

Child, early and forced marriage and unions

Harmful practices that deepen gender inequality in Latin America and the Caribbean

Working group of the Joint Inter-Agency Programme to End Child Marriage and Early Unions in Latin America and the Caribbean



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Summary

Child, early and forced marriage and unions (CEFMU) are a reality in Latin America and the Caribbean, albeit not a highly visible one. This is a complex phenomenon associated with gender inequalities, violence, poverty, school dropout, adolescent pregnancy and inadequate, limited or non-existent legal and political frameworks, and it puts the present and future of girls and adolescent girls in jeopardy. CEFMU are both the cause and the consequence of limited physical, economic and decision-making autonomy for women, and they disproportionately affect girls and adolescent girls in rural areas and those in poor households with less access to education. In some countries, they are also associated with a notably greater prevalence among indigenous peoples. This document seeks to turn a spotlight on this harmful practice, particularly as a detonator and aggravator of gender inequalities for girls and adolescent girls. It draws on statistical and qualitative information to offer an innovative contribution by presenting gaps in different dimensions of development, including the time that girls and adolescent girls who are married or in union spend on domestic and care tasks, and it recommends actions to address this situation at the regional level and in the countries.

Introduction

Child, early and forced marriage and unions (CEFMU) are a reality for girls and adolescent girls in Latin America and the Caribbean: one in every four women in the region entered marriage or union for the first time before the age of 18. Its prevalence in the region has not changed in the past 25 years and, without action and investment, by 2030 Latin America and the Caribbean will have the second highest rate of child marriage in the world after sub-Saharan Africa (UNICEF, 2019a). Although the issue affects girl and boy children and adolescents, this document will focus on its particular consequences for girls.

CEFMU are a complex phenomenon associated with gender inequalities, violence, poverty, school dropout, adolescent pregnancy and inadequate, limited or non-existent legal and political frameworks, and it puts the present and future of girls and adolescent girls in jeopardy. They are both the cause and the consequence of limited physical, economic and decision-making autonomy for women, and they disproportionately affect girls and adolescent girls in rural areas and those in poor households with less access to education. In some countries, they are also associated with a greater prevalence among indigenous peoples.

The time at which girls and adolescent girls begin their life in marriage or union has implications for them being able to reach—or not— milestones in the transition to adult life. Child marriage and early unions are a harmful practice with a clear impact on the comprehensive development of girls and adolescent girls. The practice exposes them to violence, adolescent pregnancy and an excess burden of care work before they have consolidated their educational careers and/or employment decisions. Confinement to the domestic sphere as the main arena of personal development, together with early dropout from education, limits their possibilities of relationships and social interaction and hinders the development of their autonomy and integration into society.

The Regional Gender Agenda, developed and updated in the three-yearly sessions of the Regional Conference on Women in Latin America and the Caribbean, at which the governments of the region agree upon and commit to achieving greater equality between men and women, has a number of instruments, among them the Gender Equality Observatory for Latin America and

the Caribbean.¹ The Observatory develops and updates statistics, gender indicators and studies that follow up on international and regional agreements on women's rights. Its conceptual approach is based on the autonomy of women and girls as fundamental for ensuring the exercise of their human rights, and from this perspective it seeks to turn a spotlight on child, early and forced marriages and unions as a harmful practice, as proposed in the Sustainable Development Goals, in target 5.3 (eliminate all harmful practices). The inclusion of indicator 5.3.1 under that target,² together with the United Nations Children's Fund (UNICEF), should spur progress towards the production of statistical data that serve to visualize, characterize and measure child, early and forced marriages and unions, develop public policies and specific actions aimed at addressing gender inequalities and ensure the human rights of girls and adolescent girls in the region.

This document seeks to turn a spotlight on the practice of CEFMU, particularly as a detonator and aggravator of gender inequalities for girls and adolescent girls. It draws on statistical and qualitative information to offer an innovative contribution by revealing gaps in different dimensions of development, including the time that girls and adolescent girls who are married or in union spend on domestic and care tasks. The first section of the document describes the concept of child, early and forced marriage and unions, then section II presents statistics on various dimensions of life in society that point to the reproduction and exacerbation of inequalities for girls and adolescent girls in CEFMU. Section III discusses the normative and policy framework in the region in this regard and, lastly, section IV presents challenges and recommendations for addressing this harmful practice.

¹ See [online] <https://oig.cepal.org/en>.

² Indicator 5.3.1 refers to the proportion of women aged 20–24 years who were married or in a union before age 15 and before age 18.

I. The concept of child, early and forced marriage and unions (CEFMU)

Child, early and forced marriage and unions (CEFMU) are a violation of human rights and are considered a harmful practice that puts the present and future of girls and adolescent girls in jeopardy. The United Nations Human Rights Council recognized in 2015 that “child, early and forced marriage constitutes a violation, abuse or impairment of human rights and a harmful practice that prevents individuals from living their lives free from all forms of violence, and that it has wide-ranging and adverse consequences for the enjoyment of human rights, such as the right to education and the right to the highest attainable standard of health, including sexual and reproductive health” (United Nations, 2015).

The term “child, early and forced marriage” is used by the United Nations and has specific implications in Latin America and the Caribbean. The term “child” refers to all marriages and unions that take place before the age of 18, the end of childhood according to the Convention on the Rights of the Child. However, many analytical frameworks differentiate between childhood (birth to age 12), adolescence (13–19 years) and the 20–24 age group. In this document, the terms “girls” and “adolescent” are used to refer to those aged under 18 years. The term “youth” is also used in sections where the statistics encompass age groups that go beyond adolescence, or to refer to the following stage of life for adolescents.

The word “early” refers to the fact that the marriage or union of girls and adolescent girls competes with their schooling, entry to the labour market and their physical, psychological and emotional development (Greene, 2019). The term “early” also emphasizes that a marriage or union can disrupt a young woman’s development and have adverse consequences at different points of her adult life.

The term “forced” refers to the unequal power relations between men and women that drive and give rise to CEFMU, alluding to the existence of conditions that determine whether a marriage or a union is really a “choice” for girls and adolescent girls. These conditions include the low expectations that girls or their families have regarding their future, situations of poverty or violence in

the home, domestic work, the control they experience in their homes and the limited commitment to their schooling. Underlying this practice is a set of gender norms and stereotypes that place girls in the domestic and private sphere, and boys in the public and productive sphere, reproducing sociocultural patterns of women's subordination and dependence on men from early childhood. For many girls and adolescent girls educated under these gender patterns, having internalized their supposedly natural role as mothers and wives and having limited opportunities and possibilities beyond those roles, marriage is not only desirable, but a life goal. The idealization of romantic love and life as a couple also leads many girls and adolescent girls to enter CEFMU, only to discover that the reality is often isolation, a life of unpaid work or abandonment by their partner, being left to fend for themselves and their children (Greene, 2019, p.43). This is in addition to the fact that these marriages and unions are often to men who are older,³ more experienced, more educated and with better economic perspectives, which can lead to girls living a life of inequality vis-à-vis their partner and even to violence (Greene, 2019). However, many girls and adolescent girls continue to enter these relationships, generally in the belief that it will improve their standing and bring them greater economic resources, more freedom and treatment as adult women, among others.

For the region, the term "unions" is added to reflect informal marriages or free unions, which are the most common. In Latin America and the Caribbean, the term "marriage" must be understood to include unions that are not formalized vis-à-vis the State but are fairly equivalent to marriage in terms of the form they take and their impact on the lives of girls and adolescent girls (Greene, 2019).

Lack of data, the use of a multiplicity of terms and the naturalized acceptance of the practice all contribute to hide this reality and make it difficult to address. The prevalence of CEFMU is estimated at 25% of girls in the region, and rates vary from less than 10% in Jamaica to more than 30% in the Dominican Republic, Nicaragua, Honduras and Belize (see map 1). However, these numbers could be higher due to a lack of long-term data and because basic information on CEFMU is not available or regularly updated in several countries, especially in the Caribbean. These figures hide great inequalities and, for this study, there was not insufficient disaggregated information to cross-reference variables that would reveal the multiple intersecting inequalities facing girls and adolescent girls in the region. Lastly, a multiplicity of terms used to refer to CEFMU—such as "de facto union", "common law union", "partners", "free union", among others—and the lack of registration make research, measurement and comparisons between contexts more difficult (Greene, 2019).

