scope of these exceptions, as these can significantly affect the performance of the rights of girls, boys and adolescents, or may be a reflection of the recognition of the gradual maturity of adolescents in decision-making processes.

Taking this into consideration, it is the position of this Committee that only in particularly exceptional circumstances and clearly defined by law should an adolescent person be allowed to marry before the age of 18, in recognition of their opinion and ability to fully give consent to this act.

However, in attention to international standards on the matter, it is emphasized that said authorization must always have a limit of 16 years as the minimum age, and must be analyzed and eventually granted only by a judicial authority having as a guide the best interests of childhood.

An analysis of the legislation in LAC makes it possible to identify that in the region these exceptions to the minimum age are foreseen almost entirely imprecisely in cases in which the parents or a judicial

380 Melchiorre, A. *A minimum common denominator? Minimum ages for marriage reported under the Convention on the Rights of the Child. Submission on child, early and forced marriage.* Women’s Human Rights and Gender Section, OHCHR. Available at: <https://www.ohchr.org/Documents/Issues/Women/WRGS/ForcedMarriage/NGO/AngelaMelchiorre.pdf>

381 Greene, M. (2019). *A hidden reality for adolescent girls. Child, Early and Forced Marriages and Unions in Latin America and the Caribbean. Regional Report.* Plan International Americas and UNFPA, p. 41.

authority give their consent to the marriage of a minor person, and are usually justified in the face of events such as infant pregnancy, the initiation of sexual activity by a girl or adolescent, or traditional practices in certain communities.

In this regard, it should be noted that parental authorization is problematic when it is not adequately regulated to ensure respect for the principle of the best interest of the child and the right of girls and boys to express their opinion freely and to be heard in all situations and matters affecting them.

Therefore, taking into account the opinion of the minor is of utmost importance not only because the existence of free and full consent is a criterion firmly established in international standards on marriage in general, but also derived from the obligation provided in Article 12 of the Convention on the Rights of the Child to respect the opinions of children and adolescents.

It is important to specify that for the CEVI the exception to allow the marriage of adolescents between the ages of 16 and 18 does not include the possibility that the parents grant consent for the marriage of their sons and daughters in a substitute way, since the conditions established to exceptionally allow such a marriage focus on the adolescent's ability to give full consent and not on the right of the parents or legal guardians to give them such consent.

In this sense, it is advisable to provide in the law a scheme that expressly specifies the need for a judicial authority to assess the request of the adolescent to have an exception to the legal minimum age for marriage, which must reflect their free and full consent, together with the opinion of their parents or guardians as well as the national authority specialized in the protection of children's rights.

The foregoing is important because if the existence of the minor's full, free and informed consent is not credibly proven by judicial authority, there is a risk that the law will recognize a forced marriage, which, as established by the international system for the protection of human rights, is one that is celebrated without the full and free consent of at least one of the contracting parties, or in which one of them lacks the capacity to separate or end the union, among other things, derived from coercion or family or economic pressure.

Along the same lines, both the CEDAW and the Committee on the Rights of the Child have recently recognized the possibility of exceptions to the general rule of minimum age, noting that "when a marriage is allowed at an earlier age in exceptional circumstances, the absolute minimum age must not be less than 16 years, the reasons for obtaining the marriage license must be legitimate and rigorously defined by law, and the marriage must only be allowed by a court of law with the full, free and informed consent of the child or both children, who must appear in court."³⁸²

382 United Nations. Committee for the Elimination of Discrimination against Women, Committee on the Rights of the Child. *Joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women and No. 18 of the Committee on the Rights of the Child on harmful practices*, CEDAW/C/GC/31/CRC/C/GC/18 (November 14, 2014), para. 55 (f).

According to both Committees, this exception is based on “a matter of respect for the evolving capacities of the child and their autonomy when making decisions that affect their life,” being able to allow the marriage of a person under 18 and over 16 years of age, mature and capable, as long as “they have authorization from a judge based on legitimate exceptional reasons defined by the legislation and on tests of maturity, without being influenced by culture or tradition.”³⁸³

In keeping with this, the IACHR has also indicated that in cases of exceptions to the legal minimum age for marriage, the judge must “assess the circumstances of the particular case and adopt a reasoned decision in accordance with international and inter-American principles and standards of protection of the NNA and of the women, in particular with regard to the obligations of the States in the matter of protection against the discrimination and violence.”³⁸⁴

Finally, in attention to the principle of equality and non-discrimination, the CEVI emphasizes that this legal minimum age for marriage must invariably be the same for men and women, since otherwise it would be providing a differentiated protection based on sex., gender and age of the contracting parties. Both the CEDAW and the Committee on the Rights of the Child have spoken out against the use of a biological criterion to establish different ages of maturity between boys and girls vis-à-vis CEFMUs, recommending the abolition of this type of legal differentiation that “incorrectly assumes that women have a different rate of intellectual development than men, or that their physical and intellectual development phases when they get married are not important.”³⁸⁵

The serious consequences that a CEFMU usually entails require a rigorous analysis of the legal exceptions to the minimum age and their link both with the protection and autonomy of children and adolescents through a perspective based on the human rights of children and adolescents. women. Actions to increase the legal minimum age for marriage and to end this harmful practice must be accompanied by efforts to empower adolescents, not to reduce their emerging sexuality.³⁸⁶

9.2 Recognition of the legal minimum age for marriage in Latin America and the Caribbean

As the CEVI pointed out in its *Hemispheric Report on Sexual Violence and Child Pregnancy*, the region’s regulations on child marriage are broad and heterogeneous.³⁸⁷

383 United Nations. Committee for the Elimination of Discrimination against Women, Committee on the Rights of the Child. *Joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women and No. 18 of the Committee on the Rights of the Child on harmful practices*, CEDAW/C/GC/31/CRC/C/GC/18 (November 14, 2014), para. twenty

384 IACHR (2019). *Violence and discrimination against women, girls and adolescents: Best Practices and Challenges in Latin America and the Caribbean*, para. 225.

385 United Nations. Committee for the Elimination of Discrimination against Women. *General Recommendation No. 21. Equality in marriage and family relationships*, A/49/38 (1995), para. 38. Available at: https://conf-dts1.unog.ch/1%20SPA/Tradutek/Derechos_hum_Base/CEDAW/00_4_obs_grales_CEDAW.html#GEN21

386 Greene, M. (2019). *A hidden reality for adolescent girls. Child, Early and Forced Marriages and Unions in Latin America and the Caribbean. Regional Report*. Plan International Americas and UNFPA, p. 42.

387 CIM, MESECVI (2016). *Hemispheric Report on Sexual Violence and Child Pregnancy in the States Party to the Belém do Pará Convention*, para. 161. Available at: <http://www.oas.org/en/mesecvi/docs/MESECVI-EmbarazoInfantil-ES.pdf>

As a result of a series of reforms adopted in recent years to incorporate international and inter-American standards on the matter, almost all the countries in the region have established 18 or 21 as the minimum legal age for marriage.

However, although this would seem a promising scenario, the CEVI points out that many States Party to the Belém do Pará Convention, CEDAW and the Convention on the Rights of the Child still maintain imprecise exceptions to the legal minimum age of marriage, the Which, in some cases, is reduced to 13 years if there is judicial authorization or the permission of the mother, father or guardians of the girl or boy who will marry. These exceptions generally have the effect of nullifying the protection granted by the establishment of a clear legal minimum age and violate the human rights of children and adolescents.

Likewise, the CEVI identified that throughout the region, informal unions have not been considered in the framework of the legislative reform processes, focusing efforts on legislative modifications regarding child marriage.

As can be seen in Table 7, in general, the minimum legal age for marriage in the countries of the region is 18 years for men and women, except in the case of Uruguay, which is 16 years old. However, as a consequence of the many exceptions that exist, the absolute minimum age for marriage at the regional level is less than 18, thus reducing the effectiveness of the regulations on the subject matter.

Table 7. Minimum legal age for marriage in Latin America and the Caribbean

Country and regulations	Minimum legal age for marriage		Minimum age to marry with exceptions		Types of exceptions: parental consent (PC)/judicial (J)	Conditions for allowing child marriage
	Women	Men	Women	Men		
Antigua and Barbuda Marriage law	18	18	There are no exceptions	There are no exceptions	There are no exceptions	
Argentina Civil and Commercial Code	18	18	16	16	PA	
			Under 16	Under 16	J	
Bahamas Marriage Statute Law	18	18	15	15	PC	
			13	13	J	
Barbados Marriage Act	18	18	16	16	PC, J	
Belize Marriage Act	18	18	16	16	PC, J	
Bolivia Family and Family Procedure Code	18	18	16	16	PC/Ombudsman for Children and Adolescents	
Brazil Civil Code	18	18	16	16	PC, J	
Chile Civil Marriage Law	18	18	16	16	PC	
Colombia Civil Code	18	18	14	14	PC	
Costa Rica Improper Relationships Law	18	18	There are no exceptions	There are no exceptions	There are no exceptions	
Cuba Family Code	18	18	14	16	PC, J	In serious cases, a judicial authorization can be requested
Dominica Marriage Act	18	18	16	16	PC	
Ecuador Civil Code	18	18	There are no exceptions or	There are no exceptions	There are no exceptions	
El Salvador Civil Code	18	18	There are no exceptions	There are no exceptions	There are no exceptions	
Grenada Civil Liability Act	18	18	16	16	PC, J	
Guatemala Civil Code	18	18	There are no exceptions	There are no exceptions	There are no exceptions	
Guyana Marriage Act	18	18	16	16	PC	
			Under 16 in case of maternity	16 in case of paternity	J	

Haiti Civil Code	15	18	15	18	The president of the Republic	For serious reasons
			Under 15	Under 18		
Honduras	18	18	There are no exceptions	There are no exceptions	There are no exceptions	
Jamaica Marriage Act	18	18	16	16	PC	
Mexico	18	18	There are no exceptions	There are no exceptions	There are no exceptions	
Nicaragua Family Code	18	18	16	16	PC, J	
Panama Family Code	18	18	There are no exceptions	There are no exceptions	There are no exceptions	
Paraguay Civil Code	18	18	16	16	PC, J	
Peru Civil Code	18	18	16	16	PC, J	For justified reasons and provided that underage contracting parties expressly state their will to marry
Dominican Republic Civil Code	18	18	There are no exceptions	There are no exceptions	There are no exceptions	
Saint Kitts and Nevis Marriage Act	18	18				
St. Lucia Civil Code	18	18	16	16	PC, J	
St. Vincent and the Grenadines	18	18	15	16	PC, J	
Suriname Nieuw Burgerlijk Wetboek	18	18	There is no minimum age	There is no minimum age	PC/Ministry of Justice and President can grant waivers	For serious reasons
Trinidad and Tobago Marriage Law, Hindu Mar- riage Law, Muslim Marriage and Divorce Law and Orisha Marriage Law	18	18	There are no exceptions	There are no exceptions	There are no exceptions	
Uruguay Equal Marriage Act that amended the Civil Code	16	16	There are no exceptions	There are no exceptions	There are no exceptions	
Venezuela Civil Code	18	18	Under 16 in case of pregnancy	16	PC	

Source: Own information based on data provided by the States of Brazil, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Mexico, Nicaragua, Panama, Paraguay, Peru, Suriname, data included in the interactive map of the Girls Not Brides platform of the World Bank, the Women, Business and the Law report³ and the LAC initiative to Address and Prevent Early Unions by Girls and Adolescents.

The CEVI highlights that, at the date of preparation of this report, 10 countries in the region—**Antigua and Barbuda, Costa Rica, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Panama, the Dominican Republic, and Trinidad and Tobago**—had carried out legislative reforms during the last five years to prohibit all exceptions to the legal minimum age and adjust their legislation to international human rights standards, which is a crucial step for the protection of children and adolescents against this harmful practice.

