



Sessão Plenária de Estrasburgo 2 a 5 de Outubro de 2017





Terça-feira, dia 3 de Outubro



Sessão Plenária de Estrasburgo - 2 a 5 de Outubro

Pergunta oral sobre a erradicação do casamento infantil.

- **Fonte1: DN - 27 de Novembro de 2015**

Link: <https://www.dn.pt/sociedade/interior/65-milhoes-de-meninas-obrigadas-a-casar-4905687.html>

65 milhões de meninas obrigadas a casar

700 milhões de meninas casam antes dos 18 anos - 250 milhões com menos de 15 - e 67 milhões foram obrigadas, alerta organização não-governamental em Portugal.

Raparigas e rapazes são forçados a casar todos os dias, fenómeno que atinge mais as mulheres do que os homens, alerta a organização não governamental P & D Factor População e Desenvolvimento.

Uma realidade que afeta países africanos e asiáticos, mas cujos verdadeiros contornos são desconhecidos na Europa. Portugal tornou recentemente crime tal prática, mas segundo a mesma organização devia ser mais abrangente e focar também os casamentos infantis.

"Quem constranger outra pessoa a contrair casamento ou união equiparável à do casamento é punido com pena de prisão até 5 anos", refere o artigo 154º da Lei nº 83/2015, de agosto. Transpõe para o Código Penal o estabelecido pela Convenção de Istambul (maio de 2011) autonomizando o crime de mutilação genital feminina e criando os de perseguição e casamento forçado. Modifica, ainda, os crimes de violação, coação sexual e importunação sexual.

Carla Martingo, investigadora da organização que acaba de publicar um levantamento sobre os casamentos infantis e práticas nefastas, considera que "ao falar-se apenas no casamento forçado, não dá o retrato real do problema". Tem uma visão mais ampla do conceito, considerando "casamento forçado quando um ou os dois noivos casam antes dos 18 anos e sem ter direito a escolha".

Casamentos infantis, precoces e forçados e outras práticas nefastas, é o título do estudo, salientando que entre os 67 milhões de meninas que não escolheram o parceiro, 15 milhões tinham menos de 15 anos e algumas com menos de 10, como na Etiópia onde são entregues aos maridos aos 7. E 156 milhões dos homens casaram antes de completar os 18 anos, sendo que 33 milhões antes dos 15. O levantamento não especifica o número de uniões forçadas no sexo masculino.

O Níger (76%), o Chade (68%), a República Centro Africana (68%), o Bangladesh (65%) e o Mali (55%) são os países com maior percentagem de casamentos infantis. Moçambique surge entre as nações com mais jovens a casar antes de atingirem a maioridade, segundo a UNICEF (2014), em 10º lugar, com 48 % das mulheres entre os 20 e 24 anos a referir que o fizeram. "Tem a ver com a cultura, com as práticas locais, é um problema e existe uma rede nacional para o combater", explica Carla Martingo. A nível internacional é a organização Girls Not Brides (Meninas Não Noivas) que lidera este combate.

Em Portugal, as famílias ciganas são referenciadas como as que combinam as uniões dos filhos, mas a investigadora salienta que não há estudos sobre esta matéria. Além das comunidades de imigrantes originárias de países com elevadas taxas de casamentos prematuros. Uma prática relacionada com a mutilação genital feminina e outros riscos para a saúde materna.

"O problema é que não basta vontade política. É preciso desenvolver um trabalho de sensibilização junto das famílias que "atiram" as suas filhas para o casamento precoce, sob pena de a lei ditar uma



coisa e a prática ditar outra. Se não se fizer nada, "nos próximos dez anos, mais 142 milhões de meninas tornar-se-ão noivas, estimando-se que, até 2050 mais 1.2 mil milhões de meninas estarão casadas", sublinha.

O crime é recente no País e as situações detetadas têm sido tratadas a nível da violência doméstica. Um dos casos divulgados ocorreu em 2009, em Santa Maria da Feira, quando uma menina com 11 anos de etnia cigana, a viver com os pais adotivos, foi raptada e levada para Montemor-o-Velho para se casar com um rapaz de 18 anos, a quem foi prometida pela família biológica. Foram os pais que avisaram a polícia, que a encontrou num acampamento cigano com o marido.

Já este ano, foi denunciada a situação de uma menina que tinha fugido dos maus tratos por parte dos tios, que a acolheram aos três meses de idade, quando a mãe foi presa por ter atirado sobre o marido. E que tinha sido forçada a casar aos 13 anos.