³ The profile of child marriage and early unions prepared by UNICEF (2019a) describes the age gap between spouses: one in five child brides is married to a man at least 10 years older.

Map 1
Indicator 5.3.1: proportion of women aged 20–24 years who were married or in a union before age 18, latest year available
(Percentages)



Source: Economic Commission for Latin America and the Caribbean (ECLAC), on the basis of UN Global SDG Database [online] <https://agenda2030lac.org/estadisticas/regional-sdg-statistical-profiles-target-1.html?lang=en>.

Note: The boundaries and names shown on this map do not imply official endorsement or acceptance by the United Nations.

II. CEFMU: gender inequalities begin in childhood and are perpetuated throughout adult life

A. Inequalities in the construction of roles in childhood and adolescence

From an early age, the sociocultural construction of gender determines the abilities, skills and aptitudes of girls and boys, establishing an unfair sexual division of labour that is later reflected in the course of adult life. Girls have this inculcated through child socialization processes (games, media, school curriculum, etc.) and/or being given domestic and care work as a designated activity. Reproduction-related tasks are taught to girls as “natural” to their gender and they are persuaded to perform them “for love” without expecting any economic reward (Pávez, 2013). By adolescence, girls have already learned behaviour patterns associated with what is considered feminine and have graduated from children’s games to the main tasks and responsibilities that will be demanded of them in adult life. This dual system also prepares—and demands of— male children and adolescents to perform in the public space and in productive activities associated with their gender, as they are inculcated to be responsible for economically providing for and maintaining the household, thus setting up unequal power relations between men and women from an early age.

Inequitable gender norms are ingrained from early childhood, and marriage, motherhood and the care of others are seen as a life goal for girls and adolescent girls in the region. A study by the United Nations Population Fund (UNFPA) and Plan International (Greene, 2019) on CEFMU in eight countries found that motherhood is highly valued by girls in the Dominican Republic—more than school achievement. Dominican adolescent girls rarely declare emotional or economic autonomy as an aspiration, nor do they identify being a good woman with intelligence or independence. For them, being a good mother means that a girl must forget needs and aspirations of her own; the value of a woman is to take care of her children. In El Salvador, girls must take on domestic work that directly competes with schooling: care, cooking, cleaning and housework. Education for girls is sometimes seen as a waste of time as their role is to care for their younger siblings. In Guatemala, even when girls go to school, their

life project consists of unpaid domestic activities and looking after husbands and children, rather than a life plan for themselves that includes income-generating work. In the Plurinational State of Bolivia, girls said that their role is to “think about their children, look after the house and obey [their husbands]” and they viewed caring for children as the exclusive responsibility of women (Greene, 2019).

B. Inequalities in work and time use

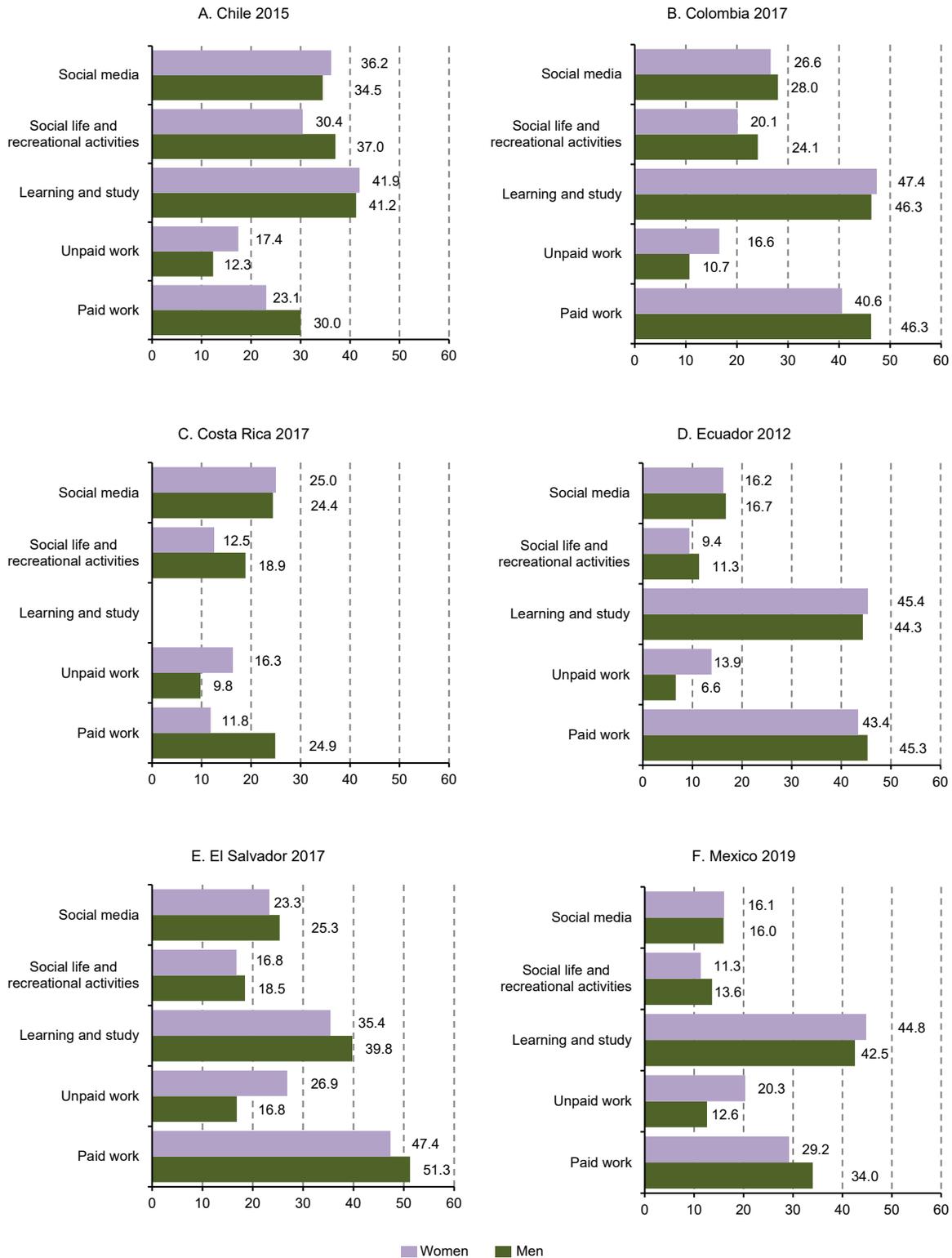
Time use has implications for the development of girls and adolescent girls, as it allows or prevents participation in the different social spheres. The activities with which girls and adolescent girls fill their lives can help them acquire different skills—physical, social, cognitive and emotional—and contribute to their comprehensive development and exercise of autonomy. Conversely, the hours that girls invest in caring for others and in domestic activities detract from their personal development and exercise of citizenship and compromise their professional potential (REDIM, 2013). There is also a growing body of literature testifying to the relationship between time use in childhood and adolescence and health, nutrition, sedentary lifestyle, cognitive development, educational achievement and overall well-being (WHO, 2020; Viner, Davie and Firth, 2019; Bianchi and Robinson, 1997). Consequently, the right use of time contributes directly to the present and future well-being of girls and adolescent girls.