In 2015, **Panama** modified Articles 33 and 35 of the Family Code, prohibiting the marriage of minors and eliminating all exceptions to that minimum age, thus eliminating the previous regulations that permitted boys to marry at 16 and girls to marry at 14.³⁸⁸

Also in 2015, **Ecuador** approved a reform to its Civil Code that rose the legal minimum age for marriage from 12 years for girls and 14 years for boys to 18 years, without exceptions. It should be noted that the Organic Comprehensive Criminal Code of Ecuador also sanctions in its Article 106 the promise of marriage or servile *de facto* unions with a custodial sentence of 10 to 13 years.³⁸⁹

In Costa Rica, in January 2017, Law 9406 “Strengthening the legal protection of girls and adolescents in situations of gender violence associated with abusive relationships,” known as the “Improper Relationships Act,” entered into force and prohibits, without exception, the marriage of persons under 18 years of age and penalizes sexual relations with minors when there is a sufficient age difference in the relationship to establish power relations due to age.³⁹⁰ The law also establishes protection mechanisms through the National Children’s Trust (PANI), whose duty it is to protect and restore the rights of adolescents who may have been violated as a result of the punishable act.

Trinidad and Tobago approved in June 2017 reforms to the Muslim Marriage and Divorce Law, the Hindu Marriage Law, the Orisa Marriage Law and the Marriage Procedures and Property Law to prohibit child marriage and raise the legal minimum age to marry at age 18, eliminating all exceptions. Prior to this reform, there were a series of contradictions and inconsistencies in the regulatory framework that allowed girls to enter a marriage from 12 years of age and boys from 14 years (minimum age that

388 Law No. 3 of May 17, 1994, which approves the Family Code of the Republic of Panama. Available at: <https://biblioteca.organojudicial.gob.pa/cgi-bin/koha/opac-detail.pl?biblionumber=6106>

389 In accordance with Article 83 of the Civil Code, people who have not reached the age of 18 may not marry. Article 95, numeral 2, also indicates that a marriage contracted by a person under 18 years of age is void.

Civil Code of Ecuador. Available at: <https://www.hgdc.gob.ec/images/BaseLegal/Cdigo%20Civil.pdf>

Article 106 of the Comprehensive Organic Criminal Code provides: “The person who gives or promises in marriage to a person, to contract marriage or *de facto* union, in exchange for a counter benefit given to his parents, overseer or guardian, to his family or any other person who exercises authority over them, without the future spouse or partner having the right to object, will be punished with a custodial sentence of 10 to 13 years.”

Organic Comprehensive Criminal Code of Ecuador. Available at: https://defensa.gob.ec/wp-content/uploads/downloads/2021/03/COIP_act_feb-2021.pdf

390 Law 9406 on “Strengthening the legal protection of girls and female adolescents in situations of gender violence associated with abusive relationships, reform of the Criminal Code, Family Code, Organic Law of the TSE and Civil Registry and Civil Code.” Available at: http://www.pgrweb.go.cr/scij/Busqueda/Normativa/Normas/nrm_texto_completo.aspx?n-Valor1=1&nValor2=83353&nValor3=106995

varied depending on their belonging to a certain ethnic or religious group), which made Trinidad and Tobago one of the eight countries in the world where marriage was allowed from such an early age.

In July 2017, Honduras raised the minimum age for marriage to 18 years for boys and girls, eliminating all exceptions.³⁹¹ Guatemala also banned child marriages in August 2017, establishing 18 as the legal minimum age with no exceptions.³⁹² This eliminated a legal loophole that was maintained in the Civil Code that allowed girls and boys of 16 and 17 years of age to marry if a judge considered that the marriage was “in the best interest” of the child. As reported by UNFPA, there is still limited awareness of this law.³⁹³

In the case of El Salvador, in September 2017, the Legislative Assembly amended the Family Code and totally prohibited the marriage of minors under 18 years of age, repealing a rule that allowed the marriage of girls in the event of pregnancy.³⁹⁴ The new Criminal Code establishes that parents or caregivers may be penalized derived from the entry of a minor into a marriage, however, the implementation of this penalty is not clearly defined. The recital of decree 754 considered “that the exception to the aforementioned provision, has allowed, through the current Law, the existence of marriage with persons under 18 years of age in specifically regulated cases, which implies the legal possibility that pregnant girls and adolescents—including victims of crimes against sexual freedom such as rape or rape—, often marry their sexual aggressor, and the application of the same legal system allows the violation of the rights of girls and adolescents that the State has the obligation to guarantee.”³⁹⁵ In the report transmitted to the CEVI by El Salvador, it was pointed out that the prohibition of non-marital unions with children and adolescents was still pending, thereby providing broader protection against these harmful practices.³⁹⁶

In Mexico, the legislative reforms to the minimum age are framed in the process of adoption of the General Law of the Rights of Girls, Boys and Adolescents in 2016, which created the System of Integral Protection of the Rights of the Child and in its Article 45 prescribed that federal and state laws should establish 18 years of age as the minimum age for marriage.^{397,398} As of the adoption of this law, various

391 Plan International. *Honduran Congress raises the minimum age for marriage to 18 years without exceptions*. Available at: <https://plan-international.org/es/latin-america/Honduras-avanza-contra-matrimonio-infantil>

392 Article 83 of the Civil Code on “Prohibition of marriage.”

Civil Code of the Republic of Guatemala. Available at: <https://mcd.gob.gt/wp-content/uploads/2013/07/codigo-civil.pdf>

393 Greene, M. (2019). *A hidden reality for adolescent girls. Child, Early and Forced Marriages and Unions in Latin America and the Caribbean. Regional Report*. Plan International Americas and UNFPA

394 Family Code of the Republic of El Salvador. Available at: <https://www.asamblea.gob.sv/sites/default/files/documents/decretos/88FED078-8376-413E-B252-DFF53092F8A9.pdf>

395 Legislative Assembly of El Salvador. Legislative Decree No. 724, August 17, 2017, Amendments to the Family Code. Available at: https://www.asamblea.gob.sv/sites/default/files/documents/decretos/171117_073757210_archivo_documento_legislativo.pdf

396 El Salvador’s response to the CEVI for preparation of the Hemispheric Report on CEFMUs.

397 Aguilar Amaya C. F. y Humberto Hernández Salazar. “The effective fight against Child, early and forced marriages and unions. The mandatory framework of the States in the context of America and the Caribbean. *SCJN Constitutional Studies Center*. Available at: <https://www.sitios.scjn.gob.mx/cec/blog-cec/la-lucha-efectiva-contra-los-matrimonios-y-uniones-infantiles-tempranas-y-forzadas-el>

398 This Law states in its article 42 that: “The federal authorities, of the federative and municipal entities and of the territorial demarcations of Mexico City, within the scope of their respective competences, will adopt measures for the elimination of uses, customs, cultural practices or prejudices that threaten the equality of girls, boys and adolescents on the basis of gender or that promote any type of discrimination, taking into account the best interests of children.”

General Law on the Rights of Girls, Boys and Adolescents (LGDNNA). Available at: <https://www.gob.mx/sipinna/documentos/ley-general-de-los-derechos-de-ninas-ninos-y-adolescentes-lgdonna>

organizations and institutions promoted legislative reforms to establish the legal prohibition of child marriage at the national level, which recently culminated in the repeal in all states of the figure of dispensations for those who did not have the age established in the legislation to contract marriage.

Within the framework of this reform process, at the federal level, in June 2019, various provisions of the Civil Code were modified and repealed in order to establish 18 as the minimum age for marriage (Article 148).³⁹⁹ This eliminated the possibility for local authorities and family members to grant waivers or consent to marry before the age of 18. Likewise, the figure of emancipation by marriage of the Federal Civil Code was repealed.

This reform encountered various resistance at the national level, which were resolved by the Supreme Court of Justice of the Nation in the Unconstitutionality Action 22/2016, where it was confirmed that the establishment of 18 years as the minimum age for marriage it served the best interests of children. In June 2020, the State of Baja California modified Article 145 of its Civil Code, eliminating the exceptions and the figure of dispensations, with which the 31 local Civil Codes now absolutely prohibit marriage before the age of 18.⁴⁰⁰

Regarding forced child marriage, in its report to CEVI Mexico, it reported that the impediments provided by law to enter into the marriage contract include having a kinship bond, force or serious fear. In the event of abduction, the impediment between the abductor and the abducted woman to marry remains, as long as she is not returned to a safe place where she can freely express her will. Nor can the guardian marry the person who has been under his guardianship, except in the event that a dispensation is obtained, which may be granted by the respective Municipal President when the accounts of the guardianship have been approved. This prohibition also includes the curator and the guardian, as well as their descendants.⁴⁰¹

It should be noted that in February 2021, the Congress of Mexico City also amended the local Civil Code to sanction the judges who authorize marriages where one or both persons are minors in accordance with the provisions of the local Criminal Code and the Administrative Responsibilities Law.⁴⁰²

399 Through the reform, the age of majority and the consent of the contracting parties were also incorporated as requirements for the issuance of the marriage certificate (Article 103). See: Federal Civil Code of the Republic of the United Mexican States. Available at: http://www.diputados.gob.mx/LeyesBiblio/pdf/2_110121.pdf

400 Government of Mexico.

Reforms to the Federal Civil Code that prohibit child and adolescent marriage come into force. Available at: <https://www.gob.mx/segob/prensa/entran-en-vigor-las-reformas-al-codigo-civil-federal-que-prohiben-el-matrimonio-infantil-y-adolescente>

401 Article 159 of the Federal Civil Code of the United Mexican States.

Available at: https://www.gob.mx/cms/uploads/attachment/file/110483/C_DIGO_CIVIL_FEDERAL.pdf

402 According to the reform, "the Civil Registry judge who authorizes a marriage knowing that one or both parties are under eighteen years of age, that there is a legal impediment, or that it has been denounced, will be sanctioned as provided in the Criminal Code, in addition to the dismissal or disqualification for the performance of judge of the Civil Registry, as well as the other applicable provisions, in terms of the Law of Administrative Responsibilities of Mexico City."

Shelma Navarrete (February 16, 2021). Judges who authorize underage marriages will be sanctioned in CDMX. Political Expansion. Available at: <https://politica.expansion.mx/cdmx/2021/02/16/jueces-que-autoricen-matrimonios-de-menores-de-edad-seran-sancionados-en-cdmx>

Antigua and Barbuda amended its Marriage Law in December 2019 to raise the minimum age of marriage to 18 years.⁴⁰³ The law previously provided for the possibility of marrying girls and boys between the ages of 15 and 18.

The last of the States to approve a reform in the matter as of the date of this report was the Dominican Republic, which in January 2021 took a crucial step for the fulfillment of its international obligations by approving Law Number 1-21 that eliminated the child marriage throughout the territory, and Decree 1-21 that established a State policy to combat violence against women, creating the Cabinet for Women, Adolescents and Girls under the direction of the Ministry of Women.⁴⁰⁴ As mentioned in section two of this report, the Dominican Republic has one of the highest child marriage rates in the region, a prevalence that is undoubtedly the consequence of a regulatory framework that allowed girls to marry at 15 years of age and boys to marry at 16, with the possibility of allowing them to marry under 15 years of age if they have judicial authorization “for understandable reasons,” without legally establishing what these reasons could be and the minimum ages for that exception.

On the other hand, the CEVI notes with concern that all the other countries in the region provide in their regulatory frameworks imprecise exceptions to the minimum age of 18 years from 14 or 16 years, which has a serious impact on the human rights of girls and adolescents and places them at risk of entering a forced marriage. In particular, cases such as Argentina, Guyana, Haiti and Suriname stand out, where domestic legislation does not establish a limit on the absolute minimum age for marriage, and the case of The Bahamas, where the Supreme Court may authorize marriages for “just cause” from the age of 13.⁴⁰⁵

It is emphasized that in the report to this Committee, Suriname reported that according to Article 82, first paragraph of the Civil Code, it is possible for men to marry from the age of 17, while in the case of women this age is reduced to 15. It was also noted that this regulation is currently under review in order to raise the minimum age to 18 years for both sexes.⁴⁰⁶

In the case of Bolivia, although the Girl, Boy and Adolescent Code establishes the minimum age for marriage at 18 years, exceptions are accepted that allow entering a marriage at 16 years of age if parental authorization is available.⁴⁰⁷

403 Antigua and Barbuda Marriage Act. Available at: <http://laws.gov.ag/>

404 In its first article, the law establishes that “its purpose is to prohibit persons under 18 years of age from marrying by modifying and repealing various provisions of the Civil Code,” and sanctions the practice with between five and one hundred minimum wages (of 1,500 to 30,000 euros), two to five years in prison and the annulment of the marriage.

