

# Child, Early and Forced Marriage and Unions in Latin America and the Caribbean

A study by the Committee of Experts of the Follow-up Mechanism to the Belém do Pará Convention

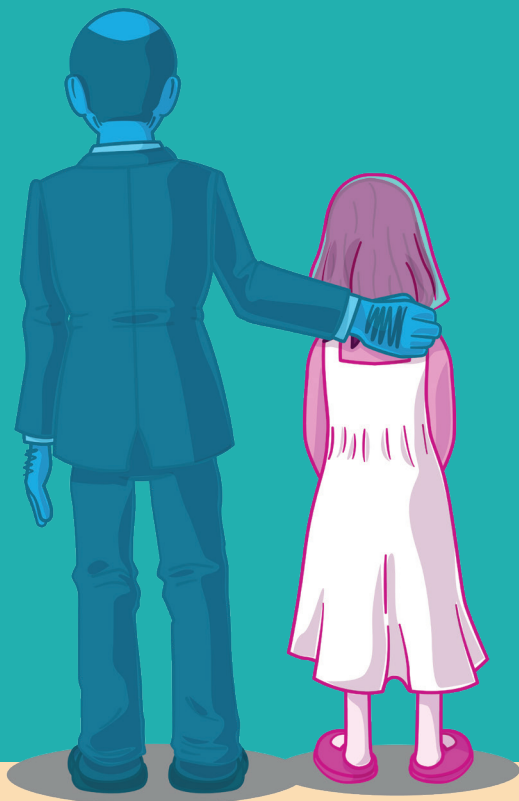
Diagnosis and recommendations from the

“**Hemispheric Report on Child, Early, and Forced Marriage and Unions in the States Party to the Belém do Pará Convention**”



OAS MESECVI





## Child, early and forced marriages and unions (CEFMU) are a serious human rights issue that affects millions of girls and adolescents worldwide.

It is a **HARMFUL PRACTICE** associated with contexts of precariousness, abuse, and suffering that extend throughout the lives of girls and adolescents, as well as, their daughters and sons.

This report has been prepared by the Committee of Experts (CEVI) of the **MESECVI** to study in depth the causes and consequences of child marriages and early unions in the region. As a starting point, it highlights the fact that child marriage has been a forgotten and normalized issue in the region -and is even still permitted in some legislations-, denying it visibility and attention by the States.

### From Child Marriage to CEFMU



The Committee on the Elimination of Discrimination Against Women (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.



Within child marriage, there is no full, free, and informed consent, and at least one of the contracting persons is coerced, and lacks the capacity to separate, or terminate the union.



Latin America and the Caribbean is characterized by a higher prevalence of informal unions, which are equivalent to marriage in terms of their impact on the lives of girls and adolescents.



The CEVI has determined to use the broad term 'child, early, and forced marriages and unions' or CEFMU, in line with the United Nations system and various specialized organizations working on the issue in the region.



### The report presents:

- Factors contributing to CEFMU.
- Statistics on the situation in the region.
- Consequences for the lives of girls and adolescents.
- Applicable international standards.
- Study of legal frameworks and public policies in the region.
- Recommendations from the Committee of Experts to move towards the eradication of CEFMU



**CEFMUs result from various causes that are linked and reinforce each other, revealing a context of systemic inequality that affects women and girls.**



### **Gender norms and stereotypes.**

Girls are expected to grow up in a subordinate position. Their life alternatives are restricted to marriage, motherhood, caregiving, and domestic chores.



### **Cultural and social norms of subordination.**

CEFMU is a practice with a strong gender component, primarily affecting girls and adolescents.



### **Poverty, geographic and social exclusion.**

Girls and women belonging to impoverished and/or excluded groups are more vulnerable to entering into early marriages or unions.



### **Lack of access to education.**

CEFMU is linked to low educational levels and a lack of access for girls and adolescents to the school system. Education takes a back seat to marriage or union, as a means of survival.



### **Exposure to violence and abuse at home.**

There is a close relationship between violence in the home of origin and the likelihood of entering a CEFMU

## **CEFMU in the region, a normalized and silenced harmful practice**

The CEVI notes that only recently has the issue begun to be recognized and a light being shone on it, even though figures indicate the high prevalence of these harmful practices

## **Consequences for the Lives of Girls and Adolescents**



Living in societies that provide them with few opportunities, girls and adolescents who enter into early marriages and unions often do so as a way to escape poverty, violence, and marginalization.

However, once inside a CEFMU, they experience permanent and multidimensional impacts on their lives.

### **These harmful practices:**

- Impact negatively their physical and psychological well-being,
- Limit their autonomy to make decisions,
- Result in time constraints due to the heavy burden of unpaid domestic and caregiving work,
- Hinder their access to opportunities and resources,
- Isolate them from school and their friends,
- Impede their independence and development.



We have rights

# CEFMU

constitutes a specific form of gender-based violence rooted in harmful and traditional practices that discriminate against girls and adolescents, violating multiple of their human rights.



## Legislation in Latin America and the Caribbean: permissive legal frameworks.

An examination of legislation on child marriages and early unions in Latin America and the Caribbean reveals:

- Non-compliance with international standards.
- Persistence of ambiguous exceptions.
- Permissiveness towards traditions and customs.
- Discriminatory norms.
- Legal loopholes.

## The MESECVI emphasizes that:



The international *corpus iuris* must be systematically analyzed, articulating general human rights treaties with instruments that provide specific protection for both women and persons under 18 years.



The rights prescribed in general treaties should be interpreted in light of the obligations outlined in the Belém do Pará Convention. A combined reading allows for enhanced protection of girls and adolescents.



## Public Policies

The report identifies that, throughout the region, CEFMU is not part of the public agenda.

In various countries in Latin America and the Caribbean, strategies have been undertaken to prevent teenage pregnancy, which in certain cases are related to CEFMU prevention, although it does not receive sufficient budget or human resources.

# RECOMMENDATIONS from the Committee of Experts

**CEFMU is an obstacle to gender equality and development in the region. Therefore, it is imperative that States, civil society, communities and families work together to eradicate it.**

**CEFMU must be addressed from a multisectoral, multidimensional and multicausal approach.**



Promote technical studies and data collection, including statistical information to serve as a basis for programs and public policies. Make specific efforts to gather information on CEFMU affecting girls under 15 years old.



Move towards the legal prohibition of exceptions in the law and social and cultural practices that enable or facilitate CEFMU.



Public policies to end CEFMU must adopt an intersectional approach, taking into account intersecting axes and dimensions such as gender, age, race, caste, and class, and must be accompanied by efforts to empower girls and adolescents.



Strategies to address CEFMU must be comprehensive and linked to areas such as teenage pregnancy prevention, gender equality, prevention of sexual violence and child abuse, economic empowerment, access to education, and sexual and reproductive rights.



Ensure access to education as one of the most effective mechanisms to eradicate child marriage.



Promote comprehensive sexuality education at the national level within a framework of human rights, developing curricula with an intercultural and gender perspective.



Engage with local, regional, and national entities, and work hand in hand with families, communities, schools, and the media.



Include girls and adolescents who are already in a marriage or union, ensuring their access to education, health, social protection, and prevention of and attention to violence.



Work with boys, adolescents, and men to become active actors for gender equality and build positive and non-violent masculinities, including raising awareness about their responsibilities in raising daughters and sons.



Strengthen the capacities of States to improve the approach of CEFMU, undertake necessary legislative reforms, and develop comprehensive public strategies and policies to address this practice.