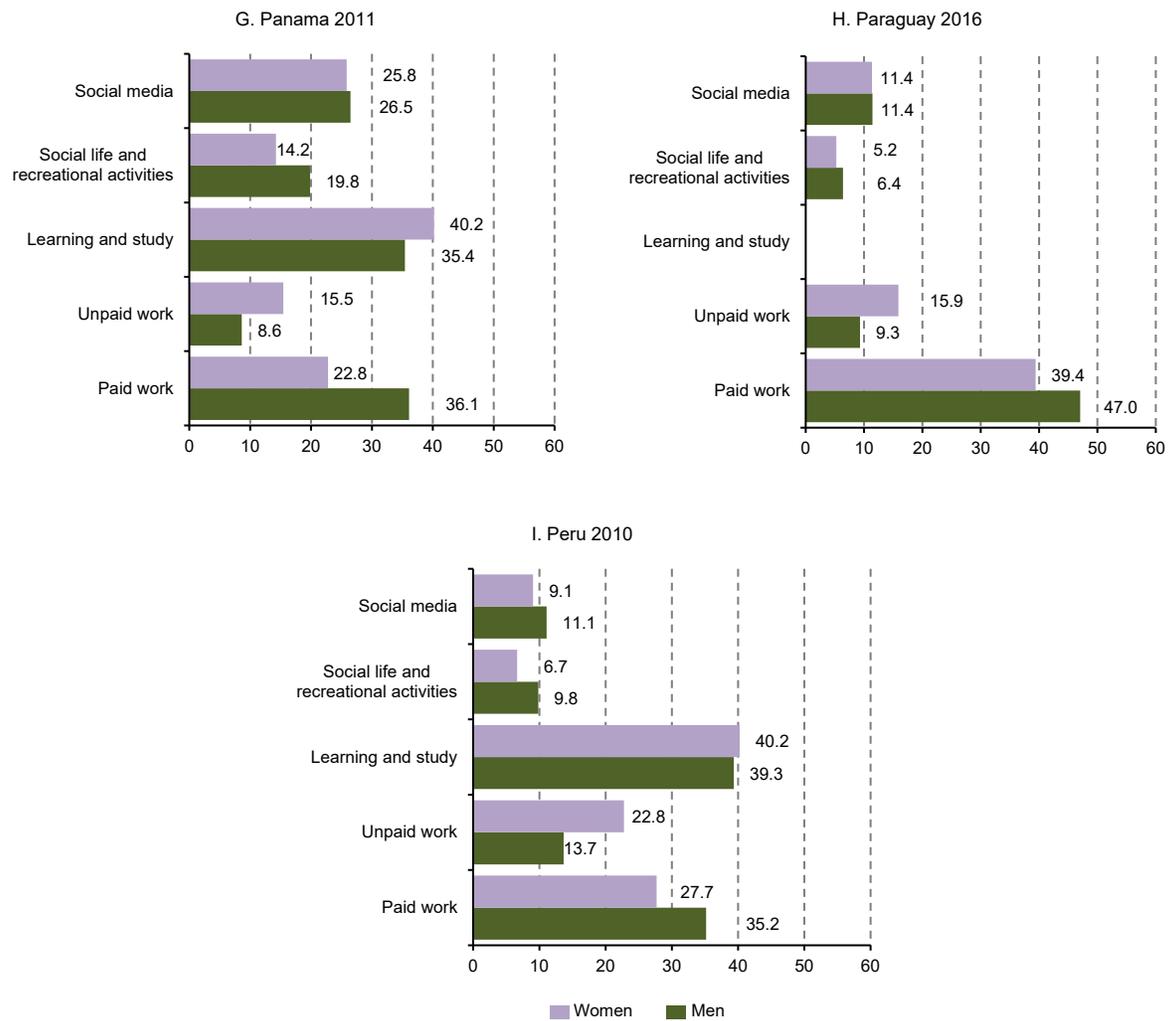
Studies on time use in childhood and adolescence are rare, and pose challenges when it comes to identifying the multiple inequalities of such a heterogeneous group as children and adolescents in Latin America. Although time-use surveys have become much more common in research and policymaking on unpaid and care work in recent years, they have left children and adolescents behind. The lack of data and gaps in the evidence continue to hide a problem that remains relegated to the private sphere. To this it must be added that children and adolescents do not form a homogeneous group that can be identified by generation alone. Making them fully visible would require recognizing girls positioned at multiple intersections of inequalities and discrimination, such as by gender, age, marital or partner status, territory (urban or rural), socioeconomic level, ethnic or racial origin, and migratory, health or disability status, among other factors.

Studies on time use in childhood and adolescence show that gender inequalities are already established in these stages of life (ECLAC, 2017), especially in relation to the sexual division of labour and the use of the public/private space (see figure 1). The study of statistical data for the region on children and adolescents aged 12–18 for Chile, Costa Rica, Ecuador, El Salvador, Mexico and Panama, and from age 10 in Colombia, 14 in Paraguay and 15 in Peru, reveals the following trends: (i) higher participation rates of male children in paid work, with longer working hours; (ii) by contrast, the time spent on unpaid domestic and care work is vastly higher for girls; and (iii) males devote more hours to social life and recreational activities. These three trends align with the premises of sexual division of labour in terms of paid/unpaid work and men’s greater use of the public space, including in recreational activities.

In several countries, male and female children and adolescents show a similar distribution of time devoted to learning and social media. However, questions remain about how time use relates to school dropout and the digital gender gap (see figure 1). In Chile, Colombia, Ecuador, Mexico, Panama and Peru, girls and adolescent girls spend more time on study and learning than boys. In four countries (Ecuador, Costa Rica, Mexico, Paraguay), the time they spend on social media is almost the same. Given that children are not the target population of these surveys, the samples do not allow disaggregation by more variables because they would no longer be representative. As a result, it is not possible, for example, to ascertain variations by poverty quintiles or by rural/urban location, which would cast light on inequities within the group of girls and adolescent girls.

Figure 1
Latin America (9 countries): time spent by the population aged 18 and under on paid work, unpaid work and personal activities, by sex^a
(Hours per week)