Law that modifies and repeals various provisions of the Civil Code and Law No. 659 on the Civil Status of the Dominican Republic. Available at: <https://presidencia.gob.do/leyes/1-21>

405 According to the Argentine Civil Code, marriage with minors is possible with prior judicial authorization, which will only be conferred on an exceptional basis “and only if the interest of the minors requires it after a personal hearing by the judge with those who intend to marry and the parents or legal representatives of the minor.”

Article 167 of the Civil Code of the Republic of Argentina. Available at: <https://www.rpba.gov.ar/files/Normas/Leyes/CC.pdf>

406 El Salvador’s response to the CEVI for preparation of the Hemispheric Report on CEFMUs.

407 Law 548 Code of Girls, Boys and Adolescents. Available at: https://www.comunicacion.gob.bo/sites/default/files/dale_vida_a_tus_derechos/archivos/LEY%20548%20ACTUALIZACION%202018%20WEB.pdf

In the case of Peru, there is a contradiction in the law as to who can grant consent for a minor to marry. On the one hand, Article 241 of the Civil Code indicates that the judge has the power to exempt those over 16 years of age from the impediment to marry, although Article 244 of that same code indicates that, to marry, minors of age need the express consent of their parents. Article 245 also indicates that the refusal of the parents or ascendants to grant consent does not require substantiation. A denial against which there is no recourse.⁴⁰⁸

Likewise, the CEVI observes that in the report transmitted by the State of Peru, the minimum legal age for marriage was indicated as 16 years, although it was mentioned that legislative decree 1384 that recognizes and regulates the legal capacity of persons with disabilities. All things being equal, it modified the second paragraph of Article 42 of the Civil Code, opening the possibility that minors can marry from the age of 14.⁴⁰⁹⁴¹⁰ Circumstance that seems contradictory to what is stated in Article 241 of the Civil Code, which sets 16 years as the minimum age for marriage.⁴¹¹

Colombia also reported to the CEVI that, despite the presentation of various legislative initiatives to incorporate stronger restrictions against CEFMUs, to date the law continues to allow child marriage from the age of 14 with the express written permission of the parents.⁴¹²⁴¹³ Originally, the norm established a difference based on gender to marry, providing authorization for women to marry from the age of 12. This matter was analyzed in Sentence C-507 of 2004, in which the unconstitutionality of Article 140 of the Civil Code was determined.

The CEVI observes that in the vast majority of countries parents are allowed to grant consent for a marriage between persons under 18 years of age without mentioning the obligation to take into

408 Huaita M. (2021). "Comments on articles 244 to 247 of the Peruvian Civil Code, referring to marriage between minors." In *New comment on the Peruvian Civil Code (Volume II)*, Juan Espinoza Espinoza (Director).

409 Huaita M. and Chàvez J. (2019). "Marriage and legal age in Peru: at 14?" In *Constitutional Gazette*, volume 143, pp. 207-222.

410 Article 42.- Full exercise capacity.

Every person over eighteen years of age has full exercise capacity. This includes all people with disabilities, on equal terms with others and in all aspects of life, regardless of whether they use or require reasonable accommodation or support to express their will.

Exceptionally, those over fourteen and under eighteen who marry, or those who exercise paternity, have full exercise capacity.

Legislative Decree No. 1384 that recognizes and regulates the legal capacity of people with disabilities under equal conditions. Available at: <https://busquedas.elperuano.pe/normaslegales/decreto-legislativo-que-reconoce-y-regula-la-capacidad-jurid-decreto-legislativo-n-1384-1687393-2/>

411 Huaita M. (2021). "Comments on articles 244 to 247 of the Peruvian Civil Code, referring to marriage between minors." In *New comment on the Peruvian Civil Code (Volume II)*, Juan Espinoza Espinoza (Director).

412 In its report, Colombia reported that the following reform initiatives have been presented in the matter:

1. Bill 006 of 2015 in the Congress of the Republic in which the prohibition of marriage in girls and boys under 18 years of age is proposed, justified by the lack of full consent; 2. Bill 50 of 2017 that takes up Bill 006 of 2015 and includes the construction of a public policy focused on informing the causes, effects and consequences of CEFMUs; 3. Bill 78 of 2019 includes the proposal of psychological tests for girls, boys and adolescents who intend to celebrate a marriage (withdrawn this year); and 4. Bill 078 of 2019 that is currently in the Congress of the Republic and that seeks to establish more rigid conditions for the celebration of marriages of adolescents between 14 and 17 years of age.

413 Article 116, 117, 140 of the Civil Code of the United States of Colombia.

Available at: http://www.secretariasenado.gov.co/senado/basedoc/codigo_civil.html

account the opinion of the contracting persons, and in countries such as Brazil and Paraguay a judge may grant authorization for a marriage between minors if there is no parental consent.⁴¹⁴ In Paraguay, the Judge for Children and Adolescents is expected to decide on the marriage of persons under 18 and over 16 if the father or mother is incapable or has lost parental authority.⁴¹⁵ Likewise, Nicaragua establishes in the Family Code that the legal representatives of adolescents between 16 and 18 years of age may grant them their authorization to marry. In case of conflict regarding this authorization, it is stated that it must be resolved in court, for which the opinion of the interested persons, the National Family Procurator and the Ministry of the Family will be heard.⁴¹⁶

On the other hand, in almost a third of the countries differentiated minimum ages are established for women and men, allowing them to marry one or two years younger. As previously noted, this differentiation is based on harmful stereotypes that presuppose the reproductive and domestic role of girls and adolescents and their sexualization and, consequently, violate their dignity and right to equality, making them particularly vulnerable to this practice.

In Haiti, with parental authorization, the marriage of girls from the age of 15 and of men from the age of 18 is allowed. Furthermore, it is noted with concern that, in some cases, the President of the Republic may grant a waiver for the marriage of girls under 15 and boys under 18 years of age.⁴¹⁷ In Saint Vincent and the Grenadines, the possibility of marriage of girls from the age of 15 and boys from the age of 16 is also established as an exception.⁴¹⁸

Variations between countries are also identified in terms of valid reasons for authorizing exceptions to the legal minimum age for marriage, with regulations that are often ambiguous and allow a wide margin of appreciation to the detriment of the protection of girls and adolescents. For example, in

414 According to the Brazilian Civil Code, those over 18 years of age are absolutely capable and, therefore, entitled to marry. However, the relatively capable, that is, those over 16 and those under 18, according to article 1517, can marry with the authorization of those legally responsible, since they have not reached the highest civil age. In the event of divergence between the legal guardians regarding the consent to the marriage, what is called "judicial provision of consent" is foreseen, that is, that decision rests with the competent judicial authority.

Civil Code of Brazil. Available at: http://www.planalto.gov.br/ccivil_03/leis/2002/l10406compilada.htm

415 According to article 20 of Law No. 1/92: "Minors from the age of sixteen and up to eighteen years of age need the consent of their parents or guardian to marry.

In the absence or incapacity of one of the parents, the consent of the other will suffice. If both are incapable or have lost parental authority, the Judge for Children and Adolescents will decide. Extramarital children also minors from the age of sixteen and up to eighteen, require the consent of the father or mother who recognized them, or, where appropriate, of both. In the absence of these, the Judge will decide. "

Law 5419/15 that modifies articles 1 and 20 of Law N ° 1/92 "Partial reform of the Civil Code." Available at: <https://www.bacn.gov.py/leyes-paraguayas/4409/ley-n-5419-modifica-los-articulos-17-y-20-de-la-ley-n-192-de-reforma-parcial-del-codigo-civil>

416 Article 54 second paragraph of the Family Code of the Republic of Nicaragua.

Available at: <http://legislacion.asamblea.gob.ni/normaweb.nsf/9e314815a08d4a6206257265005d21f9/bf20230a44c-ce90e06257d400064baa7?OpenDocument>

417 Articles 133, 136 and 139 of the Civil Code of Haiti.

Available at: <https://lawcat.berkeley.edu/record/184629?ln=en>

418 Marriage Act, Sec. 4 (1) and 25 (2) - (3)

Peru⁴¹⁹ it is established that the judge can authorize marriage between minors for “justified reasons” as long as the contracting parties expressly express their will to marry,⁴²⁰ and Cuba indicates exceptional circumstances and for justified reasons.⁴²¹

In Chile, it is established as a requirement to marry before the age of 18 to have the express consent of the parents and, in “equality of opposite votes, the one favorable to marriage will be preferred.”⁴²² If the person to whom it corresponds to issue said authorization does not do so or refuses, the marriage may proceed and “the Curator and Officer at the Office of Vital Records who deny their consent will always be bound to express the cause and, in such case, the minor will have the right to request that the dissent be qualified by the competent judge.”⁴²³

In various countries, it is expressly established that the pregnancy of girls is a justification ground for authorizing the marriage of girls below the legal age, as for example in Guyana and Uruguay. The Guyana Marriage Act establishes 18 years as the minimum age of marriage, and 16 years in case of parental consent. In addition, if a girl under the age of 16 becomes pregnant or has a child, she can apply to the Supreme Court for authorization to marry the father of her child if he is at least 16 years old.

In Uruguay, marriage under the age of 16 can be annulled, unless the girl is pregnant.⁴²⁴ In Venezuela, a marriage can be annulled below the legal age. However, there is no minimum age if the girl is pregnant and the pregnancy is a reason for refusing the cancellation.⁴²⁵

It should be noted that in March 2019, as a consequence of an important public campaign promoted by civil society organizations and national political figures, Brazil approved a new law prohibiting the marriages of persons under 16 years of age. Previously, minors under 16 years of age could marry in case of pregnancy or if they had an older sexual partner in order to avoid the imposition or fulfillment of a criminal penalty for the crime of rape. The CEVI recognizes that this legislative reform represents a step of the greatest relevance for the protection of the rights of girls in Brazil in the face of these serious forms of violence, although it is noted that under the current law girls and boys can still enter to a marriage if they are between 16 and 18 years old without the reasons for exception being clearly defined.

419 Huaita M. (2021). “Comments on articles 244 to 247 of the Peruvian Civil Code, referring to marriage between minors.” In *New comment on the Peruvian Civil Code (Volume II)*, Juan Espinoza Espinoza (Director).

420 Article 241 of the Civil Code of Peru.

Legislative Decree No. 295. Available at: <https://www.minjus.gob.pe/wp-content/uploads/2015/01/Codigo-Civil-MIN-JUS-BCP.pdf>; Article 56 of Law 659-44 on civil acts. Available at: <https://www.oas.org/dil/esp/Ley%20No.%20659,%20del%2017%20de%20julio%20de%201944,%20sobre%20Actos%20del%20Estado%20Civil%20Republica%20Dominicana.pdf>

421 Cuban Family Code (Law No. 1289)

422 Art. 107 of the Chilean Civil Code.

Available at: <https://www.bcn.cl/leychile/navegar?idNorma=172986>

423 Art. 112 of the Chilean Civil Code.

Available at: <https://www.bcn.cl/leychile/navegar?idNorma=172986>

424 Articles 106 to 110 of the Civil Code.

Available at: <https://www.impo.com.uy/bases/codigo-civil/16603-1994>

425 Articles 46 and 59-65 of the Civil Code of Venezuela.

Available at: <https://www.wipo.int/edocs/lexdocs/laws/es/ve/ve018es.pdf>; See also: Sentence no. 1353 of the Constitutional Chamber of the Supreme Court of Justice of October 16, 2014.

