**ELIMINATION OF CHILD MARRIAGE, EARLY AND FORCED**

**CONTRIBUTION OF CNDH MEXICO**

**Questions 1 and 2:**

The General Law on the Rights of Girls, Boys and Adolescents, published in the Official Gazette of the Federation, was enacted on December 4, 2014. Its 45 Article states that “Federal laws and of federal entities, within the scope of their respective competences, will establish as the minimum age for marriage 18 years”, as well as the same law amended on June 23, 2017. This is to avoid child marriage, early and forced.

This National Human Rights Institution has implemented various actions with State institutions: workshops and training courses for public servants and the society, especially with indigenous peoples and communities, so that they know their rights and the causes or systematic factors that cause that practice to prevail.

Adolescent pregnancy is more likely to suffer complications in that, and in childbirth. Affect health, and even lose the lives of mothers. Mexico ranks first in the OECD countries in the number of underage mothers.

In order to influence the reduction of this phenomenon, the CNDH in matters of dissemination and promotion of the rights of adolescents imparts the course-workshop “It can happen to me”. “Prevention of Early Pregnancy in Adolescents”, in educational spaces, in the health sector and in the social systems of the country, with the aim of promoting the right of young people to freely and informally exercise their sexuality, as well as the importance of preventing sexually transmitted infections and pregnancies.

CNDH elaborated the triptychs PREVENTION OF EARLY MARRIAGE OF GIRLS, CHILDREN AND ADOLESCENTS, AND IT CAN HAPPEN TO ME, PREVENTION OF EARLY PREGNANCY.

Derived from the Resolution approved by the General Assembly on December 19, 2011, which was determined on October 11 as International Day of the Girl, the CNDH has conducted uninterrupted forums through which debates are held on the rights of girls and adolescents, involving authorities responsible for the protection of the rights of children and adolescents, civil society, representatives of international organizations and the academy, as well as girls, adolescents and the general public. The purpose of the Forums is to reflect, from the approach of the theme that each year UN Women proposes.

Within the framework of the celebration of the 6th. Forum held in the state of Tabasco, on October 9 and 10, 2017, the CNDH made that the Mexican State needs to promote the reform of the Civil and / or Family Codes and the Federal Code that are still pending to. establish the minimum age of 18 for marriage.

In June 2017, the CNDH, with ChildFund Mexico, carried out the Analysis Forum on the Rights of Children and Adolescents in Mexico and the 2030 Agenda, with the aim of addressing the situation of the rights of persons under 18 years, as well as the actions of the authorities, academia and public human rights organizations, taking as a framework the Sustainable Development Goals (SDG). In that forum, a call was made to "eradicate any normative provision, interpretation, practice or tradition that makes possible the mistreatment of children and adolescents; corporal punishment as a form of education or correction; forced or adolescent marriages; sexual or psychological violence and, in general, actions or omissions that interrupt their physical or emotional health or psychological development ".

**Questions 3 and 4;**

The care Program “Women’s Affairs and Equality between Women and Men (PAMIMH)” of the 4°VG of this Commission is responsible for monitoring legislation and programs on equality and women's affairs, as well as the National Policy on Equality between Women and Men. There is progress in adapting the civil legislation to eliminate this practice, however there are still regulatory frameworks that have not been modified. From consultation to the Civil and Family Codes of the States it is possible to notice that only in the federal regulations and the one of the State of Chihuahua, a marriage between persons under 18 is still planned; in Baja California, Guanajuato, Nuevo León, Querétaro y Sonora elements are foreseen so that minors can get married.

The General Law on the Rights of Girls, Boys and Adolescents provided for the creation of the National System for the Integral Protection of Children and Adolescents (SIPINNA), responsible for establishing instruments, policies, procedures, services, and actions for the protection of children's rights, childhood and adolescence.

**Questions 4 y 5**

Article 121 of the General Law on the Rights of Girls, Boys and Adolescents creates the Procurator Offices of Protection, at the federal and state levels, which have the obligation to seek the comprehensive protection of Children and Adolescents provided by the Political Constitution of Mexico and international treaties, so they must provide, medical and psychological attention.

The Mexican State, in terms of Chapter V of the General Law on Women's Access to a Life Free of Violence (LGAMVLV), has implemented the Gender Violence Alert (AVGM

In First V.G. of this Institution, there is a Coordination in charge of the Program of Issues of Children and Family, likewise, in the Fourth V. G., in addition to PAPIMH, there is a program to promote and protect indigenous peoples and communities human rights, and address issues of indigenous people in detention. Also there is a Complaints Direction on Indigenous Affairs.

