

Policy Brief:

**Ending Child, Early and
Forced Marriages and
Unions in Colombia**

August 2024

1. ABOUT EQUALITY NOW

Since its founding in 1992, Equality Now has been using a unique combination of legal advocacy, regional partnership-building and community mobilization to encourage governments to adopt, improve and enforce laws that protect and promote the human rights of women and girls around the world. With an international team, our campaigns are centered on four program areas: Achieve Legal Equality, End Sexual Violence, End Harmful Practices, and End Sexual Exploitation, with a cross-cutting focus on the unique needs of adolescent girls.

Equality Now has been working on preventing child, early, and forced marriages and unions (CEFMU) since 1995, calling on Governments to enact and enforce laws that prohibit child marriage, as well as advocating for a minimum marriage age of 18. We work across the globe in the United States, in Latin America and the Caribbean, the Middle-East, Africa, Central Asia and South Asia, advocating for progressive laws on CEFMU, for effective implementation of the laws using a multi-sectoral approach and to ensure access to justice for survivors. In Argentina, we're working with government stakeholders and the media to raise awareness of CEFMU in the country and the harmful impact of the legal loopholes whereby judges can grant dispensation for children to marry.

2. INTRODUCTION

This memorandum advocates for critical changes in the normative attitudes and practices surrounding CEFMU in Colombia. CEFMU deprive individuals of a future where they can fully realize their potential and perpetuate cycles of poverty, oppression, and harm.

Despite global efforts to combat these harmful practices, they remain prevalent in many regions, including Latin America and the Caribbean, with severe social, health, and economic consequences for girls and adolescents. By addressing the cultural, social, and legal factors that perpetuate these practices, we aim to create a future where every boy, girl and adolescent has the opportunity to thrive and reach their full potential.

Equality Now strongly supports Bill PL 155/2023C, which seeks to prohibit CEFMU and establish the National Program of Comprehensive Care for Life Projects for children and adolescents. We urge the Congress to take immediate action to pass this bill to eradicate CEFMU in Colombia and ensure compliance with the country's obligations under international and regional human rights law.

3. BACKGROUND ON CHILD, EARLY, AND FORCED MARRIAGES AND UNIONS

Child, early, and forced marriages and unions (CEFMU) are a fundamental violation of human rights which disproportionately impacts women and girls around the world. In particular, CEFMU affects the rights of women and girls to freedom from sexual exploitation and abuse, the right to education, the right to the highest attainable standard of health, including sexual and reproductive health, and the right to protection from violence.¹

It is crucial to emphasize the right to live free from violence rather than focusing solely on the violation of this right, aligning with the broader rights to education, health, and protection. CEFMU is a widespread harmful practice rooted in gender inequality, customs, tradition, culture, politics, economic interests, honor, and religion, and it can have devastating consequences for individuals and society. Treaty bodies, such as the Committee against Torture (CAT), have recognized that child marriage inflicts physical, mental, and sexual harm and obstructs the ability of girls, boys, and adolescents to exercise their rights. It constitutes cruel, inhuman, or degrading treatment when the minimum age for marriage does not align with international standards and can be viewed as a form of sale for sexual exploitation, violating Article 35 of the Convention on the Rights of the Child and the Optional Protocol on the sale of children, child prostitution, and child pornography.

In humanitarian settings, the UN High Commissioner for Human Rights has noted² that conflict, displacement, and natural disasters can lead families to agree to temporary marriages for their daughters in exchange for financial gain. These marriages often amount to trafficking or sexual slavery. Armed and organized crime groups use child and forced marriages as a cover for human trafficking and sexual exploitation, particularly in humanitarian contexts. Irregular migrants and migrant workers also face exploitation through forced marriage, with those on spousal visas having limited justice options due to the risk of losing their residence permits.

By highlighting these severe implications, we can underscore the critical need to protect the right to live free from violence and ensure comprehensive safeguards against CEFMU. This approach not only aligns with international human rights standards but also addresses the multifaceted issues stemming from early unions, including sexual exploitation and trafficking³.

Moreover, CEFMU undermines the right to decide one's life path, exercise autonomy, and develop agency. Girls often grow up under societal pressure and expectations about their roles, which restrict their ability to make decisions regarding their lives, bodies, and relationships. Addressing CEFMU in this context highlights not only the issue of violence but also the fundamental rights of children and the holistic development of girls and boys.