On the other hand, the CEVI observes that child marriage can also impact on the legal status of girls, boys and adolescents, since in various countries of the region, marriage has as a consequence the legal emancipation of the contracting parties, such as the case of Cuba or Argentina where the Civil Code entails the automatic emancipation of minors under 18 years of age who decide to marry and the acquisition of legal capacity to carry out civil acts.⁴²⁶ The CEVI emphasizes that in these cases, even if the emancipation of minors under 18 years of age derived from their marriage is envisaged, the States must continue to protect them until they reach the age of majority, in accordance with the general principles established in the Convention on Human Rights of the Child.

In short, it is noted that the legislative scenario in the region is worrying and contrary to the protection and guarantee duties that the States Party have towards girls and adolescents. A detailed analysis of the legislation of the majority of the countries shows that, although it would seem that the legal minimum age for marriage has gradually increased over the years, the reality is that discriminatory norms that violate human rights are maintained. of the NNA who authorize their entry into forced marriages, fostering the persistence of this phenomenon.

Although the laws have been modified in various countries, it was confirmed that throughout the region their implementation and compliance is far from being a reality, observing a profound discrepancy between what the law says and what girls and adolescents experience. In many indigenous communities, civil laws have a secondary role to community justice. In addition, informal unions are often not registered and go unnoticed by the authorities, resulting in loopholes that allow them to evade the laws and make it difficult for victims to effectively access care and support services. As UNFPA noted, “deficiencies and shortcomings in the law are compounded by economic constraints, regulatory practices and traditional justice systems.”⁴²⁷

Taking into account the legal gaps, the persistence of unclear exceptions to the minimum age of marriage and, in general, the lack of compliance with international standards regarding the protection of children and adolescents, the CEVI, as already mentioned, emphasizes in which the States Party must move urgently and as a priority towards the legal prohibition of marriage for persons under 18 years of age and, if they allow a marriage earlier, they must ensure that the absolute minimum age is not less than 16 years and that the exceptions to the minimum age are clearly specified in the law and fully protect the general principles of the human rights of children.

9.3 Determination of the minimum age to consent to sexual intercourse

As noted above, child marriage and unions are closely linked to the age of first sexual intercourse, family control of girls ‘and adolescents’ sexuality, sexual violence, and family judgments and pressures, and social activities around the initiation of sexual activity and child pregnancy.

⁴²⁶ Article 404 of the Civil and Commercial Code of the Nation.

Available at: <https://www.argentina.gob.ar/normativa/nacional/ley-26994-235975>

⁴²⁷ Greene, M. (2019). *A hidden reality for adolescent girls. Child, Early and Forced Marriages and Unions in Latin America and the Caribbean. Regional Report*. Plan International Americas and UNFPA, p. 26

Derived from the great value that is placed on virginity in many communities, many girls and adolescents who begin their sexual lives early may be forced to enter into a forced marriage or union as a consequence of having had sexual relations with their partner or of becoming pregnant. Likewise, girls and adolescents may consider engaging in sexual activity with an adult man within a union or marriage in the hope of escaping poverty.

It is important to mention that, although closely linked, the decision to join or enter a marriage and the decision to initiate sexual relations, as well as the effects derived from both decisions, are different from each other, so not necessarily both minimum ages must match.

Derived from the recent visibility of the human rights violations that CEFMUs entails and the gradual increase worldwide in the legal age for marriage, some countries have also considered raising the legal age of sexual consent. The CEVI warns that some of these initiatives, under certain characteristics, could mean a criminalization of adolescent sexual activity.

Undoubtedly, the regulation on the minimum age of sexual consent also plays an important role in the protection against gender-based violence against women, since research indicates that there is a greater probability that the sexual initiation of girls and adolescents is forced if it occurs at an early age.⁴²⁸ In this regard, it is worth mentioning that Latin America has the highest rates of early sexual initiation of girls worldwide, with more than 22% of girls who have had their first sexual relationship before reaching the age of 15,⁴²⁹ even reducing to 10 years in certain Caribbean countries.⁴³⁰

428 UNICEF (2014). *Hidden from Full Light*. A statistical analysis of violence against children. Available at: <https://www.unicef.org/ecuador/media/2436/file/Ocultos%20a%20plena%20luz.pdf>

429 UNICEF (2014). *Legal minimum ages and the realization of adolescents' rights*, p. 23. Available at: <https://www.unicef.org/lac/media/6766/file/PDF%20Edades%20m%C3%AAnimas%20legales.pdf>

430 UNICEF (2014). *Legal minimum ages and the realization of adolescents' rights*, p. 24. Available at: <https://www.unicef.org/lac/media/6766/file/PDF%20Edades%20m%C3%AAnimas%20legales.pdf>

Table 8. Age of legal consent for sexual intercourse	
Countries	Legal age of consent for sexual intercourse
Antigua and Barbuda	16
Argentina	13
Bahamas	14
Barbados	16
Belize	16
Bolivia	14
Brazil	14
Canada	16
Chile	14
Colombia	14
Costa Rica	13
Cuba	16
Dominica	16
Ecuador	18
El Salvador	18
USA	Each state establishes a minimum age
Granada	16
Guatemala	14
Guyana	16
Haiti	18
Honduras	14
Jamaica	16
Mexico	It varies by state, mostly between ages 15-16.
Nicaragua	14
Panama	14
Paraguay	14
Peru	14
Dominican Republic	18
Saint Kitts and Nevis	No data
St. Lucia	15
St. Vincent and the Grenadines	16
Suriname	16
Trinidad and Tobago	16
Uruguay	15
Venezuela	14

Source: Prepared using data from UNICEF and the World Bank's Women, Business and the Law report.⁴

International standards do not specify the minimum age of consent for the initiation of sexual intercourse. As can be seen in Table 2, in the LAC region, this minimum age is not uniformly regulated, and varies between 12 and 18 years, with an average age of 15 and the average of 16 years.⁴³¹

Subject to this, in the framework of the preparation of this report, the CEVI was able to verify that, to date, there is no complete database at the global or regional level on the laws related to the age of sexual consent, therefore that it is necessary to promote initiatives that allow to know more in detail the state and the developments observed in this matter regarding the recent reforms to the minimum age for marriage.

It is noted that, in general, both minimum ages are aligned in most countries, although some inconsistencies remain that could leave girls and adolescents in certain countries unprotected when the door is opened so that, through marriage, someone be released from criminal responsibility after having committed sexual abuse against that minor. Such is the case in Antigua and Barbuda, where exceptions to the legal age for marriage can be applied from 15 years while the legal age of consent for sexual relations is 16 years. In Haiti, the minimum age of legal consent for sexual relations is 18 years and the marriage of girls is allowed exceptionally from the age of 15, and even earlier if there is a dispensation from the President of the Republic.

Another of the countries where there were inconsistencies was the Dominican Republic, a country in which until before the January 2021 reform, the age of legal consent to have sexual relations was 18 years while marriage was allowed for girls from 15 years. Given its potential impacts, the CEVI once again recognizes the great progress that the aforementioned reform means for the protection of girls and adolescents in the Dominican Republic.

On the other hand, it is noted that although there is some uniformity in the region regarding the age of sexual consent for girls and boys, in Belize, Jamaica and Trinidad and Tobago distinctions are established based on the sex of the minor. Likewise, in some countries the laws establish exceptions with respect to the initiation of homosexual sexual activity or totally prohibit it, as in the case of Chile where the age of consent is 14 years for heterosexual sex and 18 for homosexual sex.

It is important to note that some laws that increase the age related to sexual consent can be harmful when used to limit the decision-making capacity of adolescents, denying them the right to decide about their sexuality. These laws can also lead to the stigmatization or criminalization of adolescents who have sexual activity before marriage, increasing barriers to access sexual and reproductive health services.

431 UNICEF (2014). Minimum legal ages and the realization of the rights of adolescents, p. 25. Available at: <https://www.unicef.org/lac/media/6766/file/PDF%20Edades%20m%C3%ADnimas%20legales.pdf>

Taking this into account, it is the position of the CEVI that the determination of the legal minimum age for sexual consent should be set in such a way as to protect the NNA against possible abuses or imbalances of power that affect the granting of free consent, but without setting a limit so high as to penalize adolescent sexual activity, or so low as to deprive children of sexual abuse. Furthermore, this determination must always respect their progressive capacities to grant their sexual consent and the principle of equality and non-discrimination on the grounds of sex, gender or sexual orientation.

Costa Rica's Improper Relationships Law provides guidance in this regard, by penalizing sexual relations with minors when there is a sufficient age difference to establish power relations. According to the law, this difference occurs when the person is between 13 and 15 years old and his partner is more than 5 years old, or when the person is between 15 and 18 years old and the age difference with his partner is more than 7 years. In the first case, a custodial sentence of 3 to 6 years is foreseen, while in the second case, the custodial sentence can be 2 to 3 years. In addition, it is established as an aggravating factor that the adult is a relative or has a relationship of trust or authority with the adolescent, in which case, the custodial sentence can be between 4 and 10 years.

In sum, the CEVI shows that the laws on the minimum age of sexual consent should avoid penalizing the consensual exercise of sexuality among adolescents, considering the age difference in the couple and the possible imbalance of power in the granting of consent. Likewise, regarding the relationship between the minimum age for marriage and sexual consent, it is reiterated that both ages do not necessarily need to be the same, since the criteria for marrying and having sexual relations are very different. However, as mentioned in previous lines, to avoid possible legal loopholes, States must ensure that the minimum age for marriage is never less than the minimum age of sexual consent.

9.4 Related jurisprudence

The CEVI was able to identify jurisprudential precedents in Mexico, Colombia, and the Dominican Republic that provided important support for national efforts to raise the legal minimum age of marriage.

In Mexico, the adoption of the General Law on the Rights of Girls, Boys and Adolescents and the corresponding prohibition of child marriage faced different opinions and positions found at the level of the federative entities. In this framework, in 2016, the President of the Human Rights Commission of Aguascalientes filed an Action of Unconstitutionality (2016/22) before the Supreme Court of Justice of the Nation (SCJN) with which he requested to revoke the reform of the local Civil Code considering that it was against constitutional principles to restrict marriage to persons under 18 years of age.

In March 2019, the Supreme Court of Justice of the Nation (SCJN) declared the valid, effective and reasonable constitutionally reforming of Article 145 of the Civil Code of Aguascalientes that sets the minimum age for marriage at 18 years without dispensations or exceptions, as established in 2014 by the General Act on the Rights of Girls, Boys and Adolescents (LGDNNA). It was established that this limitation was not contrary to the principle of progressiveness of human rights since it protected the

best interests of children and their free development, and it was pointed out that the effects that minors marry entail are so serious that do not justify the referred dispensation.⁴³²

In Colombia, ruling C-507 of 2004 of the Constitutional Court recognized the negative effects of CEF-MUs on the development of children and adolescents in the face of the probability of dropping out of their studies and modified the minimum age recognized by law for girls, raising it from 12 to 14 years. In the ruling, the Constitutional Court studied the constitutionality of Article 140 of the Civil Code, which set different ages for marriage for men and women, which led to the violation of the right to equality.