Regarding the promotion of girls' access to education, in accordance with relevant international standards, as well as the economic empowerment of women and the right to dignified treatment, equality and non-discrimination, the Direction for the Promotion and Dissemination of Human Rights of Indigenous Peoples and Communities, has given conferences in high schools, TV high schools and colleges, as well as training courses in local Women's Institutes, health institutions and the inhabitants of indigenous communities: 420 in 2015, 35 in 2016 y 21 until September 2017.

This is an issue that is constantly addressed within the different training activities as one of the cross-cutting themes of the rights of indigenous peoples, the rights of indigenous women, the rights of indigenous children and the issue of gender.

In the resolution of complaints, gender approaches are applied and the best interests of the minors are protected, recognizing and guaranteeing the right of indigenous peoples and communities to the validity and application of their internal normative systems, but highlighting that the right is not unlimited or absolute, since its exercise must invariably be subject to the principles and rules established in the Constitution.

The Recommendation 15 /2015, is about an indigenous Mixe woman who was arrested at her home by topiles (community police), who transferred her to the Municipal Palace, and she was sent to jail because her ex-partner denounced her for neglecting her three-year-old daughter, because she went to study the baccalaureate. She was obliged to sign an agreement in which she undertook to abandon her baccalaureate studies in order not to lose custody of her three-year-old daughter, in the case, in the part that interests, this National Commission considered the following:

42. Taking into consideration the inclusion of international treaties within the constitutional block, in terms of Article 133, of the Political Constitution of the United Mexican States, the uses and customs of indigenous peoples must be respected by the State, according to Article 8, paragraphs 1 and 2, of the. Convention 169 of the International Labor Organization on Indigenous and Tribal Peoples in Independent Countries ", of June 27, 1989, adopted by our country on September 5, 1991, that states: "In applying the national legislation to the peoples concerned, due consideration shall be given to their customs or customary law", providen that they are not incompatible with the fundamental rights defined by the national legal system or with internationally recognized human rights. Whenever necessary, procedures should be established to resolve conflicts that may arise in the application of this principle.” The Supreme Law of the Federation, as well as the Constitution and the legislation of the State of Oaxaca, recognize and guarantee the right of indigenous peoples and communities to the validity and application of its internal normative systems. This right is not unlimited or absolute, since its exercise must be, invariably, subject to the principles and norms established in the Constitution and international treaties.

In addition, this National Commission has issued at least 30 Recommendations on obstetric violence, among which it is Recommendation No. 32/2015, the case “13 years of being a mother in a vegetable state” an indigenous mixtec woman peasant, originally from Santa Cruz, Itundujia, Putla de Guerrero, Oaxaca, who on June 20, 2001, when she was 26 years old and was pregnant at 40 weeks of gestation, began work on delivery at twelve o'clock that day. At night she was attended by a midwife in her community, and later she was referred to a clinic where she underwent surgery, however she presented sinus bradycardia with cardiorespiratory arrest, which warranted resuscitation maneuvers. In addition, the medical staff placed an Intrauterine Device (IUD). The measures ordered by this Institution were:

FIRST: Instruct to whom it may concern, so that the necessary measures are taken to repair the damages caused to V1 and their relatives, including indemnification or compensation. in the terms set in the General Law of Victims, in the Law of Assistance, Assistance and Protection to the Victims of the State of Oaxaca and in this Recommendation sending to this National Organism the proofs that prove their fulfillment.

SECOND. To create a Trust with the purpose that V2 has the necessary and sufficient resources to carry out and conclude its studies, and to send to this National Commission the proofs that prove its fulfillment.

THIRD. Design and implement a comprehensive training and education course, addressed to all personnel of the General Attorney of Oaxaca, mainly to the Agents of the Public Ministry, **in which the topics related to the human rights of women and groups in vulnerable situations are included**, **as well as the adequate enforcement of justice, with the objective that the public servers involved in the investigation of criminal acts have the elements that allow them to perform their functions correctly, on time and effectively**, **and the proofs of compliance are sent to the National Commission.**

FOURTH. Issue an advice note addressed to all staff of General Attorney of Oaxaca in which they are instructed that in cases where they are not competent to know the facts, they must send them immediately to the competent investigating authority, **as well as to respect and guarantee the human rights of victims of crime, particularly in the case of women and groups in vulnerable situations whose cases must attend and investigate with due diligence and within a reasonable time; and be sent to this National Commission the certificates that prove compliance**.

