**Report of the Secretary-General on CEFM, pursuant to the resolution 71/175 of the UNGA.**

**Country:** Mexico

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1. **Implementation of recommendations of A/HRC/26/22**

* The General Law on the Rights of Children and Adolescents (LGDNNA by its initials in Spanish) was adopted and published on the Official Journal of the Federation on December 4th, 2014. Art. 45 of this Law sets the minimum age of marriage at 18, with no exemptions nor special dispensations. This led to the promulgation of counterpart laws in Local Congresses —i.e. State Laws on the Rights of Children and Adolescents were created—, and to reforms to the Civil and Family Codes of the 32 federative entities that constitute the country, since marriage is a local matter. The importance of this Law and what differentiates it from others, is that it is the first one that eliminates any exemptions or special dispensations.
* On 2016, the Mexican government made an agreement with the Global Partnership to End Violence Against Children —Mexico is considered a pathfinder country ­—. At national level Mexico has designed an Action Plan for the local implementation; this Plan stipulates into their third objective the following: “*State legislature harmonization that includes the subjects of: explicit prohibition of physical punishment in all ambits and in child marriage*”, and its goal reads as follows: “*All 32 Local Codes should establish 18 as the minimum age for marriage with no exemptions nor special dispensations*” (See document [here](https://goo.gl/6L28PK).) This initiative derives from all the efforts described above.
* Even though the inscription to the birth registration does not require for the parents of the child to be under any marriage conditions, there was a case in Nayarit in which a child was denied to enter the birth registration because their parents were not married and were unable to be since they were both under aged.
* There are no formulations, policy implementations nor national strategies that include the participation of all state-level authorities, Civil Society Organizations, groups of women, religious and community leaders, human rights’ institutions, legislators, judges, etc. with broad scopes of action that are coordinated to eradicate child marriage. There is no assignment of a public budget either.
* There are no programs of reintegration to the school system designed for girls who had to abandon school because they got married. Nonetheless, there is one program called PROMAJOVEN, which offers economic help to young mothers to ensure that they finish secondary level of school. However, evaluations made by CONEVAL and UNAM have suggested that said program is not effective. It does not offer any medium term plans for scholarship holders, it assists a very narrow universe of the target population —considering that each year, almost 400 thousand girls under 19 years old give birth in Mexico­— and shows low indexes of conclusion of secondary level of school, meaning that only 2 out of 10 scholarship holders conclude their studies.

**2. Measures to address the root, systematic and underlying causes.**

* All adopted measures have focused on a legislative harmonization. Measures are not accompanied by a package of actions, public policies, or assignments of any public budget designed to face all the systemic and underlying factors of child marriage such as poverty, insecurity and gender inequalities. In September of 2017, two earthquakes hit Chiapas, Mexico City, Puebla, Morelos and Oaxaca, gravely affecting the population of these areas. In this context, Save the Children estimated that more than 226 thousand children are sleeping on the streets, temporary camps or shelters. According to this specific situation, no special protocols for the protection of children on the prevention violence and child marriage have been carried out.

**3. Progress in laws and policies**

* Derived from the emission of The General Law on the Rights of Children and Adolescents on 2014, which set 18 years old as the minimum age of marriage with no exemptions nor special dispensations, the following actions were implemented at a local level:

1. 26 Civil and Family State (i.e. local) Codes are harmonized with the LGDNNA, meaning that they set the minimum age of marriage at 18 years old with no exemptions nor special dispensations.
2. Five Civil Codes or Family Laws (Baja California, Guanajuato, Nuevo León, Queretaro y Sonora) are only partially harmonized since they include certain exemptions and special dispensations. These exemptions are granted under grave or justified causes that are not expressed on any internal ordering that could sustain them. This exceptions have been used to justify crimes against women and to maintain patriarchal values that puts adolescents at risk.
3. It is important to note that Chihuahua and the Federal Civil Code currently set the marriage of age under 18 and establish a differentiation between genders: boys 16 years old while for girls it is 14, this being an evident gender discrimination.

* Despite all these efforts, there is not a public policy designed to eradicate child marriage that is accompanied the legislative harmonization.
* In 2016 and 2017 Mexico co-sponsored two resolutions, in [UNGA](http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/71/175&referer=http://www.un.org/en/ga/71/resolutions.shtml&Lang=E) and [HRC](http://www.un.org/es/comun/docs/?symbol=A/RES/71/175) to eradicate CEFM; but this actions weren’t informed on time into national Ministries either Jurisdictional bodies.

**3.1 Measures to implement the actions described above.**

* An example that shows the lack of monitoring of the implementation of these measures is the existence of 305,285 informal unions in teenagers between 12 and 17 years old that were registered in the 2015 Census. 80% of this unions are in girls. It must be taken into account that many of these unions may have occurred before the LGDNNA was published, since these unions were not disaggregated by year.
* No public policies regarding a change in the patriarchal culture and that would accompany any legislative advances have been drafted. Therefore, any efforts made by the government regarding the eradication of child marriage are insufficient, since there is a lack of integrality in all actions implemented by the organs of State.