There are 640 million women and girls worldwide who were married before their 18th birthday.⁴ Concerningly, **research from UNICEF shows that the Latin America and the Caribbean (LAC) region has not made progress in reducing child marriage prevalence in the last 25 years.** This means that by 2030, the LAC region is expected to become second only to Sub-Saharan Africa in terms of child marriage prevalence globally.⁵

1 Child, early and forced marriage and unions, Harmful practices that deepen gender inequality in Latin America and the Caribbean, United Nations publication, online at: <https://oig.cepal.org/sites/default/files/child-marriage-lac-en.pdf>

2 Report of the United Nations High Commissioner for Human Rights, Child, early and forced marriage in humanitarian settings, 26 April 2019 (A/HRC/41/19)

3 Ibid.

4 UNICEF, Is an end to child marriage within reach?, 2023, <https://data.unicef.org/resources/is-an-end-to-child-marriage-within-reach/>

5 Ibid.

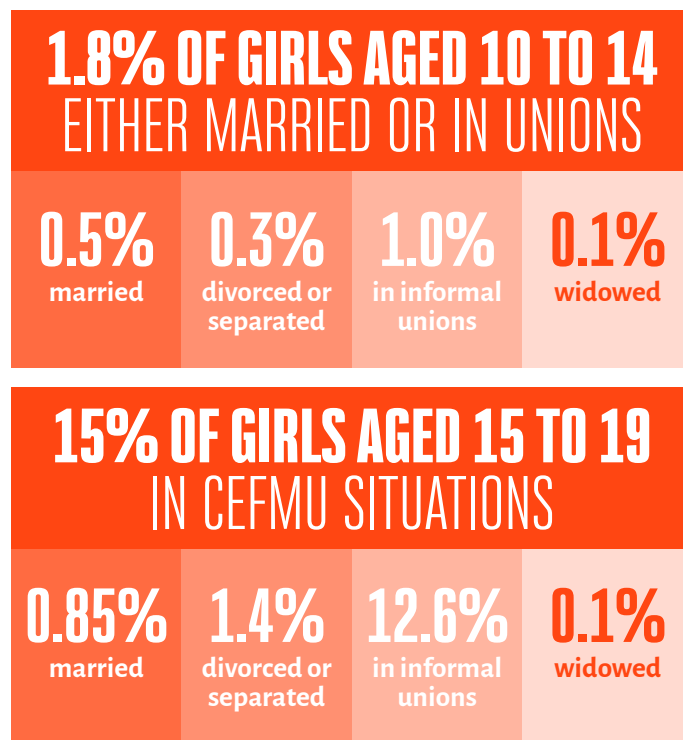
4. CHILD, EARLY, AND FORCED MARRIAGES AND UNIONS IN COLOMBIA

- Over the last 25 years, the prevalence of CEFMU in Colombia has remained the same, at 21%.
- Colombia ranks 20th worldwide regarding the number of girls married or in a union before turning 15 years old.
- Compared with countries in the Latin America and the Caribbean (LAC) region, Colombia ranks 11th in adolescents married or in unions before turning 18.⁶

The National Survey of Demography and Health (2015) reveals that informal unions, which often go unregistered, are the most common form of union, making it challenging to accurately measure their extent. Despite significant efforts, the percentage of individuals entering unions between ages 15 and 18 has not seen substantial decline over the past 38 years. Departments such as Vichada, Amazonas, Chocó, Guajira, and Caquetá, which experience high rates of multidimensional poverty, also exhibit the highest prevalence of CEFMU among girls aged 10 to 14.⁷

In 2018, approximately 340,083 girls and adolescents (8.6%) and 133,293 boys and adolescents (3.2%) were either in or had been in CEFMU situations. Despite the significant scale of this issue, it remains largely unrecognized and normalized within Colombian society. Research indicates that deeply ingrained social and gender norms perpetuate this practice, which often involves the exercise of power and control by men over their partners, particularly young girls and adolescents.

Data reveals that 1.8% of girls aged 10 to 14 were either married or in unions, with 0.5% married, 0.3% divorced or separated, 1.0% in informal unions, and 0.1% widowed. Among adolescent girls aged 15 to 19, 15% were in CEFMU situations, including 0.85% married, 12.6% in informal unions, 1.4% divorced or separated, and 0.1% widowed. Similarly, 1.6% of boys aged 10 to 14 and 4.8% of adolescent boys aged 15 to 19 were in such situations⁸.