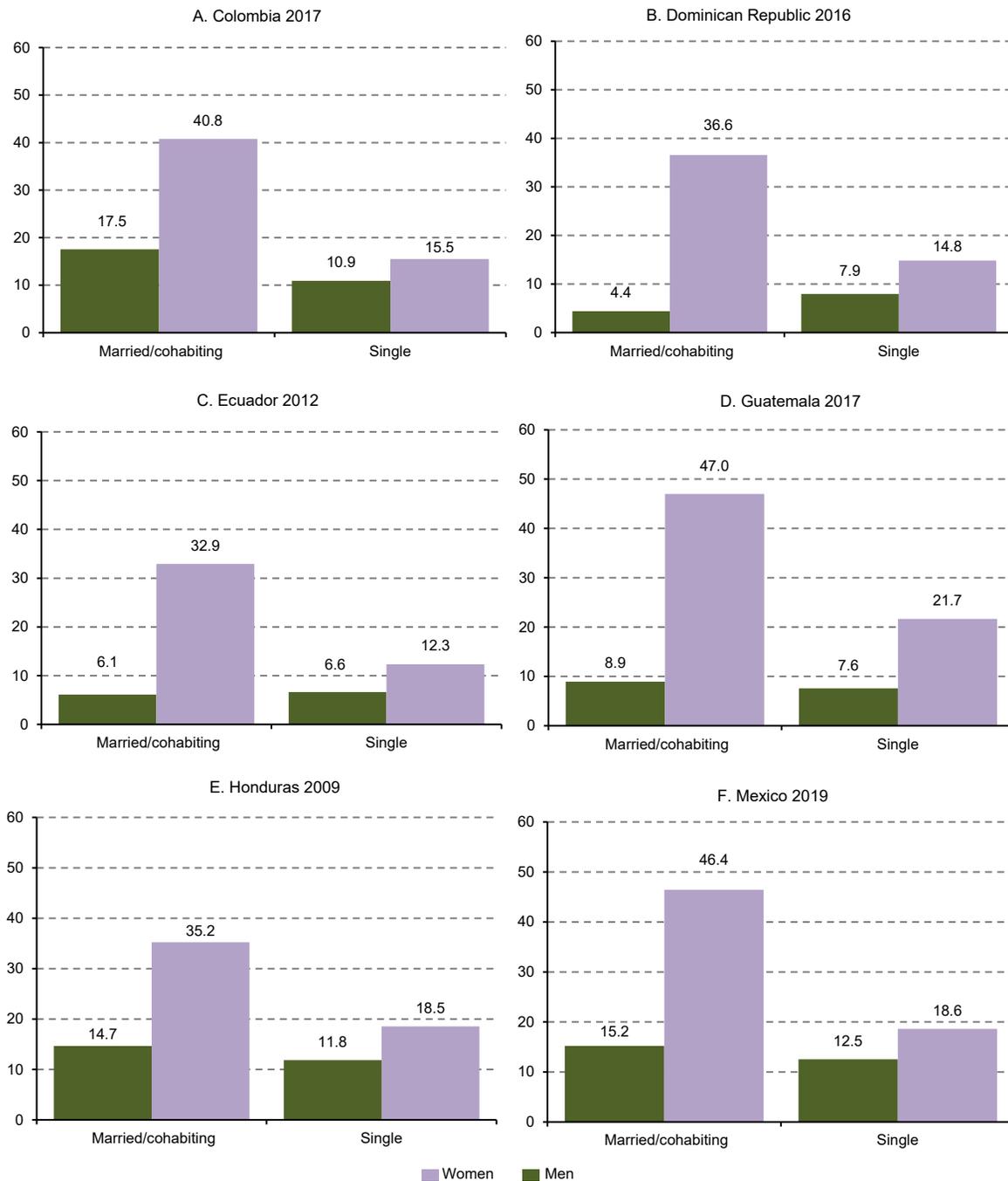


Source: Economic Commission for Latin America and the Caribbean (ECLAC), on the basis of the repository of information on time use in Latin America and the Caribbean.

^a The heterogeneity of the data sources prevents comparability between countries; the purpose of this graph is to show trends within each country. Paid work refers to work performed for the production of goods or provision of services for the market and is calculated as the sum of time spent in employment, job-seeking and travelling to work. Unpaid work refers to work carried out without any payment and is measured by quantifying the time that an individual devoted to work for self-consumption of goods, unpaid domestic work, unpaid care work, work for their own household or to support other households, community work and volunteer work. The lower age limit was 12 years in all the countries, except in Colombia, where it was 10, Paraguay, where it was 14, and Peru, where it was 15.

Trends in some countries of the region show that girls in CEFMU spend more time on unpaid work, including domestic and care work—double the number of hours spent by their single peers on those activities and as much time as a full working day (see figure 2). Married or cohabiting girls and adolescent girls spend 47 hours a week on unpaid work in Guatemala, 46.4 hours in Mexico, and 40.8 hours in Colombia, equivalent to the working work limits established by law in many countries. Such a high workload at home influences the time remaining for study, socialization outside the home, paid work, self-care, and social and political participation, among others. It can also contribute to increasing economic dependence on the partner, social isolation and exertion of partner control.

Figure 2
Latin America (6 countries): time spent on unpaid work by the population aged 18 and under,
by sex and marital status^a
(Hours per week)



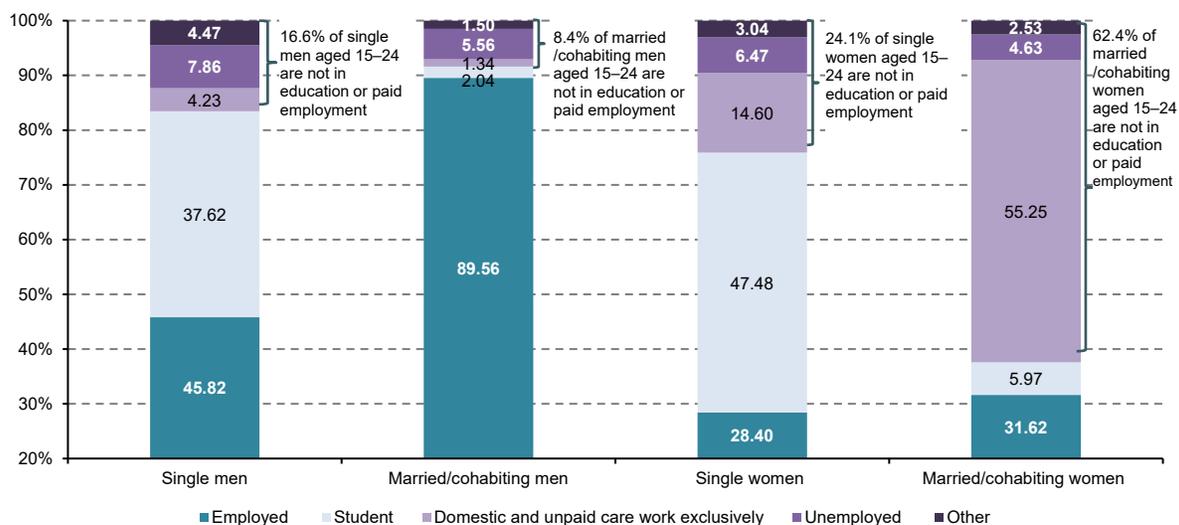
Source: Economic Commission for Latin America and the Caribbean (ECLAC), on the basis of the repository of information on time use in Latin America and the Caribbean.

^a The heterogeneity of the data sources prevents comparability between countries; the purpose of this graph is to show trends within each country. Paid work refers to work performed for the production of goods or provision of services for the market and is calculated as the sum of time spent in employment, job-seeking and travelling to work. Unpaid work refers to work carried out without any payment and is measured by quantifying the time that an individual devoted to work for self-consumption of goods, unpaid domestic work, unpaid care work, work for their own household or to support other households, community work and volunteer work.

Girls and adolescent girls who are married or in unions spend at least twice as many hours on unpaid work—including domestic work and time spent on care— than their married or cohabiting male peers, and the difference can be as much as five times more (Ecuador, Guatemala) or even eight times more (Dominican Republic) (see figure 3). Girls and adolescent girls in CEFMU in the Dominican Republic spend 36.6 hours on domestic work, compared with only 4.4 hours for their male peers. Married/cohabiting males spend fewer hours on domestic work than singles in both the Dominican Republic and Ecuador. That is, men in these countries relinquish part of domestic and care work upon entering marriage or cohabitation. This is no trivial matter, as it reproduces not only the sexual division of labour, but also models of couples and families associated with hegemonic masculinities. As a growing number of studies indicate, co-responsibility for care has a positive impact on the well-being, health and empowerment of women and girls, as well as on the economic well-being of the family. In addition, co-responsibility for care fosters respectful upbringing and reduces the risk of violence against women and children (Spotlight Initiative/UNFPA, 2021).

Trends in the region indicate that early marriage and cohabitation (between the ages of 15 and 24) have consequences for the educational trajectory and employment integration of adolescent girls and young women, at a key stage of their transition to adult life (see figure 3). Indeed, most adolescent girls and young women (55.2%) who have entered marriage or union devote themselves exclusively to unpaid domestic and care work. This percentage rises to 62.4% if those not in education or paid work are added. Conversely, most single adolescent girls and young women are devoted to education (47.5%) compared to only 5.9% of married/cohabiting women. Employment integration is slightly higher among married/cohabiting adolescent girls and young women (31.6% compared to 28.4% of single women), although the conditions under which each group joins the labour market remain to be seen. While 75.9% of single adolescent girls and young women are forming a labour, educational and social capital that will allow them to develop their economic autonomy on more favourable terms, unpaid domestic and care work limits the formation of that same capital for their married/cohabiting peers and pushes them towards economic dependence and precarious working conditions.

Figure 3
Latin America and the Caribbean (17 countries): breakdown of activity status for the population aged 15–24 years, by marital status and sex, around 2020^a
(Percentages)



Source: Economic Commission for Latin America and the Caribbean (ECLAC), on the basis of Household Survey Data Bank (BADEHOG).

^a The weighted average for Latin America considers the latest year for which the variables used in household surveys are available in each country; 2020 for Argentina, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Mexico, the Plurinational State of Bolivia, Paraguay and Peru; 2019 for Honduras, Panama and Uruguay; and 2014 for the Bolivarian Republic of Venezuela, Guatemala and Nicaragua.