FIFTH. In case the administrative and criminal liability of AR3, AR4, AR5, AR6, AR7, AR8, AR9 and AR10 is prescribed, instruct whomever corresponds so that, according to internal procedures, it is determined to record this Recommendation, in each administrative file of the aforementioned public and send to this National Organism the documents that prove its fulfillment.

These are measures through which it helps to guarantee to indigenous girls and women the exercise of their rights, not only to health, but also to education, equality and access to justice.

**Question 6**

The CNDH of Mexico participates in the groups that follow up the application and declaratory procedures of Alerts of Gender Violence against Women, collaborating together with academics, as well as with public servants that integrate them, to face the context of violence against women.

During the presentation of the Diagnosis of the National Commission of Human Rights as a member of the working groups that follow up on the procedures for Alerts of Gender Violence against Women, Luis Raúl González Pérez, President of the CNDH, made a call to review and rethink the Gender Violence Alert mechanism against Women, since the results it produces are not desirable and its operational dynamics reduce effectiveness and efficiency in its implementation.

Within the recommendations made in the report, the CNDH identified five areas that must be reconsidered and reinforced:

* Review the characteristics of the procedure envisaged in the LGAMVLV and the respective regulations
* Rethink the methodology for the analysis and interpretation of the information
* Review and strengthen the integration of the working groups that deal with the procedures of the AVGM and
* At the state level plan, request and exercise with transparency the budget to strengthen the institutions responsible for violence against women, as well as employing gender criteria, taking into account the mainstreaming of the gender perspective.

**Question 7**

In legislative matters, it is necessary to continue with the harmonization of legislation, based on the General Law on the Rights of Girls, Boys and Adolescents. In that sense, the establishment of the minimum age of 18 years for marriage should be encouraged.

The unions at an early age are not only a legal problem but social and cultural, that is why the Mexican State should emphasize affirmative actions to fully realize the rights of children and adolescents in order to have opportunities to live in conditions of dignity; attend and remain in the education system; have sexual and reproductive health services; have access to contraceptive methods, enjoy substantive equality between both sexes, and with it, discourage marriages and unions at an early age as an alternative to life or an imposition.

Regarding the problems that persist in this practice, it is observed that the implementation of public policies in this area requires a coordinated and transversal action that is not always achieved, so it is necessary to focus and identify specific actions on the subject as well as the institutions in charge of them to build axes of work that guarantee the elimination of such practices.

With regard to the indigenous peoples and communities, a persisting factor for their elimination is the practice of the ingrained practice of the Uses and Customs that they consider immutable consequently, there is a reluctance to change them. The Commission knows this situation, however changing such practices requires time and a great deal of awareness of the peoples themselves.

The CNDH of Mexico considers that gender inequality begins from childhood, and for its eradication it is necessary to raise awareness and involve children and young people in actions aimed at fulfilling the rights of girls and adolescents, through an education in and for human rights; the promotion of ethnic, cultural and ideological diversity; opt for positive parenting techniques free of violence and with a gender perspective, and the promotion of masculinities that reject violence and are aware and supportive of the situation of the female gender

Additionally, We send you various publications on the subject, which, if considered pertinent, may be useful to the High Commissioner for Human Rights:

* *Encuesta de Salud y Derechos de las Mujeres Indígenas • (Survey of Health and Rights of Indigenous Women) (ENSADEMI 2008)*, Instituto Nacional de Salud Pública, México, 2014. Disponible en: <https://www.insp.mx/images/stories/Produccion/pdf/100722_cp7.pdf> (consulted on October 13, 2017).
* *Campaña “De la A (Aguascalientes) a la Z (Zacatecas), México sin unión temprana y matrimonio de niñas en la ley y en la práctica"*, (Campaign "From A (Aguascalientes) to Z (Zacatecas), Mexico without early union and marriage of girls in law and in practice"), Instituto de Liderazgo Simone de Beauvoir y ONU Mujeres, México, 2016. Disponible en: <http://mexico.unwomen.org/es/noticias-y-eventos/articulos/2016/12/spots-radio-ninas> (consulted on October 13, 2017).
* *Boletín Desigualdad en cifras, Unión temprana o matrimonio infantil*, INMUJERES, México, 2016. Inequality in numbers, early marriage or child marriage. Disponible en: <http://cedoc.inmujeres.gob.mx/documentos_download/BoletinN3_2016.pdf> (consulte don October 13, 2017).
* *Ley General de los Niños, Niñas y Adolescentes*, • General Law for Children and Adolescents última reforma publicada el 23 de junio de 2017. Disponible en: <http://www.diputados.gob.mx/LeyesBiblio/pdf/LGDNNA_230617.pdf> (consulte don October 13, 2017).