Colombian Law 54 of 1990 establishes that after two individuals cohabit for two continuous years, they are presumed to form a permanent and singular community of life (de facto marital union), which includes individuals under 18 who entered into a union before reaching adulthood. Despite the Civil Code of 1974 setting the legal minimum age for marriage at 18, girls aged 14 and older may marry with parental consent. Although rights must be guaranteed to girls, adolescents, and women who have not been in unions for two years or more, many are unaware of these rights, leading to inadequate protection. Additionally, indigenous girls face an increased risk of early unions, exacerbating their vulnerability⁹.

6 UNICEF Colombia, Análisis de situación de los matrimonios infantiles y las uniones tempranas en Colombia, 2010 - 2020, <https://www.unicef.org/colombia/informes/resumen-miut>

7 Ibid.

8 Ibid.

9 Ibid.

5. INTERNATIONAL AND REGIONAL HUMAN RIGHTS FRAMEWORKS ON CHILD, EARLY, AND FORCED MARRIAGES AND UNIONS

Colombia is a signatory to and has ratified all major human rights treaties, including the International Covenant of Civil and Political Rights (ICCPR), International Covenant on Economic, Social and Cultural Rights (ICESCR), Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and the Convention on the Rights of the Child (CRC).

Both the CRC and the CEDAW include provisions for the protection of women and girls against forced marriage and for the right to health, the right to be free from violence and abuse, the right to equality and non-discrimination, and the right to education. These rights are adversely affected if the child is married before the age of 18.¹⁰

In addition to these protections, it is crucial to address sexual and reproductive rights (SRR) as outlined in the Programme of Action of the International Conference on Population and Development, Cairo. This document concretely established the rights to decide whether to marry, have children, and how many. While these rights are not legally binding like declarations, they are vital to consider. Emphasizing SRR ensures that all aspects of personal freedom and decision-making are accounted for, which are often overlooked in discussions about SRR.

The Cairo Declaration and Programme of Action also emphasizes that governments must strictly enforce laws to ensure that marriage is only entered into with the full and

free consent of both the spouses, as well as laws relating to minimum age of marriage.¹¹ Child marriage violates the SRR of girls - when they marry as children, they are denied the right to make critical choices about their future, they're often forced to have sex, and are vulnerable to gender-based violence. Additionally, forced pregnancies and poor maternal and child health outcomes associated with child marriage also severely impact the sexual and reproductive health of girls.¹²

In 2018, a [UN General Assembly resolution](#) urged States to adopt minimum age of marriage laws of 18 and to ensure “coherence of these laws and policies at the local level.”¹³ This was also reflected in a joint CEDAW/CRC General Comment on harmful practices in 2019; which explicitly recommends States to ensure “[t]hat a **minimum legal age of marriage for girls and boys, with or without parental consent, is established at 18 years;**” The Joint General Comment also notes that based on the provisions of CEDAW and the CRC, “each State party is under the obligation to send a clear message of condemnation of harmful practices, provide legal protection for victims, enable State and non-State actors to protect women and children at risk, provide appropriate responses and care, and ensure the availability of redress and an end to impunity.” Accordingly, states which maintain legal provisions that justify, allow or lead to harmful practices, such as legislation that allows for CEFMU, are in contravention of their obligations under both these Conventions.

Forced marriage is a union where one or both parties have not personally expressed their full, informed and free consent to the marriage - and it affects both adults and minors.¹⁴ It could also involve a marriage in which one of the parties wants to end or leave it but is not able to.¹⁵ Child marriage is considered a form of forced marriage under international human rights law, as one or both parties have been married too young to be physically and psychologically ready to provide full, informed and free consent.¹⁶

¹⁰ UNICEF, *Child Marriage*, online at: <https://data.unicef.org/topic/child-protection/child-marriage/>

¹¹ Programme of Action adopted at the International Conference on Population and Development, Cairo, 1994, https://www.unfpa.org/sites/default/files/event-pdf/PoA_en.pdf

¹² Girls Not Brides, *Child Marriage and Sexual and Reproductive Health and Rights*, 2018, <https://www.girlsnotbrides.org/documents/873/PO47765-Girls-Not-Brides-5.-Child-Marriage-and-SRHR-Ir.pdf>

¹³ United Nations General Assembly, Resolution adopted by the General Assembly on 17 December 2018; https://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/73/153

¹⁴ Joint general recommendation No. 31 of the CEDAW Committee/General Comment No. 18 of the Committee on the Rights of the Child, 8 May 2019 (CEDAW/C/GC/31/Rev.1–CRC/C/GC/18/Rev.1), paras. 22 and 23.