Early marriage and cohabitation intensify the sexual division of labour in this age group, with 89.5% of adolescents and young men between 15 and 24 years of age in employment (see figure 3). Just as married/cohabiting adolescent girls and young women devote more time to unpaid work, be it domestic or care work, their male peers focus on generating income to support the new marital situation. Men in this situation thus enter the labour market earlier (89.5%) than their single peers (45.8%) and earlier than women regardless of marital status. The scant participation in education by married/cohabiting men (2%) and the precarious working conditions that plague young people in the region will impact on their possibilities of better job opportunities and will affect the socioeconomic status of their family.

The limited traditional definition of work, which excludes activities performed within households to provide services, made this type of work invisible for many years. In the case of domestic work and childcare, the invisibility is twofold, since child labour has generally been conceptualized as referring to paid work (ILO/UNICEF, 2021).

As no threshold of hours of unpaid work has been defined as not harmful to children, its measurement has been left out of the agendas of statistical systems. Analyses based on the limited definition of work (according to the production frontier used in the System of National Accounts) show that child labour is more prevalent among boys than among girls, masking the reality of the large percentage of girls engaged in unpaid work with long hours.

In this context, it is essential to obtain information on time use and develop mechanisms to capture unpaid domestic and care work in the measurement of child labour.

C. CEFMU, poverty and limited education

It is common for girls and adolescent girls to marry or enter cohabitation as a strategy to escape poverty, but this step restricts their opportunities for economic autonomy as a result of limited schooling, control by their partners or the performance of domestic or care work (Greene, 2019). CEFMU are five times more likely to occur in poor households and in rural populations and are associated with ethnic and racial identification (UNFPA/UNICEF/UN-Women, 2018). In the Dominican Republic, 58.6% of girls from the poorest quintile enter marriage or cohabitation before the age of 18 and 23% before they turn 15 (UNICEF, 2019b). In Mexico, at the national level, 37.3% of women married before the age of 18 come from a very low socioeconomic level, compared to 4.2% of those from a higher level. Likewise, child marriage was very prevalent among young women who were speakers of indigenous languages, above 40% in Chiapas, Guerrero and Veracruz (UN-Women, 2016). This trend is also evident in Paraguay, where 25% of married or cohabiting adolescent girls aged 15–19 come from the poorest quintile, compared to 4% from the richest quintile; and 30% of adolescent girls belonging to indigenous peoples are married or in a union compared to 14.2% who speak only Spanish (UNFPA/Plan International, 2021). As mentioned in the previous section, the trends show that CEFMU increases girls' likelihood of devotion solely to unpaid and care work, making it difficult to enter employment. This has repercussions on precarious family living conditions: women in employment reinvest 90% of their income in their families, generating an impact on their children's education and nutrition levels (IFC, 2013). By contrast, women's lack of economic autonomy causes intergenerational risks for girls and adolescent girls, including an increased risk of CEFMU (UNFPA/UNICEF/UN-Women, 2018).

According to the study in eight countries of the region by Greene (2019), girls' schooling of girls is less valued than boys' schooling, and pregnancy and CEFMU leads girls and adolescent girls to drop out of school, limiting their opportunities for training and empowerment. In the region, 51% of women aged 20–24 who entered marriage or union for the first time before age 18 had no education or only primary education, and 18% had secondary or higher education (UNICEF, 2019a). In the

Dominican Republic, 64% of girls marrying before the age of 18 had completed primary school (Greene, 2019). In El Salvador, 89.2% of girls dropped out of school due to responsibilities arising from motherhood or union/marriage (UNFPA and others, 2016). Numerous cross-sectional studies over the past 20 years have consistently documented the negative correlation between girls' schooling and child marriage or early unions, indicating that, almost across the board, girls enter marriage or union later when the option of schooling is available and they can pursue education (UNFPA/UNICEF, 2021).

D. CEFMU and gender-based violence against girls and adolescent girls

CEFMU expose girls and adolescent girls to greater risks of sexual, physical and psychological violence (Kidman, 2017) and time spent on care work fosters economic violence —understood as the control of women's access to economic resources, diminishing their ability to support themselves. Gender-based violence against girls and adolescent girls is multidimensional and they often experience multiple types of violence simultaneously. A regional study by UNICEF (2021) found that between 2015 and 2021 the prevalence of physical violence inflicted by an intimate partner⁴ ranged between 13% and 18% for adolescents aged 15–19 years (2021a). In particular, between 15% and 20% of adolescent girls who have ever had a partner reported experiencing physical violence in the past year; of these, between 15% and 20% reported emotional violence and approximately 4% reported sexual violence. It is important to note that sexual violence against children is the form about which least information is available. Studies also show that obstetric violence is prevalent in the region, including against adolescents, who experience abuse, disrespect and negligence during childbirth. The age gap between partners mentioned earlier and the power dynamics it generates increase the possibility of suffering violence (Kidman, 2017). Married or cohabiting girls and adolescent girls thus often face abuse and controlling behaviour by their partners (Greene, 2019).

E. CEFMU, adolescent pregnancy and care work

Entering marriage or union before the age of 18 increases the probability of becoming a mother at a very young age, and becoming pregnant before the age of 18 increases the possibilities of union or marriage. Patriarchal cultural patterns and control of the sexuality of girls and adolescent girls often force them to enter CEFMU. Parents who see risks in their daughters being sexually active limit their mobility and their interactions with boys and men, instead of providing sexuality education or fostering their power of decision-making over their bodies. Parents who find that their daughters are engaging in sexual relations often pressure male partners to marry them to save the “honour” of the family (Greene, 2019). In the states with the highest prevalence of CEFMU in Brazil, the main factor driving the decision to enter into marriage or union is pregnancy, even if it is unplanned or unwanted (Taylor and others, 2015). In El Salvador, 84.2% of girls who gave birth in 2012 were married or in a union before the birth of the child or by one year afterwards (UNFPA and others, 2016). In Guatemala, 70% of child mothers surveyed in a study by the Latin American Faculty of Social Sciences (FLACSO) were married or in union at the time of delivery (FLACSO/MSPAS/UNFPA, 2015).

The figures for the region indicate that the majority of women who were married during childhood gave birth before the age of 18; 8 out of 10 did so before they turned 20, and most of these pregnancies were unwanted (UNICEF, 2019a). Early motherhood is associated with a greater number of children: in the region 17% of women aged 20–24 who were married before age 18 had had three or more live births. These figures, alarming in themselves, are all the more critical considering that the majority (52%) of adolescent pregnancies in CEFMU were unwanted. The causes of unwanted pregnancies include

⁴ The study data do not differentiate between girls who are married, in a union or otherwise in a couple, which reflects the gaps in knowledge on the subject in the region.

barriers to adolescents exercising their sexuality in an informed manner and having access to sexual and reproductive health services, as well as sexual violence. According to the Hemispheric Report on Sexual Violence and Child Pregnancy in the States Party to the Belém do Pará Convention, produced by the Follow-up Mechanism to the Belém do Pará Convention (MESECVI) (2016), although almost all States punish sexual violence against girls and adolescent girls, there is a significant regional gap regarding special protocols for comprehensive care of girl and adolescent victims of sexual violence that would ensure their access to justice and adequate reparation.

For thousands of girls and adolescent girls, adolescent pregnancy —like CEFMU— means devoting themselves mainly to care work, putting at risk their education, labour earnings and development opportunities. As shown by a UNFPA study (2020), in six countries in the region,⁵ adolescent pregnancy has major effects on the development opportunities of women who give birth before the age of 20. Thus, exclusive devotion to unpaid work is higher among women who were mothers in adolescence than those who had children in later adulthood. This is accompanied by large gaps (12.2% on average) in education levels between women who had children in adolescence and those who had children later, while the difference in labour earnings is 24% on average. The lack of exercise of sexual and reproductive rights for adolescents reproduces the sexual division of labour which, at an early age, triggers a series of drivers of precarious socioeconomic status.