The Court pointed out that “number 2 of Article 140 of the Civil Code establishes a norm, originating from Roman law, whose content (1) is differential for men and women; (2) establishes a lower age for women, set in a general way based solely on puberty; (3) the difference is not intended to protect the woman or promote her freedom. (...)”⁴³³ Likewise, it pointed out that “It is not enough for a legislative policy to be issued through the Congress of the Republic if it is not developed and implemented through public policies that effectively guarantee the free, harmonious and comprehensive development of the minor and the full exercise of Your rights. The effectiveness of the fundamental rights of children depends on adequate legislation, the correct exercise of justice, and the decisive action of the public administration. It should be remembered in this regard that the Court has exalted the importance of educational campaigns concerning sexual and reproductive rights, which are more effective if they are specifically directed at population groups that share common characteristics.”⁴³⁴

However, it is noted with concern that to date, the judicial criteria in Colombia still do not provide adequate protection to the principle of the best interests of children and reveal institutional tolerance to violence against women in general and harmful practices such as CEFMUs in particular. In August 2021, the Civil Chamber of the Supreme Court of Justice issued a judgment in cassation by which it established that girls, boys and adolescents over 14 years of age do not require authorization to form de facto marital unions since this authorization is only necessary for marriage, noting that “(t) he responsible will to conform the marital union arises de facto and the consent of its protagonists appears implicit. And if its constitution is not subject to previous procedures, no scenario would exist to demand and complete the approval mentioned above.”⁴³⁵ For the CEVI, this ruling aggravates the CEUFM panorama in Colombia by setting a jurisprudential precedent that disregards international recommendations on the minimum legal age to enter a union and lacks a perspective based on the human rights of children and women’s.

432 Supreme Court of Justice of the Nation (March 26, 2019).

Press release. SCJN validates the elimination of waivers for minors to marry in Aguascalientes. Available at: <http://www.internet2.scjn.gob.mx/red2/comunicados/noticia.asp?id=5843>

433 Constitutional Court of the Republic of Colombia.

Sentence C-507/04. Available at: <https://www.corteconstitucional.gov.co/relatoria/2004/C-507-04.htm>

434 Constitutional Court of the Republic of Colombia.

Sentence C-507/04. Available at: <https://www.corteconstitucional.gov.co/relatoria/2004/C-507-04.htm>

435 Legis Ambito Jurídico (August 23, 2021).

Minors over the age of 14 do not require permission to form common-law unions. Available at: <https://www.ambitojuridico.com/noticias/civil/menores-de-edad-mayores-de-14-anos-no-requieren-permiso-para-conformar-uniones>

In the Dominican Republic, the organization Misión Internacional de Justicia filed a direct action of unconstitutionality before the Constitutional Court in June 2020 against the provisions regulating child marriage. It was requested to declare unconstitutional Articles 144, 145, 149 and 150 of the Dominican Civil Code, Article 56 numeral 5 of Law 659 on Acts of Civil Status and 356 of the Dominican Criminal Code, which legitimize and allow child marriage for being violations and contrary to Articles 39.4, 43 and 56 of the Constitution and Articles 2 and 12 on the Convention on the Rights of the Child. In August 2020, the Constitutional Court began the analysis process. However, in November 2020, the Chamber of Deputies of the Dominican Republic unanimously approved the elimination of Articles 144 and 145 of the Civil Code, prohibiting marriage before 18, with no exceptions.

10. Public Policies in Latin America and the Caribbean to Address and Eradicate CEFMUs: Generalized Inaction of the States in the Region

The CEVI was able to identify that throughout the region, CEFMUs are not part of the public agenda, registering very little progress in addressing and eradicating the issue through adequate and comprehensive public policies.

Regardless of some initiatives and pilot programs developed by eight countries of Latin America and the Caribbean within the framework of the Joint Interagency Program to Eradicate Child Marriage and Early Unions in Latin America and the Caribbean 2018-2021 promoted by UNICEF, UNFPA and UN Women, it was concluded that, in general, the type and scale of responses of the States Party do not, in any case, address the great challenges faced in this matter. Based on the reports transmitted by the States Party and the secondary sources consulted by the CEVI, it is noted with concern the generalized lack of programs that address the causes and consequences of CEFMUs and of appropriate multisectoral responses, which adds to structural deficiencies to act against gender violence and sexual and child abuse.

It is important to recognize that in various LAC countries, national strategies have been undertaken to prevent teenage pregnancies, which, in certain cases, have some link with the prevention of CEFMUs. However, the CEVI notes that the issue of child marriages and, above all, early informal unions is merely an accessory to these strategies and does not receive a sufficient budget or human resources. This was reflected in the fact that, when consulted on the public policies implemented to address CEFMUs, all the States Party that responded to the request for information from this Committee reported actions in preventing teenage pregnancies and not of the specific subject matter covered in this report. Although the efforts of the States Party in the framework of their strategies for the prevention of teenage pregnancies should be highlighted, the CEVI notes the lack of specific information on how these strategies have had an impact on the decline in child marriage and unions.

The following are some of the actions reported by the States Party to prepare this report that appear to have certain connections with the prevention of CEFMUs and government actions that the CEVI could identify through a consultation with studies of international agencies public information available.

According to the information reported by Colombia, the National Development Plan 2018-2022 includes specific objectives to promote the rights and sexual and reproductive health of girls, boys and adolescents, prevent teenage pregnancies and combat CEFMUs. In the response transmitted to the CEVI, Colombia reported that it prioritized legal reforms to prevent the marriage of children under 18 years of age, mapping the institutional offer of services to prevent CEFMUs and include them in

all policies generated on childhood and adolescence, and has included the prevention of CEFMUs in various training programs for different audiences (operators, families, girls, etc.).⁴³⁶

Colombia reported that it has programs that indirectly support the reduction of child marriages and early unions by encouraging girls and adolescents to postpone their decision to marry through access to formal education, empowerment and skills development, cash transfers and training in sexual and reproductive rights. These programs include Education for Sexuality,⁴³⁷ Dreams Project,⁴³⁸ Program for pregnant and lactating mothers⁴³⁹ and the PACES Program,⁴⁴⁰ and programs for the prevention of pregnancy through the Mandatory Health Plan and the promotion of contraceptive methods.⁴⁴¹

The CEVI was able to identify that Colombia included in its National Development Plan 2018-2022 specific objectives to promote the rights and sexual and reproductive health of girls, boys and adolescents, as well as to prevent teenage pregnancies and combat CEFMUs. In addition, it launched an Interagency Program to Eradicate Child Marriage and Early Unions in Latin America and the Caribbean 2018-2021 made up of a coalition between the Colombian Family Welfare Institute, UNICEF, UNFPA and UN Women.⁴⁴²

Costa Rica reported on the project called "Implementation of an inter-institutional strategy to promote the effective application of the Law of Improper Relationships," which is registered in the National Policy for the Prevention and Attention of Violence against Women of All Ages (PLANOVI 2017-2032), whose objective is to promote the complaint and effective and timely sanction. Within the framework of the imple-

436 Colombia's response to the CEVI for preparation of the Hemispheric Report on CEFMUs.

437 According to what has been reported, this program seeks to generate pedagogical practices that promote the development of skills in students, so that they can incorporate the exercise of sexual and reproductive human rights in their daily lives, and thus make decisions that allow them live a healthy, full and responsible sexuality that enriches your life project and that of others.

It encompasses 53 educational institutions that bring together 253 locations in 5 different regions in the country for the implementation of pedagogical practices on issues of sexual and reproductive rights.

438 It seeks to promote and create conditions so that children, adolescents and young people have access to opportunities for the full satisfaction of their rights.

It includes the execution of programs such as: Building dreams, to incorporate the payment of tuition and university support fees; Daydreaming Technology, which includes donating equipment, paying tuition and supplying learning toolkits; The job of your dreams, which provides support in the registration of resumes in the Public Employment Service, workshops on soft skills training and job fairs; and Dreams of identity, which are the day of identification and definition of the military situation.

439 The fundamental objective of the program is comprehensive care for adolescents or those over 18 years of age with a desired pregnancy or not, pregnant or puerperal (40 days after delivery), who are breastfeeding (contemplated up to two years of breastfeeding supplementary maternal care), with unobserved, threatened or violated rights, and their children under 18 years of age under temporary care.

This, in order to strengthen their generative factors, enable their effective socio-family inclusion, contribute to the construction of their life project and reestablish the exercise of their rights and those of their sons and daughters.

440 The program seeks to train young people in a condition of extra-age and adults who, as subjects of rights and leading agents, actively participate in their training process, in the improvement of their living conditions and in the construction of more equitable and respectful relationships of diversity.

It seeks to contribute to guaranteeing (or restoring) the right to education and the right to learn of the participants through their positioning as actors of their own development, based on the consolidation of their sense of belonging to a community and the appropriation of local history and cultures.

441 Colombia's response to the CEVI for preparation of the Hemispheric Report on CEFMUs.

442 UN Women, UNFPA, UNICEF (2018). *Accelerate Actions to Eradicate Child Marriage and Early Unions in Latin America and the Caribbean*. Available at: <https://www.unicef.org/lac/media/2866/file/PDF%20Publicaci%C3%B3n%20Acelerar%20acciones%20para%20erradicar%20el%20matrimonio%20infantil%20y%20las%20uniones%20tempranas%20en%20ALC.pdf>

mentation of this project, two lines of work were proposed. One was centered on preparing a diagnosis to identify the inter-institutional intervention route, while the second one consisted of the dissemination of informational material in the Ministry of Education to warn girls about this problem. The first step consisted of forming an inter-institutional and inter-sectorial commission coordinated by the National Institute for Women. Workshops were taught in prioritized cantons aimed at civil servants and strategic people in the localities to define the inter-institutional intervention route and diagnose conditions and challenges to apply the Law of Improper Relationships. The project has engaged the PANIAMOR Foundation, the United Nations Population Fund, and state institutions such as the National Children's Trust, the Ministry of Public Education, the Mixed Institute for Social Aid, the Office of the Ombudsman for the Inhabitants of the Republic, and the Office of the Attorney General. Costa Rica reported that derived from the health contingency caused by COVID-19, the continuity of this program was altered.⁴⁴³

Although no specific policy was reported to involve children and adolescents in preventing CEFMUs, Costa Rica indicated that PLANOSI has three of six strategic axes specifically oriented to promoting new forms of masculinity.⁴⁴⁴

It is worth mentioning that Costa Rica reported the need to establish mechanisms and channels of care and prevention through direct work with adolescents and with the people in charge of their care, upbringing and accompaniment, which allows minors to work their capacities and strengthen them based on their consideration as subjects of rights. Costa Rica also mentioned as one of the main challenges the promotion of a culture of denunciation that discourages CEFMUs.⁴⁴⁵

El Salvador informed this Committee that it adopted the National Intersectoral Strategy for the Prevention of Pregnancy in Girls and Adolescents (2017-2027), in which the correlation between teenage pregnancies and CEFMUs was recognized. This strategy includes, among its objectives, the prevention of CEFMUs, the adaptation of the legislative framework to international standards to protect and restore the rights of girls in CEFMUs, and the development of an early warning mechanism.⁴⁴⁶

In its report to this Committee, it was pointed out that through this strategy, the number of pregnancies in adolescents has been reduced to 24.5%, creating an Intersectoral Alliance for Adolescents and

443 Costa Rica's response to the CEVI for preparation of the Hemispheric Report on CEFMUs.

444 Costa Rica reported that PLANOSI has three out of six strategic axes specifically oriented to these issues. From Axis 1, we work on training processes with boys, girls, adolescents and young people and on social communication strategies for the promotion of a non-sexist culture, focusing on related issues such as: critical view of power relations between genders, critical look at symbolic violence (myths, prejudices and sexist stereotypes), critical view of romantic love and its impact on high-risk partner relationships due to violence. Axis 2 works to promote masculinities for equality and non-violence, as it centers its actions on training processes for underage and young men, social communication strategies and the creation of men's networks in three central themes: promoting processes for the eradication of the power of male dominance and control, the exercise of affective paternity and co-responsibility in the care and exercise of comprehensive and informed sexuality and co-responsibility. Axis 5 refers to prevention, comprehensive care and non-revictimization of sexual violence. One of its strategic actions is the effective and timely denunciation and sanction of the different manifestations of sexual violence against women and this includes improper relationships sanctioned in the specific Law on this matter. Costa Rica's response to the CEVI for preparation of the Hemispheric Report on CEFMUs.