¹⁵ Resolution adopted by the Human Rights Council on 13 July 2023, *Child, Early and Forced Marriage: Ending and Preventing Forced Marriage*, A/HRC/RES/53/23. Available at: <https://undocs.org/Home/Mobile?FinalSymbol=A%2FHRC%2FRES%2F53%2F23&Language=E&DeviceType=Desktop&LangRequested=False>

¹⁶ Joint general recommendation No. 31 of the CEDAW Committee/General Comment No. 18 of the Committee on the Rights of the Child, 8 May 2019 (CEDAW/C/GC/31/Rev.1–CRC/C/GC/18/Rev.1), para. 20.; Report of the Office of the United Nations High Commissioner for Human Rights, *Adverse impact of forced marriage on the full and effective enjoyment of all human rights by all women and girls*, 2 February 2023 (A/HRC/52/50), para. 10.; UN Women, Virtual Knowledge Center to End Violence against Women and Girls, “Defining and Establishing Consent”. Available at: <https://endvawnow.org/en/articles/615-defining-and-establishing-consent.html>

Colombia is also a member of the Organization of American States (OAS) and has ratified the American Convention on Human Rights which recognizes the right of men and women of ‘marriageable age’ to marry and with full and free consent of the parties.¹⁷ The Inter-American Commission on Human Rights (IACHR) notes 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; and calls on governments to “set the age of majority as the minimum legal age for marrying”.¹⁸

In addition, Colombia has ratified the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women (the *Belém do Pará* Convention). In 2022, the Follow-up Mechanism to the *Belém do Pará* Convention (MESECVI) released its ‘Hemispheric Report on Child, Early, and Forced Marriage and Unions’, recommending that State Parties avoid introducing, and work to eliminate from their legal systems “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”¹⁹. In addition, MESECVI called on the States Parties to implement comprehensive legislative reforms with a multisectoral perspective to address the structural causes of early marriages and unions²⁰.

6. ANALYSIS OF THE PROPOSED BILL PL 155/2023C RELATING TO CHILD, EARLY, AND FORCED MARRIAGES AND UNIONS

Equality Now welcomes and supports the provisions of Bill PL 155/2023C “By which Child Marriage and Early Unions (MIUT) are prohibited in which one or both of the parties or permanent partners are minors, the National Program of Comprehensive Care for Life Projects for boys, girls and adolescents is created and dictate other provisions.” Analysis of specific provisions of the Bill are set out below:

(i) Raising Minimum Age of Marriage to 18 Without Exception

The proposed amendment to Article 116 of the Civil Code; and the deletion of Articles 117-123 provides that only people over the age of 18 will have the capacity to marry, without any exceptions. The current law permits children above the age of 14 to marry with parental consent only.

Equality Now strongly supports this provision and the proposal to raise the minimum age of marriage to 18 without exceptions, for the following reasons:

Compliance with international and regional human rights standards: As noted above, international and regional human rights treaties, which Colombia has ratified, require that the minimum age of marriage under the law should be set at 18, without any exceptions. A child cannot consent to marriage; it is essentially a contract (whether under codified, religious or customary law) with many human rights and legal ramifications. The notion of parental or guardian consent for marriage fundamentally undermines the child’s autonomy and their right to make their own informed decisions. From a young person’s perspective, this approach is deeply problematic as it disregards their voice and agency in matters that will significantly impact their future. Children and adolescents should have the

17 Article 17, American Convention on Human Rights

18 IACHR, Standards and Recommendations regarding Violence and Discrimination against Women and Girls, online at: <http://www.oas.org/en/iachr/reports/pdfs/ViolenceWomenGirls-Annex1.pdf>; Also see: IACHR Publishes Thematic Report on Violence and Discrimination Against Women and Girls in Latin America and the Caribbean, online at: https://www.oas.org/en/media_center/press_release.asp?sCodigo=E-031/17 ‘ Also see: Let them be Children, OAS, https://www.oas.org/en/media_center/press_release.asp?sCodigo=E-031/17 https://www.oas.org/en/iachr/media_center/PReleases/2020/012.asp

19 Inter-American Commission of Women. Follow-up Mechanism to the Belém do Pará Convention (MESECVI). Hemispheric Report on Child, Early and Forced Marriage and Unions in the States Party to the Belém do Pará Convention. [Prepared by the Follow-up Mechanism to the Belém do Pará Convention (MESECVI) / Inter-American Commission of Women], https://www.oas.org/es/mesecvi/docs/matrimonio_infantil_eng_v2.pdf
20 Ibid.

right to make independent decisions about their lives, with their evolving capacities taken into account and appropriate reasonable adjustments made to support their understanding and agency.

