

## Exploring Child Marriage in Brazil

**Instituto Promundo** and **Promundo-US**, respectively a Brazilian-based and US-based non-government organizations (hereby referred to as “Promundo”<sup>1</sup>), are pleased to offer this submission pursuant to HRC Resolution A/HRC/RES24/23 on child, early and forced marriage, for consideration in the Office of the High Commissioner on Human Rights (OHCHR) report to the Human Rights Council at its 26th Session in June 2014.

### Introduction

The present submission contributes primarily to inform the Call for Submission’ section on *Surveys, assessments and studies carried out at national and sub-national level on the prevalence of child, early and forced marriage and/or its impact on the human rights of women and girls and other affected groups*. Focusing on Brazil, it offers an overview of causes and consequences of child marriage, intended in the sense of a union involving a minor – whether legally binding or not. It also discusses Brazil’s adherence to international human rights conventions and legal frameworks.

Brazil has largely been absent from global discussions and advocacy about child marriage. The topic has also not been part of the national research and policymaking agendas in protecting women’s and girls’ human rights. Nonetheless, limited existing data and preliminary Promundo research suggest that it is an issue of concern and that conducting research on child marriage in a country like Brazil will have important implications for other settings where the practice is also “below the radar screen.” In 2013 Promundo therefore initiated the ‘Exploring Child Marriage’ research project with support from the Ford Foundation.

As informal unions are common in Brazil, and can be understood as related to child marriage in terms of similar causes and consequences, this research looks at the continuum and the nature of stable relationships in Brazil (e.g. marriage, stable union, cohabitation). According to the latest census, in 2010 more than 42,700 girls aged 10-14 were living in a union in Brazil. From a policy perspective, gaps in adherence to international human rights frameworks and Brazilian national laws are evident, especially in the field of child protection. The definition of the legal age of marriage and what constitute consent, as well as the ambiguity of the legislation surrounding legal age for sexual relations (versus what constitutes rape), are especially problematic.

This is also a critical moment to examine child marriage in Brazil in the context of Latin America, considering the problem is currently being explored in other countries in the region. The Population Council conducted a recent study in Mexico and several Central American countries, and UNFPA is developing a study expected to begin in El Salvador and Guatemala in 2014. Together with Promundo’s research in Brazil, the findings have the potential to raise the visibility of the issue in the region, stimulating debate and informing public policies and programs at national, regional and sub-regional levels.

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<sup>1</sup> Founded in Rio de Janeiro, Brazil in 1997, Promundo works internationally to engage men and boys to promote gender equality and end violence against women. It has independently registered organizations in Brazil (Instituto Promundo) and the United States (Promundo-US) which collaborate to achieve their shared mission. Promundo *conducts research* to build the knowledge base on masculinities and gender equality; *develops, evaluates and scales up* gender transformative interventions and policies; and carries out national and international *advocacy* to achieve gender equality and social justice. The work engages women, girls, boys and men; strives to transform gender norms and power relations within key institutions; and is based on building local and international partnerships.

## A Study on Child Marriage in Brazil

During 2013-2015, Promundo will carry out exploratory research on child marriage in Brazil supported by funding from the Ford Foundation. The research will be conducted in two states with the highest number of married girls according to the 2010 census: Pará and Maranhão (in the north and northeast of the country). Data collection will be primarily qualitative (quantitative surveys will also be applied) in order to map attitudes and practices related to child marriage, with the aim of building the evidence for policy interventions and programs to prevent child marriage in Brazil and reduce its harmful consequences. Given the often informal nature of the practice, the research will also unpack the complexities of language referring to child marriage in Brazil.

The study will analyze the attitudes and practices among girls and young women who are married, exploring the risks and vulnerabilities that being in a child marriage may create for them, but also looking at possible positive impacts and protection effects that being in a union may have on their lives. Additionally, the study will analyze the perceptions of the men who will marry or are married to girls, parents and other family members, community members and relevant gatekeepers (e.g. teachers) in order to understand how they reinforce or resist the practice.

While there is a relevant body of research and a lively policy debate around fields related to child marriage in Brazil – such as teen pregnancy, child domestic labor, school evasion, and sexual exploitation of children, and violence against women and children – there is no study directly exploring the practice of child marriage and its consequences on the lives of thousands of young women and girls. Similarly, the topic is completely absent from the policy debate at both the federal and national levels. For these reasons, this study aims to serve as a model for developing research, raising awareness, and sharing policy implications in Brazil and in other settings where child marriage is less overtly culturally sanctioned and therefore potentially more hidden or ignored as a key issue affecting low income girls and young women, such as in other parts of Latin America.