445 Costa Rica's response to the CEVI for preparation of the Hemispheric Report on CEFMUs.

446 El Salvador's response to the CEVI for preparation of the Hemispheric Report on CEFMUs.

Young People, which seeks to articulate and coordinate actions in the prevention of pregnancy and sexual violence and for the promotion of healthy lifestyles. Likewise, various programs and actions for the promotion, guarantee and strengthening of the rights of girls, boys and adolescents were reported, including institutional care centers,⁴⁴⁷ local campaigns promoted in coordination with civil society organizations, a protocol for school permanence of girls and adolescents who are pregnant or who are already mothers, gender training programs and inclusive non-sexist education aimed at specialist teachers, school managers, students and families.⁴⁴⁸

It is worth noting that according to UNFPA, although El Salvador has a strategy for the prevention of teenage pregnancies and Health Units that have the mandate to work with adolescents, there is no specific policy for the prevention of CEFMUs.⁴⁴⁹

Mexico reported that since 2015 the National Strategy for the Prevention of Adolescent Pregnancy (ENAPEA) has been promoted, a multisectoral response that brings together strategic agencies and institutions of the Federal Government, civil society, academia and international organizations in order to carry out institutional actions coordinated with national, state and municipal policies and plans to promote human development and improve opportunities for girls, boys and adolescents through the creation of environments that favor free and correct decisions about their life project and the exercise of their sexuality, as well as the increase in the supply and quality of information and sexual and reproductive health services, the promotion of comprehensive sexuality education at all educational levels, and actions for the prevention and care of sexual violence.⁴⁵⁰

According to the information provided by the Mexican State, within the conceptual framework on which ENAPEA is based, CEFMUs are one of the determinants of pregnancy in girls and adolescents; therefore, it established objective 2 of its lines of action as well as activities focused on modifying the laws of rape, kidnapping, the equivalent of rape, rape of minors and forced marriages in order to promote initiatives in state congresses that homologate criminal codes to eliminate violence, sexual abuse and forced marriages among the population adolescent, as well as promoting the intentional search, the *ex officio* prosecution and the punishment of crimes of violence, sexual abuse and forced marriage against girls, boys and adolescents.

Among the achievements of this comprehensive policy are the creation of a system of indicators for the monitoring and follow-up of ENAPEA, the implementation of state and municipal groups to prevent teenage pregnancies, and the reduction of the adolescent fertility rate between 2014 and 2014 stands out. 2018.⁴⁵¹

447 ISDEMU. Report on the State and Situation of Violence against Women 2017. San Salvador, 2017. Available at: <https://www.transparencia.gob.sv/instituciones/instituto-salvadoreno-para-el-desarrollo-de-la-mujer/documents/informes-exigidos-por-disposicion-legal>

448 El Salvador's response to the CEVI for preparation of the Hemispheric Report on CEFMUs.

449 Greene, M. (2019). *A hidden reality for adolescent girls. Child, Early and Forced Marriages and Unions in Latin America and the Caribbean. Regional Report*. Plan International Americas and UNFPA, p. 29.

450 Mexico's response to the CEVI for preparation of the Hemispheric Report on CEFMUs.

451 Mexico's response to the CEVI for preparation of the Hemispheric Report on CEFMUs.

The Mexican State also reported that from the reform of the third Article of its Federal Political Constitution, study plans and programs must consider the gender perspective and sexual and reproductive education for integration in school study plans, which is added to efforts to address the underlying causes of CEFMUs.

Within the framework of the information transmitted to this Committee to prepare this report, Mexico recognized that one of its challenges to eradicating CEFMUs is to strengthen the operation and observance of Standard 046: *Family, Sexual and Violence against Women*. Criteria for Prevention and Care, and Standard 047-SSA-2015 Standard for health care for the 10 to 19-year-old group to ensure that girls and adolescents have access to sexual and reproductive health services to facilitate making free and autonomous decisions about the exercise of their sexuality, as well as guaranteeing services of voluntary interruption of pregnancy in cases of sexual violence.⁴⁵²

Panama reported various programs and policies developed by the Ministry of Social Development to promote the rights of adolescents that can contribute to the reduction of CEFMUs, such as the Centers for Comprehensive Early Childhood Care, the Youth with Opportunities Program, the Centers for Training and Development of Adolescents, the Center for Guidance and Comprehensive Care, shelters for girls, boys and adolescents, the Comprehensive Health Program for Children and Adolescents, among others. However, according to the report submitted by that State, it has no specific program for preventing CEFMUs to date.⁴⁵³

Peru reported its Law No. 29600 published in 2010 to promote the school reintegration of pregnant students or mothers, which provides a scholarship system for the continuity of their studies and prohibits the expulsion or restriction of access to the school system students pregnant or mothers. Likewise, it reported that Directorial Resolution No. 0180-2008-ED establishes the Educational Guidelines and Pedagogical Orientations for Comprehensive Sexual Education for Teachers and Tutors of Regular Basic Education were approved and that the Ministry of Education, through the comprehensive care of tutoring, promoting and developing sessions on comprehensive sexuality education with an emphasis on teenage pregnancies prevention.⁴⁵⁴

The government of the **Dominican Republic** reported having participated in the preparation of several studies on the prevalence of CEFMUs. In this context, it highlighted the signing of an agreement with UNICEF to eradicate CEFMUs and prepared to compile information to adopt public policies and programs to prevent and eradicate CEFMUs.⁴⁵⁵

452 Mexico's response to the CEVI for preparation of the Hemispheric Report on CEFMUs.

453 Panama's response to the CEVI for preparation of the Hemispheric Report on CEFMUs.

454 Peru's response to the CEVI for preparation of the Hemispheric Report on CEFMUs.

455 According to what was reported by the Government of the Dominican Republic, the most recent (2019) is the Study of knowledge, attitudes and practices in six municipalities of the Dominican Republic, carried out by UNICEF and the Progreso con Solidaridad (PROSOLI) program of the Cabinet of Coordination of Social Policies. A study was also prepared on the economic impact of child marriage and early unions, as well as the study entitled Adolescent Maternity and Paternity, 2007. The Dominican Republic's response to the CEVI for preparation of the Hemispheric Report on CEFMUs.

The Dominican Republic has the National Plan for the Reduction of Pregnancies in Adolescents (2019-2023), which includes some dissemination activities to denature child marriage and the review and adaptation of legal frameworks aimed at prohibiting this harmful practice.⁴⁵⁶ However, specific and sustained actions for its treatment and eradication could not be identified, nor resources specifically destined for it.

The Dominican Republic reported the existence of a National Roadmap for the Prevention and Elimination of Violence against Children and Adolescents in the Dominican Republic in the framework of which a National Campaign for the Promotion of Positive Parenting, the National Program for Comprehensive Health Care of Adolescents (Pronaisa), and social communication campaigns for the promotion of sexual and reproductive health promoted by the Ministry of Public Health. However, it was noted that they do not specifically address CEFMU.

Nicaragua did not report specific measures to address CEFMUs, although it did mention some public policies that could impact CEFMUs, including the National Policy for Early Childhood, the National Strategy for Sexual and Reproductive Health, and the Counseling Strategy for Educational Communities, the latter established to work on the prevention, detection, accompaniment and immediate attention to situations that endanger the integrity of students inside and outside of schools. It is highlighted that these Ministries have sought to generate spaces for participation and protagonism of girls, boys and adolescents and their families, highlighting their active role as agents of change for the common good. Within this program, weekly meetings are held with girls, boys and adolescents for reflection, to exchange knowledge and nurture best practices to strengthen equity, complementarity between men and women, development of life projects, and strengthening relationships based on respect. Nicaragua reported that 1,027,669 girls, boys, adolescents and young people had participated.⁴⁵⁷

In addition, it has a strategic plan to promote the attendance and permanence of students and the reintegration into the educational system of those who have dropped out, and a Protocol for the reintegration of children and adolescents, and since 2020 there is a protocol for monitoring pregnant teenage students.

It was also reported on the existence of an Early Warning System for the Prevention of Violence through which prevention, action and accompaniment in the educational center are activated through the Councils of the Educational Communities of the Ministry of Education (MINED) in coordination with the Family Counseling Department of the Ministry of the Family (MIFAM). Likewise, training actions for teachers were reported to improve educational practices and promote gender equality, the implementation of Schools of Values in which family coexistence is addressed, and national awareness campaigns for the prevention of violence and teenage pregnancies. The Amor Program is also notable for offering spaces for reflection created with fathers and mothers on parental competencies promoted from the methodology of nurturing

456 The Dominican Republic's response to the CEVI for preparation of the Hemispheric Report on CEFMUs.

457 Nicaragua's response to the CEVI for preparation of the Hemispheric Report on CEFMUs.

with tenderness, promotion of positive masculinities and shared responsibility of family members in care-taking and domestic chores.⁴⁵⁸

Nicaragua incorporated Comprehensive Sexuality Education in elementary and middle school study programs. However, it mentioned the challenge in faces to continue implementing and strengthening these education programs to develop competencies in girls, boys and adolescents that allow them to establish egalitarian relationships and prevent teen pregnancy and violence.⁴⁵⁹

It is known that Bolivia presented the Plurinational Plan for the Prevention of Pregnancies in Adolescents and Young People (2015-2020), which highlights the correlation between child marriage, early unions and teenage pregnancies. Among its objectives, the plan aims to improve the sexual health of young people through education in order to prevent early marriages, sexual violence and unplanned pregnancies. Unfortunately, no information is available on the progress of this plan.

Despite its high prevalence of CEFMUa, **Brazil** has not established a public policy that specifically addresses this serious phenomenon. In its report to the CEVI, the Brazilian State mentioned some government programs and strategies that address some of its causes. Among them is the Famílias Fortes project, which consists of seven weekly meetings with families where there are girls, boys and adolescents between 10 and 14 years old and through which well-being is promoted and the reduction of risks related to problematic behaviors. The La Família na Escola project also seeks to guide parents and caregivers of school-age children, focusing on strengthening family relationships. According to the Brazilian government, although the project is not designed to address the matter of CEFMUs, it is expected to contribute to its long-term prevention by positively impacting the lives of families who encounter difficulties raising their sons and daughters.⁴⁶⁰

Brazil reported that it has other projects that can indirectly prevent CEFMUs by reducing the affective imbalance in the family, such as the Reconnect program that aims to strengthen family ties through the smart use of new technologies, and the Acolha a Vida project, which seeks to prevent emotional suffering, self-inflicted violence and suicide. It is also inaugurating the Observatório Nacional da Família to promote the development of studies and research related to family issues, which can provide indicators for the prevention of CEFMUs over time.⁴⁶¹

Brazil has the National Week for the Prevention of Pregnancy in Adolescence, as well as the Statute of Children and Adolescents (Law No. 8,069) that defines the guidelines of the National Policy for the Promotion, Protection and Defense of Brazilian Children and Adolescents, pointing out in its Article 11 comprehensive care through the Unified Health System. The report also included information about

458 Nicaragua's response to the CEVI for preparation of the Hemispheric Report on CEFMUs.

459 Nicaragua's response to the CEVI for the preparation of the Hemispheric Report on CEFMUs.

460 Brazil's response to the CEVI for preparation of the Hemispheric Report on CEFMUs.

461 Brazil's response to the CEVI for preparation of the Hemispheric Report on CEFMUs.

the presentation made in 2021 of the *Plano Nacional de Prevenção Primária do Risco Sexual Precoce e da Gravidez de Crianças e Adolescentes* (National Plan for the Primary Prevention of Early Sexual Risk and Pregnancy of girls, boys and adolescents).⁴⁶²

In education, Brazil reported that it has the Saúde na Escola (PSE) Program that seeks the permanent integration of education and health, facing the vulnerabilities that compromise the full development of children and young people in the public school network. One of the axes of action of this program is promoting sexual and reproductive rights and the prevention of sexually transmitted diseases.⁴⁶³

Suriname did not refer to specific programs to address the CEFMUs phenomenon in the report submitted to this Committee. However, it indicated that the Ministry of Health had developed the National Strategic Plan for Health and Welfare 2019-2028 and the National Policy on Health and Sexual Rights and Reproductive 2020-2030. He also reported that the Regional Health Service offers sexual and reproductive health services in each clinic or health center.⁴⁶⁴

On the other hand, through consultation of available public information, the CEVI was able to identify that in Belize, the National Committee of Families and Children (NCFC), the Technical Working Group for the Protection of Children (CPTWG), UNICEF and UNFPA, began talks to develop a national roadmap to address this phenomenon. However, the need at the national level to accelerate actions to combat CEFMU could be identified.⁴⁶⁵

In **Trinidad and Tobago**, the National Policy on Sexual and Reproductive Health adopted in 2016 recognizes the link between CEFMUs and teenage pregnancy and includes among its objectives the abolition of laws that allow child marriage, as well as the reduction of adolescent pregnancies through the provision of comprehensive adolescent sexual and reproductive health information and services.⁴⁶⁶

It is known that Argentina has adopted some measures to address the phenomenon within the National Plan for the Prevention of Unintentional Pregnancy in Adolescence, providing sexual and reproductive education for adolescents.⁴⁶⁷ However, as is the case in several countries, these policies do not expressly and specifically address the matter of CEFMUs.