Adolescents are generally considered not ready to consent to marriage due to the profound and long-term implications such a contract entails. Marriage involves significant responsibilities, legal obligations, and personal commitments that can profoundly impact an individual's future. Adolescents, whose cognitive and emotional capacities are still developing, may not fully comprehend the long-term consequences of such commitments. In contrast, the legal system recognizes that individuals under 18 may not have the maturity to make informed decisions about marriage, as it affects their future educational, economic, and personal trajectories. By setting a minimum marriage age, the law aims to protect adolescents from entering into commitments they may not fully understand or be able to handle, thus safeguarding their autonomy and well-being.

Current legal standards in Colombia fail to provide adequate safeguards to prevent parents from forcing or coercing children into marriage. This lack of protection is contrary to the principles of "free and full consent," which must be given by both parties in a marriage according to international law. The concept of free and full consent implies that both individuals entering into a marriage must do so voluntarily, with a clear understanding of the implications and without any form of pressure or coercion. Forcing or coercing children into marriage, whether directly or through parental consent, violates their fundamental rights and perpetuates harmful practices that can have long-lasting negative effects on their health, education, and overall well-being.

Ensuring that all individuals, especially children, have the autonomy to make their own decisions about marriage is crucial for upholding their human rights and promoting gender equality. Legal frameworks must align with international standards, incorporating considerations of evolving capacities and making reasonable adjustments to protect children from being subjected to practices that undermine their rights and dignity. This approach ensures that the rights of children are respected and their development supported in a manner that acknowledges their growing abilities and needs.

Links to Sexual and Reproductive Rights

The decision to have an abortion is fundamentally different from entering into a marriage. Abortion involves a time-sensitive choice where the window for making a decision is limited, and once a pregnancy progresses beyond a certain point, the options become more restricted. The U.S. Supreme Court case *Bellotti v. Baird* highlights this distinction by emphasizing that while delaying marriage does not forfeit future opportunities, the opportunity to terminate a pregnancy may expire quickly. The immediate nature of the decision underscores the need for timely access to abortion services, allowing individuals to make decisions that prevent long-term and potentially irreversible consequences. This approach respects the urgency and personal nature of reproductive choices, recognizing the need for timely intervention.

Laws setting the minimum age for marriage at 18 aim to balance protection with autonomy. The prohibition of child marriage is crucial for protecting young people from the potential abuses and disadvantages associated with early unions, such as forced marriages, disruption of education, and negative impacts on health. These laws ensure that adolescents are not coerced into lifelong commitments before they reach legal maturity and can fully understand and handle such responsibilities. On the other hand, allowing minors access to abortion supports their right to make informed decisions about their reproductive health. It acknowledges that while adolescents may lack full maturity in some areas, they need the autonomy to make critical decisions about their bodies and futures, especially when facing time-sensitive situations.

Both prohibitions on child marriage and provisions for abortion access are rooted in the protection of human rights. Prohibiting child marriage helps prevent the harm associated with early and forced unions, ensuring that adolescents are safeguarded from violence, exploitation, and denial of opportunities. It supports their right to education, health, and personal autonomy. Allowing access to abortion affirms the right of minors to make decisions about their reproductive health, preventing forced parenthood that could lead to lifelong disadvantages. By recognizing and addressing the different needs and capacities of adolescents, these measures collectively promote the well-being and rights of young people, balancing protection with respect for their evolving autonomy.

Colombia has also received recommendations from different international human rights mechanisms regarding the need to amend law on CEFMU, including:

- **Recommendation from the Committee on the Rights of the Child (2015):** The Committee reviewed Colombia's combined fourth and fifth periodic reports on January 20 and 21, 2015, and issued its final observations on January 30, 2015. The Committee expressed concern about the exception in the Civil Code that allows children as young as 14 to marry with parental consent, despite the legal minimum marriage age being set at 18. The Committee highlighted the importance of enforcing the minimum marriage age of 18 for both girls and boys, emphasizing that no one under 16 should be allowed to marry. Exceptions for those aged 16 and above should only be permitted with the authorization of a competent court and with the full, free, and informed consent of the child, strictly defined by law. The Committee also referenced its General Comment No. 18 (2014) on harmful practices, which it published jointly with the Committee on the Elimination of Discrimination against Women, and urged Colombia to implement comprehensive awareness programs on the negative consequences of child marriage. These programs should target parents, educators, and community leaders to foster understanding and drive change.
- **Recommendation of the CEDAW Committee to Colombia (2019):** "The Committee urges the State party to bring its legislation into line with international standards.. and without further delay to amend the Civil Code so as to remove the exceptions to the minimum age of marriage and ensure that the legal age of marriage is 18 for both girls and boys."²¹
- **Recommendations at the Universal Periodic Review (2023):** Colombia received a number of recommendations from countries at the Universal Periodic Review to raise the minimum age of marriage to 18 under the law in accordance with international human rights standards; and to remove exceptions for parental consent.²²

Compliance with the principle of best interest of the child:

The short and long-term impacts of child marriage means that protecting children from child marriage is in the best interests of the child. Children who are married below 18 are often subjected to rape; are more likely to undergo domestic violence and to have forced pregnancies as well as more children compared to those who marry later - which often leads to long term physical consequences for girls' young, under-developed bodies. Further, research shows that child marriage affects girls' education, perpetuates a cycle of poverty, and affects the health, and physical and emotional well-being of the child.²³

Colombia is lagging behind other countries in the region:

Child marriage under the age of 18 is completely prohibited in at least 11 countries in Latin America and the Caribbean. Most recently, Cuba amended its Family Code to remove exceptions that allowed marriage below the age of 18. Similarly, in 2020, lawmakers in Puerto Rico passed a bill (PC1654) to set the marriage age at 18. In 2021, the Dominican Republic amended its law to ensure that the minimum age for marriage was set at 18 with no exceptions. By amending its law to prohibit marriage under the age of 18, Colombia will align with the progressive trend of legal reforms in the LAC region.

In the local context, judicial criteria in Colombia still fail to adequately protect the principle of the best interests of children and reveal institutional tolerance for 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 stating that girls, boys, and adolescents over 14 years of age do not require authorization to form de facto marital unions, as such authorization is only necessary for formal marriage. The court noted that "the responsible will to form the marital union arises de facto, and the consent of its protagonists appears implicit. If its formation is not subject to prior procedures, there would be no scenario to demand and complete the mentioned approval." For the CEVI, this ruling exacerbates the CEFMU situation in Colombia by setting a jurisprudential precedent that disregards international recommendations on the minimum legal age for entering a union and lacks a perspective grounded in the human rights of children and women²⁴.

21 Committee on the Elimination of Discrimination Against Women, Concluding observations on the ninth periodic report of Colombia, CEDAW/C/COL/CO/9, 14 March 2019, para 48, <https://www.ohchr.org/en/documents/concluding-observations/concluding-observations-ninth-periodic-report-colombia>

22 Human Rights Council, 55th Session, Report of the Working Group on the Universal Periodic Review: Colombia, A/HRC/55/7, 29th December 2023, <https://www.ohchr.org/en/hr-bodies/upr/co-index>

23 Equality Now, *Protecting the Girl Child: Using the law to end child, early and forced marriage and related violations*, 2014, p.10.

24 Inter-American Commission of Women. Follow-up Mechanism to the Belém do Pará Convention (MESECVI). Hemispheric Report on Child, Early and Forced Marriage and Unions in the States Party to the Belém do Pará Convention. [Prepared by the Follow-up Mechanism to the Belém do Pará Convention (MESECVI) / Inter-American Commission of Women]. p.132; 21x29,7cm. (OAS. Official records; OEA/Ser.L/II.6.35) https://www.oas.org/es/mesecvi/docs/matrimonio_infantil_eng_v2.pdf

(ii) Holistic Approaches to Addressing Child, Early, and Forced Marriages and Unions

A comprehensive, multi-sectoral approach to ending child marriage, including in the law itself, is key. Taking into account that poverty, gender violence and the violation of sexual and reproductive rights are some of the main determinants of marriage and unions of girls and adolescents, strategies should be developed to promote economic growth opportunities for adolescents, in order to reduce structural inequality. There should also be guaranteed access to comprehensive sexuality education in schools and strengthened access to sexual and reproductive health information for adolescents; as well as reinforcement of comprehensive protection measures against gender-based violence.²⁵

In accordance with this holistic approach, we strongly support the current provisions in the Bill regarding the pedagogical campaigns on CEFMU, prevention strategy, the requirement for the creation of a national program on ‘Dignified Life Projects’. We also appreciate the provision in the Bill which requires yearly reports from the Ministry of Equality and Equity to Congress on the actions carried out, achievements achieved and the impact evaluation of this law within the framework of the ‘Dignified Life Projects’ program; since this will improve accountability on part of the Government Ministries towards ensuring implementation of the law.