Unwanted adolescent pregnancy reflects great inequalities and higher barriers to access to sexual and reproductive health information and services by adolescents from the poorest quintiles. A study on unwanted fertility among Latin American adolescents (Rodríguez and Vignoli, 2017) indicates that, although adolescents living in poverty show higher fertility rates than those in other socioeconomic levels, this is not a result of differing reproductive preferences —unwanted fertility is also high among poor adolescents— but to the greater barriers they face in exercising their sexual and reproductive rights. The persistence of undesirable high adolescent fertility rates in the region shows that public policies have not achieved universal access to comprehensive sexuality education and services capable of ensuring the exercise of such rights, in a context in which sexual initiation in adolescence is occurring earlier and is independent of reproductive intentions.

⁵ The countries included in the study are Argentina, Colombia, Ecuador, Guatemala, Mexico and Paraguay.

III. Normative framework on CEFMU

A. Inequalities in role construction in childhood and adolescence

Legislation on the minimum age of marriage is a fundamental tool for the protection of the rights and empowerment of girls and adolescent girls. It must be complemented with comprehensive public policies that recognize girls and adolescent girls as subjects of rights in the process of progressively developing their autonomy. The international normative framework on CEFMU has been expanding and becoming more specific, starting from the Universal Declaration of Human Rights (1948) and the free and full consent to marry, to the last specific resolution of child marriage of the Human Rights Council (United Nations, 2021) with robust language on girls' sexual and reproductive health and rights, including bodily autonomy and comprehensive sexuality education. The conclusions on the elimination and prevention of all forms of violence against women and girls, from the fifty-seventh session of the Commission on the Status of Women, held in March 2013, call for review, enactment and strict enforcement of laws and regulations concerning the legal age of consent and the minimum age of marriage, and to raise the latter age when necessary, as well as to build societal support for compliance with those laws to end the practice of child, early and forced marriage. They also call for ensuring that viable alternatives and institutional support are available, including to girls who are already married or pregnant, in particular, educational opportunities, promotion of empowerment, childcare services and increased financial support.

At the regional level, the Convention of Belém do Pará, the Montevideo Consensus on Population and Development and the consensus and regional strategies of the Regional Conference on Women in Latin America and the Caribbean of ECLAC have been key to advancing the commitments of the countries of the region and promoting the modification and harmonization of national legal frameworks. Joined up analysis of the Sustainable Development Goals (SDGs) to be achieved by 2030 (see diagram 1) shows the set of general and specific instruments that provide protection to girls and adolescent girls from various fronts and in a complementary manner, from a perspective of gender, human rights and childhood.

Diagram 1
Selection of international and regional human rights instruments in relation to CEFMU

	1948	1969	1976	1979	1988	1989	1994	2013	2014	2015	2016	2017	2019	2020	2021	
International framework	Universal Declaration of Human Rights (1948)		International Covenant on Economic, Social and Cultural Rights (1976)	Convention on the Elimination of All Forms of Discrimination Against Women (1979)		Convention on the Rights of the Child (1989)		First resolution of the Human Rights Council on CEFMU 24/23 (2013)	Joint General comment No. 18 of the Committee on the Rights of the Child and General recommendation No. 31 of the Committee on the Elimination of Discrimination against Women (2014)	Adoption of SDG indicator 5.3.1 (2015)	Second resolution of the Human Rights Council on CEFMU 29/8 (2015)	Third resolution of the Human Rights Council on CEFMU 35/16 (2017)	Fourth resolution of the Human Rights Council on CEFMU 41/8 (2019)		Fifth resolution of the Human Rights Council on CEFMU (2021)	
Regional framework	American Declaration of the Rights and Duties of Man (1948)	American Convention on Human Rights (1969)			Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights (1988)		Belém do Pará Convention (1994)	Montevideo Consensus on Population and Development (2013)			Hemispheric Report on Sexual Violence and Child Pregnancy in the States Party to the Belém do Pará Convention (2016)	Montevideo Strategy (2016)		Santiago Commitment (2020)		

Source: Prepared by the authors.

Addressing the causes and consequences of CEFMU, their prevention and support for girls and adolescent girls already married or in union, requires a multisectoral legal framework with a gender-transformative approach, of which laws on the age of marriage are only one component. A solid legal framework to address child marriage and early unions must be supported by regulations and policies that promote the substantive equality of women, girls and adolescent girls. This includes laws relating, but not limited, to: marriage and divorce (including marriage registration), nationality and citizenship, property and inheritance, alimony and child custody, sexual relations and gender-based violence (including conjugal violence), reproductive rights and access to sexual and reproductive health services, work and the elimination of child labour—including unpaid domestic and care work—, slavery, child trafficking and sex trafficking, the right to education (after marriage, during pregnancy and after having children) and health care, access to justice, and mandatory birth and marriage registration (UNFPA/UNICEF, 2020).

B. Legislative advances at the national level

Child marriage is currently prohibited in nine countries in Latin America and two in the Caribbean. The Dominican Republic was the last country to enact this ban, in January 2021 (see table 1). These legislative changes have occurred between 2015 and 2021, and reflect the international and regional momentum that CEFMU has gained on the development agenda. However, 13 countries in the region still allow marriage from the age of 16, with the authorization of parents, legal representatives or a judge. A major problem in many countries of the region has to do with the reasons considered acceptable for exceptions to the minimum marriage age of 18. More worrying still is the situation in six countries in the region where marriage before age 16 is allowed for qualifying reasons. For example, in Colombia girls can marry from age 14 with the authorization of their parents or legal representatives and in Argentina minors below age 16 can marry with judicial dispensation.

Table 1
Latin America and the Caribbean: legislation on child marriage

Child marriage prohibited	Allowed from age 16 with authorization	Allowed before age 16 for qualifying reasons
Antigua and Barbuda	Bolivia (Plurinational State of)	Anguilla
Costa Rica	Barbados	Argentina
Dominican Republic	Brazil	Colombia
Ecuador	Chile	Cuba
El Salvador	Cayman Islands	Guyana
Guatemala	Dominica	Saint Kitts and Nevis
Honduras	Jamaica	
Mexico	Nicaragua	
Panama	Paraguay	
Puerto Rico	Peru	
Trinidad and Tobago	Turks and Caicos Islands	
	Uruguay	
	Venezuela (Bolivarian Republic of)	

Source: Prepared by the authors, on the basis of Economic Commission for Latin America and the Caribbean (ECLAC), Gender Equality Observatory for Latin America and the Caribbean.

Child, early and forced unions —in which girls cohabit without being married— are poorly regulated despite the fact that they represent the majority of CEFMU in the region. Although there are countries that recognize the legal effects of de facto unions, this recognition is aimed at extending the asset implications of marriage to unregistered cohabitation. For example, the Constitution of the Plurinational State of Bolivia provides that free or de facto unions that meet conditions of stability, singularity and are maintained between a woman and a man without legal impediment, will produce the same effects as civil marriage. The Federal Constitution of Brazil provides that, for the purposes of State protection, a stable union between a man and a woman is recognized as a family entity and the law must facilitate its conversion into marriage. Similarly, Colombia recognizes unions (Law 54 of 1990), as does Uruguay in Law 18,246 of 2007. These unions are valid to the extent that they are formed by individuals who have the legal capacity to marry, and to date none of these countries has banned child marriage.

Recent experiences of legislative changes made in the countries in relation to the minimum age of marriage differ in terms of the context in which they were made and their scope to comprehensively address CEFMU. A study on the subject by UN-Women (UN-Women and others, 2016) indicates that, in the case of Ecuador, the establishment of the minimum age for marriage

involved the review and reform of the Civil Code, which began in 2010 and ended in 2015. The reform project covered various areas of women's rights in marriage: administration of conjugal assets, recognition of paternity and maternity (DNA testing) and grounds for divorce (violence, cruel, inhuman and degrading treatment, among the most important). In the experience of Mexico, the legal reform determining the minimum age for marriage began in 2016 in different states, within the framework of the General Law on the Rights of Girls, Boys and Adolescents adopted in 2021, whose objective was to generate public policies on prevention and rights protection. The process of legislative reform in Panama began in 2013, based on the recommendations made by the Committee on the Rights of the Child on the minimum age for marriage. The reform involved changes in three articles of the Family Code: age and legal conditions, restrictions and prohibitions, in accordance with the standards of the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination Against Women. The national legislative framework enabled work to proceed on a short and concise document, with a fast-track approval process of around five months and unanimous consensus.