**4. Promotion of girls and women’s autonomy**

* The Strategy for the Prevention of Teenage Pregnancy (ENAPEA for its initials in Spanish) is the only document of public policy that reports actions against child marriage since it considers this practice as a driver of teenage pregnancies. In its 2016 Action Report (see [here](https://www.gob.mx/cms/uploads/attachment/file/204556/Informe_Ejecutivo_del_GIPEA_2016__27032017_Version_Final.pdf)) it lists a series of measures set to eradicate child marriage, such as: incidence in local congresses to achieve the harmonization of local civil or family codes; radio spot transmissions during the International Day of the Girl; and a radio interview with the National Institute of Women’s (INMUJERES) board and personnel. Even though many lines of action from ENAPEA do contribute to the reduction of early unions, it is necessary to include specific lines of action to decrease both formal and informal unions. This mechanism of action is set to be implemented up to 2030, and it will be necessary to have a specific budget assignment.

**5. Concrete actions to provide protection for girls at risk and survivors**

* The LGDNNA establishes the creation of the National System for the Protection for Children and Adolescents, and other state systems, as well as the creation of a National Procuracy for the Protection of Children and Adolescents with its respective state counterparts. Both the National System and the Procuracy have shown weaknesses in protecting vulnerable children at state and municipal level. Procuracies do not have an action plan to assist girls and adolescents at risk of being married or already involved in a forced marriage, not even to track the causes of granted exemptions for marriage in the states in which exemptions and special dispensations are allowed. One main flaw in the operation of both mechanisms is the lack of a public budget assignment needed to operate freely and the lack of qualified public officers with experience on the rights and protection of children with a gender perspective.

**6. Data**

* INEGI’s Administrative Register on Nuptialities show an annual evolution of child marriages; in average, girls under 15 years old get married 60 times more than boys do, and girls between 15 and 17 years old get married 6 times more than boys do. (See information [here](https://drive.google.com/open?id=0B3b4OMCqbMRHWGd0dEJteFJMSHM))
* INEGI’s 2015 census also shows that:

1. 75,446 adolescents between 12 and 17 years old are married (taking into account that they could have gotten married that same year or earlier) and 3 out of 4 of these adolescents are women.
2. **Health:** 82% of adolescents who are married are affiliated to public health services. The primary institution of public health services is *seguro popular* (56%). The affiliation to other public health services (IMSS, ISSSTE, Pemex, Defensa and Marina) is 27% lower than for those who are single at the same age.
3. **Education:** Only 27% of married adolescents attend school, while 86% of single adolescents do. The case of women is graver: only 22% of married women go to school, meaning that 1 out 5 under aged married girls and women attend school. For boys and men, only 44% attend school.
4. **Activities:** 46% of married men work at an economic activity, while only 10% of single men do. 89% of men who work and are married do not go to school. On the other hand, 69% of married women do domestic work, and only 6% of single women do.
5. **Household conditions:** 1 out of 5 households in which married adolescents live do not have basic services (electricity, water and drainage), 46% more than households in which there are no married adolescents. 16% of households in which married adolescent live are under overcrowding conditions, 60% more than households in which there are no married adolescents.
6. **Fertility:** 43% of married women have at least one child, while only 1% of single women do.
7. **Violence:** Women to get married under 18 years old suffer 49% more physical violence; 68% more sexual violence and 16% more economic violence in comparison to those who got married after turning 18 years old.

* Nevertheless, this census was not designed with the particular interest of providing data on child marriage since it is a survey focused on getting to know the population’s general situation. This is why there is no specific information provided regarding causes of child marriage or granting of exemptions or other elements important for the analysis.

1. **Challenges and obstacles**

* On March 2016, the Human Rights State Commission (CEDH by its initials in Spanish) of Aguascalientes presented an Action of Unconstitutionality 22/2016 against Art. 45 of the LGDNNA stating that the prohibition of exemptions and special dispenses puts at risk the right for marriage of people under 18 years old. The CEDH demands for the granting of marriages through exemptions and special dispensations that can be granted at a minimum age of 14.
* In accordance to this Action of Unconstitutionality, the Supreme Court of Justice (SCJ) must make a decision on whether exemptions and special dispenses are unconstitutional. This discussion it set to be on January 19, 2018. The decision on this matter could lead to the allowance of exemptions and special dispensations, which is very worrisome. As a response to these circumstances, Save the Children in Mexico, Oxfam Mexico and other organizations identified the risk of regression on the states’ normative and presented an *Amicus Curiae* to the SCJ. In it, it is stated that child marriage at an early age obtained under the figure of exemptions or special dispensations is harmful and permanently affects the rights of boys, girls and adolescents, all this to push the SCJ to declare as constitutional the prohibition of exemptions and special dispenses on the matter of child marriage in Mexico.

1. **Recommendations**

* The SCJ needs to pronounce itself against exemptions and special dispensations, all according to the highest international standards in the matter of the rights of children.
* Push for the design and implementation of public policies and programs considering cultural pertinence and contexts to discourage formal and informal unions; integrating girls, boys and adolescents voices.
* Gather statistical data and information annually, disaggregated by gender, sex, education conditions, origin, employability, salaries and violence of girls, boys and adolescents that are married or in union.
* Conclude the legislative harmonization of all Federal, Local and State Civil Codes.
* Facilitate divorce of all under aged boys and girls who are married and wish to do so.