In order to make these provisions even more effective and to ensure that the law also addresses the root causes of child, early, and forced marriages and unions, we propose the following changes:

- The awareness campaign on the National Television Radio of Colombia is a great initiative. For maximum impact, it should be complemented by on-the-ground social behavior change programs, as well as targeted social behavior change programs for staff in government departments and agencies working with children and adolescents. These first responders, who are responsible for protecting the rights of children and adolescents in various state institutions, need specialized training and sensitization on CEFMU to be able to identify risk situations and implement effective prevention and response strategies.
- Regarding the Dignified Life Project as a prevention strategy, it would be beneficial if the law explicitly details what this program should include, such as comprehensive sexuality education and the prevention of unintended adolescent pregnancies. Additionally, the project should incorporate a reintegration program for adolescents who have dropped out of school due to CEFMU or pregnancy. It is crucial that the project adopts an intersectional approach, recognizing that Afro-descendant, indigenous, and other minority communities face a higher risk of CEFMU in Colombia.
- Furthermore, it is suggested that the “program” promoted by the law should include actions across the various systems of the ecological model—such as guardians, communities, families, and children and adolescents. Actions should specifically address girls at risk, those already in unions, and those who have been in unions, with a strong emphasis on rights restoration, life skills development, gender equality competencies, and the enforcement of rights. Including a robust component on masculinities, involving boys and men of different ages, is also essential to help them understand their role in preventing and perpetuating the practice.
- Lastly, a critical issue is the lack of data. There are no administrative records that allow the State to take action—detect, address, respond, and protect girls and adolescents—against this harmful practice. Our research has identified this as a significant bottleneck within the institutional framework of the socio-ecological model. We recommend that the State establish comprehensive and systematic administrative records and data collection mechanisms. This will facilitate effective monitoring, enforcement, and response to cases of CEFMU. Improved data collection will support targeted interventions, resource allocation, and the development of informed policies to better protect and support affected girls and adolescents.

25 Matrimonio infantil: una práctica aún naturalizada que amenaza el futuro de miles de niñas y adolescentes en Argentina, véase: <https://www.redaccion.com.ar/matrimonio-infantil-en-argentina-por-que-es-grave/>

(iii) Recognizing the Principle of Evolving Capacity of Adolescents

While we recognize and support the need to protect children from marriages and reduce the prevalence of unions involving boys, girls and adolescents, laws and policies related to CEFMU also need to recognize the principles of progressive autonomy and evolving capacity of adolescents, especially with regard to consensual, non-coercive and informal unions between peers, for instance where both parties are 16 or 17 years old.

It is important to clarify that the prohibition on recognizing certain unions is not an argument against the cohabitation of people under 18 years old. Specifically, the cohabitation of people under 18 years old who are peers and do so with full, free, and informed consent is not in question. The legal prohibition pertains to the recognition of such cohabitation as a 'Unión Marital de Hecho' under Law 54 of 1990. Under this law, such a union is recognized as forming a permanent and singular community of life, thereby acquiring the duties and rights equivalent to those of marriage. While affectionate and sexual relationships between peers are not under scrutiny, cohabitation does present significant challenges. Although cohabitation among people under 18 years old occurs in a minority of cases, it still poses a risk to the enjoyment of rights for both parties involved. Often, they have to sacrifice their educational trajectory to enter the workforce and earn a living. Additionally, girls and adolescents may drop out of school and take on caregiving roles.

As recommended by the Committee on the Rights of the Child's General Comment on adolescence, States have an obligation to recognize that persons up to the age of 18 years are entitled to continuing protection from all forms of exploitation and abuse. This includes setting the minimum age for marriage at 18. However, States should also take into account the need to balance the protection and evolving capacities of adolescents. This includes for instance, the requirement that States should not criminalize adolescents of similar ages for consensual, non-coercive and non-exploitative sexual activity.²⁶ Children should have access to comprehensive sexuality and relationship education and reproductive rights and services.