462 Brazil's response to the CEVI for preparation of the Hemispheric Report on CEFMUs.

463 Brazil's response to the CEVI for preparation of the Hemispheric Report on CEFMUs.

464 Suriname's response to the CEVI for preparation of the Hemispheric Report on CEFMUs.

465 Initiative to prevent and attend to early unions in girls and adolescents (October 31, 2018).

Accelerate actions to end child marriage and early unions in Belize. <https://unionestempranas.org/acelerar-las-acciones-para-erradicar-el-matrimonio-infantil-y-las-uniones-tempranas-en-belice/>

466 Ministry of Health of the Republic of Trinidad and Tobago and UNFPA. *National Sexual & Reproductive Health Policy*. Available at: <https://data.miraquetemiro.org/sites/default/files/documentos/National%20Sexual%20and%20Reproductive%20Health%20Policy.pdf>

467 Republic of Argentina. National Plan for the Prevention of Unintentional Pregnancy in Adolescence. <https://www.argentina.gob.ar/planenia>;

In like manner, in **Guatemala**, the National Plan to Prevent Adolescent Pregnancy (2018-2022) highlights the links between this phenomenon and CEFMUs; however, it does not establish specific measures to combat this phenomenon.⁴⁶⁸

468 Government of Guatemala (2020). *Plan National Plan for the Prevention of Pregnancy in Adolescents in Guatemala for 2018-2022*. Available at: <https://mingob.gob.gt/wp-content/uploads/2020/09/PLANEA-Prevencio%CC%81n-del-Embarazo-en-Adolecentes.pdf>

11. Best Practices

For several years, United Nations agencies and social organizations have promoted various joint programs in LAC countries to ensure visibility of the severity of the CEFMU phenomenon and the need to raise the minimum legal age of marriage.

The Joint Program to Eradicate Child Marriage and Early Unions in Latin America and the Caribbean (2018-2021) promoted by UNICEF, UN Women and UNFPA, and sponsored by the Ford Foundation and the Summit Foundation, developed in Colombia, El Salvador, Guatemala, Mexico and the Dominican Republic. The initiative promoted regional and national actions to eliminate CEFMUs within the framework of compliance with the 2030 Agenda for Sustainable Development. It focused on four strategies: 1) align national frameworks with international standards on the age of marriage and gender equality; 2) Support the empowerment of girls and transform gender norms; 3) Promote policies and services that address the drivers of child marriage and early unions, and 4) Breaking the silence at the national and regional level.⁴⁶⁹

Within the framework of this program, girls' clubs and national camps were organized in the Dominican Republic to promote youth leadership skills, empowerment, and networking among participants. Belize prepared a roadmap on CEFMUs that supports teaching personnel to provide sex education, expands economic support for pregnant and/or married youth, and seeks their reintegration in schools. Colombia, Guatemala and the Dominican Republic began to collect data on gender norms to provide information for decision-making processes. They also ran communication campaigns to raise public awareness about the problem.⁴⁷⁰

In the Dominican Republic, regarding the unconstitutionality action filed in June 2020 by the organization Mission of International Justice before the Constitutional Court to declare child marriage as a violation of the fundamental rights of children and adolescents, more than 15 organizations and coalitions came together to raise awareness about the seriousness of the phenomenon and demand a change in the legislation, promoting a monthly campaign on social networks that used tags such as #nolacasas (don't marry her off) and #Chicasnoesposas (girls not wives). The campaign was a trending topic on April 11, 2018, and reached more than seven million people during the court debates on CEFMUs. In 2017, UNICEF also created the mini-novel "The Worst Novel" to question social tolerance of CEFMUs, which was broadcast on television in one-minute micro-chapters titled *Chicasnoesposas*

469 UN Women, UNFPA, UNICEF (2018). *Accelerate Actions to Eradicate Child Marriage and Early Unions in Latin America and the Caribbean*. Available at: <https://www.unicef.org/lac/media/2866/file/PDF%20Publicaci%C3%B3n%20Acelerar%20acciones%20para%20erradicar%20el%20matrimonio%20infantil%20y%20las%20uniones%20tempranas%20en%20ALC.pdf>

470 UN Women, UNFPA, UNICEF (2018). *Accelerate Actions to Eradicate Child Marriage and Early Unions in Latin America and the Caribbean*. Available at: <https://www.unicef.org/lac/media/2866/file/PDF%20Publicaci%C3%B3n%20Acelerar%20acciones%20para%20erradicar%20el%20matrimonio%20infantil%20y%20las%20uniones%20tempranas%20en%20ALC.pdf>

(Girls not Wives). This initiative won three awards at the 2018 Cannes Lions Festival.⁴⁷¹

For its part, Plan International Dominican Republic promoted the project “Girls, not Wives” in communities in the provinces of San Juan and Elías Piña, working with families, religious leaders and educational centers. In addition, he led the # 18NoMenos campaign to demand that the minimum legal age for marriage be raised, without exceptions. This campaign had its origin in the investigation “Girls Promised in Marriage” carried out in five southern provinces of the country.⁴⁷²

In Brazil, Plan Internacional, the Federal University of Para and the Promundo organization began a one-of-a-kind collaboration to develop the study “Ela vai no Meu Barco,” which revealed how widespread and accepted child marriage is in the Brazilian society, disproving the misconception that this practice is only common in rural areas.⁴⁷³ The conclusions of this study were fundamental to achieve the modification of the law announced in March 2019 that prohibited child marriage before the age of 16 in cases of pregnancy and to avoid the imposition of criminal sanctions on an adult couple accused of rape.

The HIAS organization has undertaken actions in South America to support displaced and refugee girls and adolescents through activities in safe spaces and comprehensive health information in camps and urban and border areas. As part of its work, they collaborate with men to transform the social norms that contribute to CEFMUs.⁴⁷⁴

The CAMY Fund promotes the Latin American and Caribbean Initiative to Prevent and Attend the Early Unions of Adolescents and Girls, which seeks to provide information on what is happening in the region concerning this harmful practice, promote research on the subject and support financially and with technical assistance initiatives of youth leaders and/or youth organizations in Mexico and Central America that contribute to the prevention and care of early unions.⁴⁷⁵

To do this, it has the internet site unionestempranas.org in which a library of resources is available and has made various calls for researchers on the subject. Within the framework of this initiative, actions have also been coordinated with the International Youth Organization, the Continental Link of Indigenous Women of the Americas, the Latin American and Caribbean Youth Network for Sexual Rights, and the Latin American and Caribbean Youth Alliance.

471 UNICEF. *The Worst Novel*. Campaign against child marriage and early unions in the Dominican Republic. Available at: <https://www.unicef.org/dominicanrepublic/la-peor-novela>

472 Plan International.

60% of men in rural areas in the Dominican Republic marry or join minors. Available at: <https://plan-international.es/news/2020-03-09-el-60-de-los-hombres-de-zonas-rurales-en-republica-dominicana-se-casan-o-unen> -with; Plan International (2021). Dominican Republic eliminates child marriage. Available at: <https://plan-international.org/es/latin-america/Matrimonio-Infantil-RD>

473 Promundo. *Ela vai no meu barco*: Marriage for Children and Adolescents in Brazil. Available at: <https://promundo.org.br/recursos/ela-vai-no-meu-barco-casamento-na-infancia-e-adolescencia-no-brasil/>

474 HIAS Welcome the Stranger.

Protect the Refugee (2019). “HIAS in Peru.” Available at: <https://www.hias.org/where/peru>

475 Latin American and Caribbean Initiative to Prevent and Attend the Early Unions of Adolescents and Girls. Available at: <https://unionestempranas.org/iniciativa-lac/>

In Mexico, the Save the Children organization promoted in 2016 the “Girls not Wives” campaign to support at the national level the prohibition of marriage before the age of 18, inviting the governments of Baja California, Guanajuato, Nuevo León, Querétaro, Tabasco, Chihuahua, Durango, Hidalgo, Tlaxcala, Zacatecas to harmonize their codes with the General Law on the Rights of Girls, Boys and Adolescents.⁴⁷⁶ In addition, on the occasion of the Unconstitutionality Action 22/2016 filed before the Supreme Court of Justice of the Nation,⁴⁷⁷ it enabled an internet page to collect signatures in favor of the prohibition of child marriage and presented together with seven organizations an Amicus Curiae before the Court to highlight the restrictions on rights involved in a CEFMU.⁴⁷⁸

476 Save the Children. *Girls not Wives*. Every 5 seconds a girl under the age of 15 marries in the world. Available at: <https://www.savethechildren.mx/que-hacemos/incidencia-politica/matrimonioinfantil>

477 Save the Children (March 26, 2019). Save the Children celebrates the decision of the SCJN by declaring the reform of the Aguascalientes Civil Code constitutional, which prohibits people under 18 from marrying. Available at: <https://www.savethechildren.mx/enterate/noticias/matrimonio-infantil>

478 Save the Children, ADIVAC, Inclusión Ciudadana, OXFAM, et. al. *Amicus Curiae presented before the Supreme Court of Justice of the Nation on the occasion of the unconstitutionality action 22/2016*. Available at: https://www.savethechildren.mx/sci-mx/media/documentos/10-11-17_Amicus_Curiae_final.pdf

12. Conclusions

- Child, early and forced marriage and unions are gender-based discriminatory practices that lead to serious and continuous violations of multiple human rights of children and adolescents. In addition, they are an expression of the structural violence that affects women from early childhood, limiting their life options by deepening the gender and economic disadvantages they face.
- Although CEFMUs acquires specific characteristics depending on each cultural, social and political context in the different communities and regions of the LAC countries, the triggering factors and their consequences show important similarities throughout all the States Party to the Belém do Pará Convention.
- The high rates of CEFMU in the LAC region and the lack of progress in its eradication during the last 25 years reflect the persistence of inequality and discrimination that affect women from an early age and the intersection of economic and cultural, geographic and ethnic factors that interact to exacerbate the risk for girls and adolescents of engaging in these harmful practices.
- Despite its serious consequences, CEFMUs have remained on the public agenda's sidelines and absent from public policies and government actions throughout the region. Although there is increasing awareness among the States Party about this harmful practice, there are no specific programs in the region to encourage vulnerable girls and adolescents to postpone their entry into early marriage or union or to protect those who are already married or are in a union.
- The invisibility of this harmful practice is exacerbated by the general lack of data on the matter. Information on child marriages and unions is not recorded, is not regularly updated or available in several countries, especially those in the Caribbean. Derived from this underreporting, the data available in the region do not reflect the real magnitude of the CEFMU problem.
- In the region, many girls and adolescents are in informal unions, a harmful practice that represents a great challenge and has been ignored by most governments to date. There is a general lack of information on the number and characteristics of informal unions and the cohabitation of girls and adolescents, which has the consequence that the actions for their care and eradication are non-existent, ineffective or out of context.
- Given the prevailing silence, it is necessary to mobilize political will and sensitize decision-makers to incorporate the issue into national development plans and budget allocation. Given its negative impacts and high costs, the States Party, civil society, communities and families must make eradicating CEFMUs a priority since the lives and future of millions of girls and adolescents, and with it, the development of the countries are at risk. Significant investments are required, and comprehensive measures are adopted for their eradication.