C. Public policies on CEFMU: incipient practices in the region

Regardless of certain initiatives and programmes, CEFMU are not on the public agenda in the region, and very little progress has been made in addressing and ending this harmful practice through adequate, comprehensive public policies with allocated funds. Most of the public policies in the region aimed at addressing CEFMU have to do with preventing adolescent pregnancy, but as a rule they do not have specific measures to prevent and deal with CEFMU, strategies to coordinate the impact of indirect actions on CEFMU, indicators to measure progress in the matter, or a specific budget. Nor is there a common regional framework of reference for comprehensive and multisectoral laws, public policies, programmes or protocols to guide countries' action in CEFMU prevention and action, and to serve as a standard for monitoring and measuring their progress. Other regions have adopted different strategies to address this harmful practice, for example, by developing national action plans—which entail technical, financial, and coordination difficulties, among others (Girls Not Brides, 2017; Lo Forte and others, 2019); by integrating CEFMU into existing programmes, although the evidence is insufficient to show the impact that this route could have (UNFPA/UNICEF, 2021); and, to a lesser extent, by regional efforts such as the development of a model law to end child marriage and protect girls who are already married, such as the initiative by the Southern African Development Community (SADC, 2016).

The regional civil society initiative *Mira que te Miro*,⁶ in its monitoring legal, political and programmatic frameworks on key issues of sexual and reproductive rights, found that the policies and programmes of very few countries in the region explicitly recognize the problem of CEFMU and their link with other development and human rights issues (López and others, 2020). Only 8 countries (Brazil, Dominican Republic, Ecuador, El Salvador, Guatemala, Guyana, Plurinational State of Bolivia, and Trinidad and Tobago) of the 23 analysed mentioned CEFMU in plans for the prevention of adolescent pregnancy or for schooling of pregnant adolescents. On the other hand, despite the progress made to address gender-based violence, the link between violence in various contexts, the causes of school dropout and CEFMU is clearly not being addressed. Likewise, training for health providers and teachers does not include specific training on this topic. Lastly, the resources

⁶ *Mira que te Miro* (which translates roughly as "Look, I see you") is an initiative by civil society organizations that contributes to strengthening accountability, transparency and access to information on policies, programmes and services that materialize the commitments assumed by States under the Montevideo Consensus. The networks that were part of this regional initiative at the time of this study were: International Planned Parenthood Federation – Western Hemisphere Region (IPPF WHR), the Network for the Health of Latin American and Caribbean Women (RSMLAC); the Latin American Network of Catholics for the Right to Decide; Plan International; The International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA); the Committee of Latin America and the Caribbean for the Defense of the Rights of Women (CLADEM); the International Community of Women Living with HIV/AIDS (ICW); and *Vecinas Feministas*.

for grants aimed at keeping girls and adolescent girls in school are universal and do not focus on those who are cohabiting or are already mothers. In general, strategies are lacking to address and coordinate actions surrounding this issue carried out in the framework of other programmes aimed at girls and adolescent girls. From the point of view of policy management, the technical and financial resources are too limited to plan measures.

Comprehensive sexuality education for girls remains an outstanding debt, since it is included only in secondary education—limiting its usefulness as a prevention tool—and does not encompass girls and adolescent girls who are not in school. From the perspective of social protection, a study of 12 social protection strategies by UNICEF (2021c) found that none of them identified the formation of early unions and the disparity of ages between spouses or partners, as a social protection issue, although adolescent pregnancy—often the product of early unions—was identified as a gender risk in seven of them. These analyses of laws, policies and programmes all fail to recognize CEFMU as a problem and a gender-related risk factor that detracts from the integration and protection of girls and adolescent girls.

Contrasting with the widespread lack of programmes to address the causes and consequences of CEFMU and of appropriate multisectoral responses by the governments of the region, there are some good practices linked to the Joint Inter-Agency Programme to End Child Marriage and Early Unions in Latin America and the Caribbean (2018–2021), promoted by UN-Women, UNFPA and UNICEF, as well as the work of civil society. Below are four examples of strategic approaches in the region, although these do not yet have evaluations to measure their impact on reducing and addressing CEFMU.

(i) El Salvador: adolescent pregnancy prevention

In 2017, El Salvador adopted a National Intersectoral Strategy for the Prevention of Pregnancy in Girls and adolescent girls (2017–2027), which recognized the correlation between adolescent pregnancy and CEFMU. The objectives of the strategy include the prevention of CEFMU, the adaptation of the legislative framework to international standards to protect and restore the rights of girls who are married or in a union, and the development of an early warning mechanism.

(ii) Colombia: development plan

The National Development Plan 2018–2022 includes specific objectives to promote the sexual and reproductive health rights of children and adolescents. It also seeks to prevent adolescent pregnancy and eliminate and prevent CEFMU.

(iii) Belize: road map

In 2020, Belize adopted a road map with a holistic approach to address the practice of CEFMU, with five objectives: (i) empowering girls and boys; (ii) strengthening prevention and protection systems; (iii) strengthening legislation and policy frameworks; (iv) social and behaviour change communication to address social and gender norms; and (v) strengthening data and evidence.

(iv) Mexico: legal harmonization and prevention of adolescent pregnancy

In 2014, Mexico enacted the General Law on the Rights of Children and Adolescents, which establishes 18 years as the minimum age for marriage (Article 45). Today all states in Mexico have state laws prohibiting child marriage, without exception. In 2015, the federal government established the National System for the Comprehensive Protection of Children and Adolescents and launched the National Strategy for the Prevention of Adolescent Pregnancy (ENAPEA), with the aim of reducing the number of pregnancies in adolescents in Mexico in the framework of human rights, gender equality, co-responsibility and accountability.

IV. Conclusions and recommendations

A. CEFMU: a challenge for the autonomy of girls and adolescent girls

If autonomy implies making free and informed decisions about their lives, in order to live and act according to their own aspirations and desires in the historical context that makes these possible (ECLAC, 2011), then millions of girls and adolescent girls in the region see their autonomy diminished when they cannot choose whom, when or whether to marry, unite or enter into cohabitation. As discussed in the foregoing sections, CEFMU are the cause and consequence of limited physical, economic and social autonomy. The effects of CEFMU are lifelong and contribute to a cycle of gender inequality for girls, adolescents and women. The impact goes beyond girls themselves, perpetuating the intergenerational transmission of poverty, impacting their families and affecting the development of communities and countries.

Physical autonomy implies having control over one's own body —free from violence— and decision-making power over sexual and reproductive rights, two dimensions on which CEFMU have a present and future impact. CEFMU not only put girls and adolescent girls at risk of greater violence, but being married or in a union before the age of 18 also increases the probability that a girl will experience intimate partner violence during the course of her life.⁷ Barriers to access to sexual and reproductive health services and supplies are strongly associated with early pregnancy and CEFMU. CEFMU increase the probability that girls will have a greater number of children than those who marry later, in addition to having shorter intervals between pregnancies (Wodon, Onagoruwa and Savadogo, 2017). Pregnancy carries higher medical and psychosocial risks for girls than for adult women, and can lead to complications that affect their health and that of their children (Caffe and others, 2017).

⁷ According to WHO, intimate partner violence is any behaviour within an intimate relationship that causes physical, psychological, or sexual harm to those in the relationship. See WHO/PAHO (2012).