26 Committee on the Rights of the Child, General comment No. 20 (2016) on the implementation of the rights of the child during adolescence, <https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-comment-no-20-2016-implementation-rights>

27 Inter-American Commission of Women. Follow-up Mechanism to the Belém do Pará Convention (MESECVI). Hemispheric Report on Child, Early and Forced Marriage and Unions in the States Party to the Belém do Pará Convention. [Prepared by the Follow-up Mechanism to the Belém do Pará Convention (MESECVI) / Inter-American Commission of Women], https://www.oas.org/es/mesecevi/docs/matrimonio_infantil_eng_v2.pdf

28 Girls Not Brides. Child marriage is a form of gender-based violence, <https://www.girlsnotbrides.org/learning-resources/child-marriage-and-health/gender-based-violence-and-child-marriage/#:~:text=Child%20marriage%20is%20a%20form,related%20outcomes%20throughout%20their%20lives>

29 Kidman, 2017, *Child marriage and intimate partner violence: a comparative study of 34 countries*, International Journal of Epidemiology, Volume 46, Issue 2, 1 April 2017, Pages 662–675

30 Inter-American Commission of Women. Follow-up Mechanism to the Belém do Pará Convention (MESECVI). Hemispheric Report on Child, Early and Forced Marriage and Unions in the States Party to the Belém do Pará Convention. [Prepared by the Follow-up Mechanism to the Belém do Pará Convention (MESECVI) / Inter-American Commission of Women]. p.132; 21x29,7cm. (OAS. Official records; OEA/Ser.L/II.6.35) https://www.oas.org/es/mesecevi/docs/matrimonio_infantil_eng_v2.pdf

Similarly, MESECVI has recommended that states should “guarantee that the process of legislative reforms related to CEFMUs does not translate into a setback for girls and adolescents’ sexual and reproductive rights” and that public policies towards eradicating CEFMU “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”.²⁷

(iv) Child Marriage is a Form of Gender-Based Violence²⁸

Child marriage is an internationally recognized as a form of gender-based violence, and both are considered serious human rights violations. This practice exposes girls and women to heightened risks of sexual, physical, and psychological violence, with lasting adverse effects throughout their lives. Globally, girls who marry before 18 face increased risk of sexual and physical intimate partner violence as compared to women who marry as adults.²⁹ The inherent power imbalances and lack of agency within such relationships, especially when girls marry older men, create fertile ground for exploitation and mistreatment, perpetuating cycles of trauma and suffering. The Committee on the Elimination of Violence against Women (CEVI)³⁰ highlights that the harm inflicted by child, early, and forced marriages (CEFM) extends beyond immediate physical and mental consequences. It often aims to undermine the recognition, enjoyment, or exercise of women’s and children’s human rights and fundamental freedoms.

Such practices negatively impact various aspects of their lives, including dignity, physical and psychosocial development, health, education, and economic opportunities. The CEVI notes that these practices contribute to the subordination of women, limit their political participation, and reduce their educational and employment opportunities. In its most extreme form, forced marriage can involve severe actions such as threats, kidnapping, imprisonment, physical violence, rape, and, in some instances, murder.

Gender-based violence (GBV) is both a cause and a consequence of early unions. 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.³¹ Girls may choose to marry to avoid violent family settings, and parents may believe early marriage will protect their daughters from sexual violence and early pregnancy, or be viewed as a solution to notions of “family” and “family honor”, such as when a girl is pregnant or has been sexually assaulted. However, as highlighted above, a girl married before 18 is more likely to suffer intimate partner violence throughout her life, particularly if her husband is much older.³² It is important to recognize CEFMU as a harmful practice that infringes on multiple rights and is rooted in various structures of exclusion and domination: patriarchy, sexism, racism, and classism.

7. CONCLUSION

CEFMU deprives a girl of a future in which she can reach her full potential and furthers a dangerous cycle of poverty, oppression and harm. Equality Now strongly support the provisions of Bill PL 155/2023C “By which Child Marriage and Early Unions are prohibited in which one or both of the parties or permanent partners are minors, the National Program of Comprehensive Care for Life Projects for boys, girls and adolescents is created and dictate other provisions.” We urge the Congress to take immediate action to pass this law to promote the eradication of CEFMU in Colombia and to ensure compliance with Colombia’s obligations under international and regional human rights law.

³¹ 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

³² Girls Not Brides, Ending Child, Early and Forced Marriage is crucial to Gender Equality, July 2020, https://www.girlsnotbrides.org/documents/953/Ending-child-marriage-is-crucial-to-gender-equality_2020-July.pdf

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