- Although the legislative efforts undertaken in recent years in different countries of the region to raise the minimum legal age for marriage and incorporate international standards on the matter are positive, it is emphasized that state strategies to address CEFMUs must go further to increase the minimum age to 18 or eliminate the exceptions to the minimum age.
- At the same time, it is observed that a significant number of countries in the region still have civil laws and regulations in force that allow child marriage, as well as legal exceptions to the minimum age for marriage that are imprecise and violate the principle of best interests of childhood, which seriously impacts the human rights of girls and adolescents and places them at risk of entering a forced marriage.
- The States Party must move urgently and as a priority towards the legal prohibition of marriage for persons under 18 years of age and that the exceptions to the minimum age are clearly specified in the law and comply with the general principles of the human rights of children. If a marriage is allowed before that age, they must ensure that the absolute minimum age is 16 years.
- Formal unions have not been considered throughout the region in the legislative reform processes, focusing on legislative modifications around child marriage. In this regard, we note that the legislative changes to combat CEFMUs must have a multisectoral perspective that aims to solve the structural causes behind the early unions mentioned in this report to avoid falling into the presumption that the best solution is merely forbidding them.
- The serious consequences that a CEFMU usually entails require a rigorous analysis of the legal exceptions to the minimum age and their link with the protection and autonomy of children and adolescents through a perspective based on the human rights of children and adolescents, and women.
- The CEFMU is an obstacle to gender equality and development in the region. Therefore, its eradication is a matter of social justice. Given this, it is essential to approach CEFMU from an approach that considers their multisectoral, multidimensional and multicausal nature, as well as their intergenerational perpetuation. For this, national intersectoral, inter-institutional and comprehensive strategies must be generated that link the eradication of CEFMUs with the areas of prevention of teenage pregnancies, gender equality, prevention of sexual violence and child abuse, economic empowerment, access to education and sexual and reproductive rights, in order to address their interrelationships as drivers of CEFMUs.
- Given their interrelated causes, it is essential that the strategies adopted by the States Party be conceived from an ecological and multilevel perspective that considers factors in the political, economic, social, community, family and individual spheres. In particular, to ensure their effectiveness, these actions must be based on local contexts, link all local, regional and national entities and be undertaken hand in hand with families, communities, schools, and the media.

- Given that CEFMUs primarily affect girls and adolescents who face multiple deprivations and inequalities, including those who belong to the poorest groups, an intersectional approach should be adopted as a key element to address CEFMU, considering the various axes and dimensions in which power and inequality intersect (such as gender, age, race, caste and class) and local complexities, seeking to reach the most vulnerable populations. Within the framework of adopting this approach, revictimizing approaches should be avoided, identifying factors that enhance the prevention of CEFMUs, and promoting the resilience of girls and adolescents in the face of this harmful practice.
- Throughout the region, there is experience in developing strategies for the prevention of adolescent pregnancies, which can be a reference for the creation of responses regarding CEFMU. Although it was observed that in some countries, these strategies mention the prevention of CEFMU among their objectives, it is still a pending task to promote the interaction between both agendas.
- Actions undertaken to increase the legal minimum age for marriage and public policies to end this harmful practice must be accompanied by efforts to facilitate the empowerment of adolescents, and not limit their autonomy and the exercise of their sexual rights and reproductive through prohibitionist discourses. In addition, girls and adolescents should be placed at the center of the discussion about the problems that affect them as fundamental agents of change.
- CEFMU prevention involves the empowerment of girls and adolescents as agents of change. This empowerment implies, among other things, providing them opportunities to build skills and knowledge about their human rights, especially their sexual and reproductive rights, and the legal framework that protects them from CEFMU and violence.
- It is necessary to promote efforts hand in hand with families and communities to support the empowerment and agency of girls and adolescents and promote changes in harmful gender norms that perpetuate the stereotypical role of women as mothers and wives.
- Ensuring access to quality education is one of the most effective mechanisms to eradicate marriage.
- It is essential to promote comprehensive sexuality education at the national level from a human rights framework, developing gender-sensitive curricula adapted to different contexts. Likewise, it is crucial to provide adequate and friendly sexual and reproductive health services to empower girls and adolescents better to make safe decisions.
- Public policies must also consider girls and adolescents already in a marriage or union, ensuring their access to education, health, social protection, and prevention and care against violence.

- In order to eradicate CEFMUs, gender transformative approaches must be adopted to foster critical awareness and challenge gender norms and roles, and promote gender equality for girls, adolescents and women.
- An essential component to eradicate CEFMUs is the joint work with children, adolescents, and men to question their privileges, become active actors of gender equality, and build non-violent masculinities, ensuring the visibility of their responsibilities in the parenting of parenting sons and daughters.
- Likewise, the eradication of CEFMUs requires promoting citizenship education to contribute to the full recognition of girls, boys and adolescents as legitimate social actors with the right and capacity to participate and make proposals.
- The COVID-19 pandemic has aggravated the interrelated factors that cause CEFMUs, derived from the disproportionate effects experienced by women, girls and adolescents. In particular, there is an increase in economic difficulties, the interruption of sexual and reproductive health services, protection programs, and an increase in the rates of sexual violence in the face of confinement and social distancing measures. These factors directly affect the decision of many girls and adolescents to enter a CEFMU.

13. Recommendations

Eliminating CEFMUs requires a long-term, comprehensive, and coordinated approach that fosters systemic change through sustained investments and the collaborative work of multiple organizations, institutions, and individuals at the national, local, and community levels. This change can be promoted through the following measures, among others:

Generation of data and statistical information

- Develop technical and collaborative studies to understand the causes and consequences of child, early and forced marriages and unions in Latin America and the Caribbean.
- Promote the generation and collection of official data on child, early and forced marriages and unions, and improve administrative records. These data must be disaggregated by marital status, sex, age, and place of origin to identify the needs and challenges girls and adolescents face and lay the foundations for programs and policies on the subject matter. In particular, it is important to produce official information on early informal unions of girls, boys and adolescents under 18 years of age.
- Develop specific efforts to generate specific information on CEFMUs of girls under 15 years of age since this age group is frequently left out of statistical records and studies on the subject matter that use the onset of fertile age for women as a parameter.
- Map the population of girls and adolescents at risk of CEFMUs, and the support services available and missing to report precise interventions on the subject matter.
- Although it was possible to verify the existence of administrative records on marriage and the birth of sons and daughters throughout the region, it must be ensured that these records are mandatory to monitor the age of the contracting parties. States must ensure that vital records offices are easily accessible to people living in rural and indigenous communities.

Legislative changes

- Align national frameworks with international standards on the minimum age for marriage and gender equality. The focus of the reforms must include the conceptualization of adolescents as subjects of rights, guaranteeing their full development and use, as a parameter, recommendations and standards emanating from treaty monitoring bodies, such as the MESECVI, the Committee on the Rights of the Child, and the Committee on the Elimination of Discrimination against Women (CEDAW).

- Legislative reforms to eradicate CEFMUs must be comprehensive and ensure legislative coherence between the laws related to CEFMUs. They should not be limited to raising or modifying legislation on the age of marriage. However, this legislation should be harmonized with laws in all areas so that the changes do not further deepen inequalities for girls and adolescents.
- Guarantee that the process of legislative reforms related to CEFMUs does not translate into a setback for girls and adolescents' sexual and reproductive rights.
- Sanctions must be established by law for adults who marry or become part of a union with girls and adolescents under 18. These sanctions should be foreseen both in Western justice systems and in the plural justice systems recognized in the countries of the region.

Adoption of public policies

- Develop an intersectoral, inter-institutional and comprehensive national strategy to eradicate CEFMUs. This strategy must be incorporated into national development plans and aligned with public policies implemented in the areas of combating poverty and social protection, economic empowerment, access to the educational system, prevention of sexual and gender-based violence, access to information and comprehensive sexual health services, comprehensive sexuality education, and government efforts for the prevention of teenage pregnancies.
- Ensure coordination between the different orders and levels of government to eradicate CEFMUs, including the mapping of capacities and available and operational services that are in progress that can be used to articulate a comprehensive strategy to prevent and address CEFMUs. In particular, programmatic alignment with teenage pregnancies prevention strategies should be promoted.
- Public policies must be aimed at strengthening the empowerment of girls, cultural change and the eradication of gender stereotypes, and guided by the principle of progressive autonomy of girls and adolescents.
- Ensure access to comprehensive sexual and reproductive health services sensitive to gender and age with cultural belonging, guaranteeing access to contraception and safe and accessible abortion.
- Ensure that all girls have access to free, universal, gender-sensitive and culturally appropriate education. Furthermore, in the case of girls and adolescents in a CEFMU who often face stigma and discriminatory re-entry laws given their early motherhood and because they are affected by a disproportionate burden of caretaking and domestic work, ensure that distance and continuous education is available to them, with flexible programs that encourage them to continue studying and allow them to learn at their own pace. If a digital solution is accessible, ensure that girls and adolescents have the necessary digital skills, including cybersecurity knowledge and the prevention of online violence.

- The educational policy must mainstream the gender perspective and the formulation and implementation of a comprehensive sexuality education (CSE) policy that establishes a space for reflection on the implications of marriage and early motherhood. The States must ensure that this CSE policy contributes to the transformation of harmful gender norms and stereotypes, strengthens the abilities for the life of children and adolescents and their self-care, promotes knowledge about their rights, including their sexual and reproductive rights, and provide tools to identify gender violence with adequate information on the mechanisms available to formulate complaints and ask for help in the face of acts of violence.
- Adopt measures with a gender perspective to combat poverty and economically empower women and girls, strengthening their economic autonomy.
- Design, in a participatory manner, democratic mechanisms to represent children and adolescents considering variables such as sexual diversity, gender, location, and multiculturalism.
- Implement actions and programs to involve children, adolescents and men in the private and domestic spheres, promoting the construction of responsible fatherhoods, healthy dating relationships and family co-responsibility.
- Faced with the consequences of the COVID-19 pandemic, States must analyze the gender dimension of the crisis and consider the diversity of girls and adolescents affected by CEFMUs to develop prevention and care actions in the preparation, response and recovery phases.
- Adopt comprehensive public policies that permit the prevention of CEFMUs and timely response to this harmful practice in humanitarian and human mobility settings. In particular, given the economic migration observed in the region and the risk that girls and adolescents face of entering a CEFMU, multisectoral strategies must be developed to include the generation of data to permit a better understanding of the phenomenon, protection services against gender violence in migratory facilities, educational and health services, the involvement of communities and the empowerment of girls and adolescents to contribute to their resilience against CEFMUs.

Visibility and socialization

- Break the public silence around CEFMUs and implement strategic dissemination campaigns through accessible and safe media on access to basic services and support and care in cases of gender violence against girls and adolescents.
- Adopt comprehensive public policies to raise awareness and provide training at the national, local and community levels on the prevention and response to CEFMUs. Ensure the dissemination of information on the prevention and response to CEFMUs for girls and adolescents through local social and support networks familiar to them, such as teachers, health personnel or social work personnel.

- Implement strategies at the community level to transform gender norms that limit the autonomy of women and girls. Work with community and religious leaders, indigenous and traditional authorities to acknowledge that CEFMUs as a harmful practice and a violation of the human rights of girls and adolescents.
- Develop CEFMU prevention strategies that permit the active involvement of children, adolescents and adult men to encourage equitable gender models and eradicate CEFMUs, promoting work in non-violent, supportive and egalitarian masculinities and transforming gender social norms that naturalize these harmful practices.
- Promote the empowerment of girls as crucial agents for the development of countries and the transformation of harmful gender norms that harm them and limit their life projects, working with boys, men, families and communities.



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