As this document has sought to show, CEFMU threaten the development of girls' and adolescents' economic autonomy: an excess burden of care work puts married or cohabiting girls and adolescent girls at a disadvantage as their education is postponed, their work lives are affected, and their economic dependence is accentuated. The relationship between CEFMU and educational level has implications for earnings potential in adult life. In the Dominican Republic, it is estimated that girls and adolescent girls in CEFMU earn 17% less throughout their lives (World Bank/UNICEF, 2017). The impact occurs not only at the individual level: high rates of child marriage negatively affect a country's economic growth and its ability to end poverty through the impact on fertility and population growth, maternal and child health and women's potential earnings and productivity (UNICEF, 2021b).

Finally, CEFMU deprive girls and adolescent girls of **socialization spaces** that allow their comprehensive development, of support networks and **tools to exercise their citizenship**, understood as knowledge, exercise and defence of rights, as well as engagement in decision-making spheres (FLACSO/MSPAS/UNFPA, 2016).

B. Recommendations on child, early and forced marriages and unions

Given their multicausal nature, child, early and forced marriages and unions require multisectoral, multi-institutional and multilevel (individual, family, community, national, regional and global) approaches, which creates many challenges for prevention and mitigation. The recommendations given here emphasize the regional perspective. They focus on the main aspects of CEFMU discussed in this document, with a view to their inclusion in the regional gender agenda and at the country level, as well as in the proposal on building a care society. They are as follows:

- **Promote political commitment in the region by developing a common regional rights-based perspective on legal frameworks and public policies, with a shared terminology and conceptualization and a gender-transformative approach.** Regional spheres could provide impetus for the development of a regional agenda on the matter, with proposals for laws, public policies, programmes and model protocols that could help countries to respond to CEFMU and other violations of the rights of girls and adolescent girls. A regional agenda would also contribute to generating a body of evidence-based knowledge to guide decision-making and action, as well as establishing alternative indicators for monitoring laws, public policies and other initiatives that reflect progress in ending this harmful practice.
- **Turn a spotlight on CEFMU in Latin America and the Caribbean as a violation of the human rights of girls and adolescent girls in global discussions and highlight the prevalence and regional characteristics of the CEFMU. Use the lessons learned globally about CEFMU to place the issue firmly on the regional gender agenda.** The region is on track to have the world's second highest rate of CEFMU by 2030, after Sub-Saharan Africa. It is imperative to include it in global discussions and increase cooperation and the exchange of experiences and resources to speed up work to end the practice.
- **Ensure accountability regarding the commitments assumed in this area, by including CEFMU in reporting to regional and global mechanisms of human rights follow-up.**
- It is essential to have detailed and up-to-date information on the situation of CEFMU and on legal, judicial, political and administrative initiatives, in order to ensure accountability for the commitments assumed, as well as to civil society, and to generate increasingly effective action.
- **Continue making progress with changing legal frameworks so that they not only ensure a minimum age of marriage but also address rights related to the prevention and elimination of CEFMU, respecting the progressive autonomy of girls and adolescent**

girls and taking a gender-transformative approach. Comprehensive legal frameworks can contribute to creating an enabling environment for the development of girls and adolescent girls, offering them a broader range of present and future possibilities. The informality of the practice also raises the need to consider strengthened legal protections for adolescents who are already in non-marital unions.

- **Ensure access for girls and adolescent girls to free, universal, gender-sensitive and culturally appropriate education, without discrimination of any kind.** Married or cohabiting girls and adolescent girls often face stigma and discrimination regarding their continuation or re-entry into educational establishments, in view of their early motherhood. They are also affected by a disproportionate burden of care work. It is necessary to ensure that they have within reach flexible programmes that encourage them to continue their education and that allow learning at their own pace, in person, remotely, or virtually. School is also a great ally in the prevention of CEFMU and efforts must be made to ensure that girls remain in education throughout the full education cycle.
- **Break the statistical silence by engaging national statistical institutes and academia in addressing the gaps in data and evidence that render invisible CEFMU and related phenomena —such as unpaid domestic work or sexual violence against girls and teenagers. Lobby for more meaningful and relevant data collection, including for girls aged 10–14, to make risk factors visible from an early age.** The lack of information hinders the development of decisive and coherent responses to CEFMU and access to protection services for the most vulnerable girls. Despite the commitment of the countries of the region to the Sustainable Development Goals, updated data are not available for many of the SDG5 indicators, which hinders the development of intersectional perspectives.
- **Ensure the significant and ongoing participation of girls and adolescent girls, including their ideas, knowledge, experiences and perspectives in programmes, policies and decision-making.** This will require that girls and adolescent girls have support and redress to participate at all levels and stages of initiatives that directly affect their lives. This engagement must include the integration of diverse perspectives and populations, especially by those girls who are most excluded.

C. Recommendations for an agenda on the care society

A feminist care agenda cannot leave girls and adolescent girls out. As argued in this document, the sexual division of labour begins in childhood and is perpetuated throughout the life cycle, with CEFMU acting as a trigger for the excess burden of these tasks in the lives of women and girls.

- **Promote regular time-use surveys, standardizing the cut-off age, with a sample design that allows information to be disaggregated by sex, age, marital status, socioeconomic level, territory (rural/urban), and ethnic and racial identity, among other factors, as well as other surveys and qualitative studies on time use in childhood and its impact.** It is necessary to quantify the life-reproduction work carried out by girls and adolescent girls and its impact, and render it visible. Mechanisms to capture unpaid domestic and care work in child labour measurement tools would represent an invaluable contribution, as would conducting these surveys more frequently. Qualitative studies are also needed to understand how the sexual division of labour occurs within households and to be able to develop gender-transformative programmes to redistribute care work from childhood.

- **Ensure the inclusion of girls and adolescent girls in the region's care agenda, and in the development of care policies, not only in their role as recipients of care, but also as caregivers, in order to guarantee their protection.** Girls and adolescent girls have been left behind in the care agenda in their work as caregivers, and this leaves them even more unprotected. It is essential to shed light on this reality that begins early in life and has far-reaching consequences. The care agenda must recognize girls and adolescent girls as subjects of rights, acknowledge the value and impact of the unpaid work they do and transform an adult-centric view into a more inclusive one that promotes intergenerational solidarity.
- **Promote the right to self-care in girls and adolescent girls as a way of developing their physical autonomy.** The region's care agenda must also make the right to self-care for girls and adolescent girls part of its work. CEFMU and adolescent pregnancy speak to girls' lack of autonomy in decision-making and in the control and care of their own bodies. It is essential to promote comprehensive sexuality education from a human rights framework, developing gender-sensitive curricula, adapted to different contexts, from early ages to adulthood, inside and outside the school environment. It is also crucial to expand equitable access to quality, affordable, gender-sensitive sexual and reproductive health services adapted to adolescents and young people. Gender-based violence and sexual violence against girls and adolescent girls is a cause and consequence of CEFMU and protection, care and reparation policies must have specific protocols for them. Comprehensive services are needed to address the consequences for health, including mental health, and the clinical management of sexual violence. Also needed are psychosocial, police and judicial services that adopt a generational and gender perspective, and are geared not only towards punishment, but also towards the reparation and restitution of the rights of girls and adolescent girls.

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Child, early and forced marriage and unions are a reality in Latin America and the Caribbean, albeit not a highly visible one. This is a complex phenomenon associated with gender inequalities, violence, poverty, school dropout, adolescent pregnancy and inadequate, limited or non-existent legal and political frameworks, and it puts the present and future of girls and adolescent girls in jeopardy.

These practices are both the cause and the consequence of women's limited physical, economic and decision-making autonomy, and they disproportionately affect girls and adolescent girls in rural areas and those in poor households with less access to education. In some countries, they are also associated with a notably greater prevalence among indigenous peoples.

This document seeks to turn a spotlight on this harmful practice, particularly as a detonator and aggravator of gender inequalities for girls and adolescent girls. It draws on statistical and qualitative information to offer an innovative contribution by presenting gaps in different dimensions of development, including the time that girls and adolescent girls who are married or in union spend on domestic and care tasks, and it recommends actions to address this situation at the regional level and in the countries.