## Key factors contributing to child marriage in Brazil

Promundo's study seeks to identify the key factors contributing to the phenomenon of child marriage in Brazil, stressing local characteristics while also examining the commonalities with high-prevalence countries. Listed below are some of the possibly contributing factors this research intends to explore:

- **Lack of protection of the range of human rights** related to child marriage, including enjoyment of the rights to education, food, health, including sexual and reproductive health, non-discrimination, and freedom from violence, among others;
- **Poverty**, which largely limits access to ensuring the above mentioned rights, and is associated with the regions with the highest prevalence of child marriage (predominately in the north and northeast of Brazil);
- **Major infrastructure projects** and the influx of male migrant workers who arrive to work on them, which may heighten the practice of child marriage;
- **Large age gap** between partners, often justified as tradition or customary practice and as a strategy for ensuring girls' greater financial security;
- **Outdated laws and lack of legal enforcement**, discussed below;
- **A paucity of data** given that reporting of child marriage and informal unions is not systematic in Brazil, and existing data are imprecise (this research seeks to directly contribute to address this issue);

- **Root causes**, including dynamics and power structures within households and communities in which gender inequalities, rigid social and cultural norms are reinforced, such as the traditional perceptions of the status and roles of women, girls and adolescents, and social control of their bodies and choices.<sup>2</sup> Community interference and governmental interference with what are considered to be private matters of families and couples is discouraged, also upholding the practice.

## International Human Rights Conventions and National Policy Gaps

Gaps exist both with adherence to obligations under international human rights conventions and international human rights treaties on child and early marriage at the national level. National policies fall behind in protecting the rights of girls, adolescents, and women. For example, from 1980 to 2010 approximately 91,000 women were victims of homicide in Brazil, 43,500 of them during the 2000s alone.<sup>3</sup> In an OMS ranking using 2006-2010 data, Brazil was seventh out of 84 countries in terms of homicides against women, most of them committed against girls and women aged 15-29.<sup>4</sup> Brazil ratified the Convention on the Rights of the Child (CRC), and shortly after it passed the national Statute of the Child and Adolescent. The statute, however, has limited mention of sexual and reproductive health rights as subjects pertaining to children and adolescents, and has no mention of marriage. National legal frameworks are outdated and often contradictory, and enforcement is extremely weak.

Over the past two decades, advancements have been made in Brazil with regard to issues of adolescent pregnancy, domestic violence law, maternal and child mortality and extreme poverty; however, child marriage itself has remained completely invisible. If there have been any gains in terms of human rights protection of young women and girls at risk of a child marriage or in a union, they were indirect effects of the above-mentioned policies.

Based on these considerations, the study will examine the ways in which the Brazilian penal and civil codes may affect the level of protection offered to young women and girls at risk of child marriage – and how loopholes in current provisions may de facto allow legal marriage of girls younger than the minimum age of marriage in Brazil (16 years old), under specific circumstances such as pregnancy.

## Conclusion

Considering the problem of child marriage Brazil in the OHCHR *report on preventing and eliminating child, early and forced marriage* would be an essential step to give visibility to the fact that what the international debate usually refers to as child marriage also happens in middle- to low-income countries with an established human rights framework – such as Brazil and other Latin American countries. Raising visibility of the phenomenon and analyzing the gaps in Brazilian policy and legislation can contribute to holding these states accountable to existing laws and policies, and to accountability among those responsible for the human rights violations of girls and adolescents. Upon completion of

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<sup>2</sup> For example, limited formative research that Promundo carried out with mothers of adolescents in Brazil found tolerance and support by mothers of their daughters who have long-term sexual/intimate relationships with men 10-15 years older. Most mothers justified this saying that they viewed it as inevitable that their daughters would have children while young and they preferred their daughters to have children fathered by older men who were more likely to have financial means to support the child.

<sup>3</sup> Waiselfisz, J.J. (2012). *Mapa da Violência 2012. Os novos padrões da violência homicida no Brasil – Caderno Complementar 1: Homicídios de mulheres no Brasil*. São Paulo: Instituto Sangari.

[http://www.mapadaviolencia.org.br/pdf2012/mapa2012\\_mulher.pdf](http://www.mapadaviolencia.org.br/pdf2012/mapa2012_mulher.pdf)

<sup>4</sup> Ibid.

the study, Promundo would be honored to share results and recommendations with the OHCHR. The final report will be launched between the end of 2014 and early 2015.

In order to address child marriage, in addition to examining gender norms, it is also necessary to look at the socio-economic context and opportunities offered to girls before entering and to those intending to leave a child marriage. Thus, beyond laws that specifically protect women and girls from child marriage, responding to their needs also entails ensuring effective policies and programs are in place to allow the continuation of their education, their access to sustainable livelihoods, their access to health services, including sexual and reproductive health services.

Finally, Promundo suggests OHCHR encourage organizations and states to develop evidence-based measures to encourage positive engagement from men, family members, community leaders and other actors who may currently play roles in upholding child marriage, but could be transformed into agents of change and critical allies in ending the practice and its harmful effects.