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- **Fonte2: 2016**

Link: <https://www.hrw.org/world-report/2016/ending-child-marriage>

Ending Child Marriage

Meeting the Global Development Goals' Promise to Girls

Sharon J.'s marriage at age 14 in Tanzania dashed her hopes for the future: "My dream was to study to be a journalist. Until today, when I watch news or listen to the radio and someone is reading news, it causes me a lot of pain because I wish it were me."

Around the world, marriage is often idealized as ushering in love, happiness, and security. But for Sharon and other girls, getting married is often one of the worst things that can happen. Roughly one in three girls in the developing world marries before age 18; one in nine marries before turning 15.

Human Rights Watch investigations in Afghanistan, Bangladesh, Malawi, Nepal, South Sudan, Tanzania, Yemen, and Zimbabwe have found that early marriage has dire life-long consequences—often completely halting or crippling a girl's ability to realize a wide range of human rights. Leaving school early both contributes to, and results from, marrying young. Other impacts include marital rape, heightened risk of domestic violence, poor access to decent work, exploitation doing unpaid labour, risk of HIV transmission, and a range of health problems due to early childbearing.

At present, unprecedented attention is being paid to child marriage globally. Prominent voices in and out of government—including those of Sheikh Hasina, the prime minister of Bangladesh, and Joyce Banda, the former president of Malawi—have publicly committed to fight child marriage in their countries.

But change is often incremental, and promises do not always lead to effective action. Despite setting a goal of ending child marriage in Bangladesh by 2041, Sheikh Hasina has also proposed legislation that would lower the age of marriage for girls to 16 from the current age of 18. In April 2015, Malawi adopted a new law setting the minimum age of marriage at 18; however, it does not override the constitution, which does not explicitly prohibit child marriage under 15, and allows 15- to 18-year-olds to marry with parental consent.

International donors, United Nations agencies, and civil society groups, including Girls Not Brides, a coalition of more than 500 organizations worldwide, have also rallied behind the cause. The challenges are formidable. Child marriage—fuelled by poverty and deeply rooted norms that undervalue and discriminate against girls—will not disappear if the concerted attention it now enjoys subsides in favour of the next hot-button issue.

A recent development may help sustain attention: the UN Sustainable Development Goals adopted in September 2015 include eliminating child marriage as a key target by 2030 for advancing gender equality.

Meeting this target requires a combination of approaches that have proved difficult to achieve for other women's rights issues: a commitment of political will and resources over many years; willingness to acknowledge adolescent girls' sexuality and empower them with information and choices; and true coordination across various sectors, including education, health, justice, and economic development.



Tackling the Roots of Child Marriage

I faced a lot of problems in marriage. I was young and did not know how to be a wife. I was pregnant, had to look after my husband, do housework, deal with in-laws, and work on the farm. My worst time was when I was pregnant; I had to do all this and deal with a pregnancy while I was just a child myself.

—Elina V., married at age 15, Malawi

The main causes of child marriage vary across regions and communities but often centre around control over girls' sexuality.

In some countries, such as Tanzania, Human Rights Watch interviewed many girls who said they felt forced to marry after becoming pregnant. In other countries, such as Bangladesh, parents hasten a daughter's marriage to avoid the risk that she will be sexually harassed, romantically involved, or simply perceived as romantically involved, prior to marriage.

A common thread is that most girls—economically dependent, with little autonomy or support, and pressured by social norms—feel they had no choice but to comply with their parents' wishes.

Discriminatory gender norms in many places, including traditions that dictate that a girl live with her husband's family, while a boy remains with and financially supports his parents, contributes to perceptions that daughters are an economic burden while sons are a long-term investment.

Poor access to quality education is another contributing factor. When schools are too far away, too expensive, or the journey too dangerous, families often pull out their girls or they drop out on their own and are subsequently much more likely to be married off.

Even when schools are accessible, teacher absenteeism and poor quality education can mean that neither girls nor their parents feel it is worth the time or expense. Girls may also be kept out of school because they are expected to work instead—either in the home, or sometimes as paid labour from young ages. These same drawbacks, combined with lack of support from school administrators or from husbands and in-laws, often prevent married girls from continuing their education.

Many girls and their families cite poverty and dowry as another factor for marriage. The stress of “another mouth to feed” hastens some parents' decisions to marry off their daughters early. In Bangladesh, where a girl's parents pay dowry to the groom, the younger the girl, the lower the dowry—meaning that some poor families believe that if they don't marry their daughters early they will not be able to marry them at all.

In contrast, in South Sudan, the girl's family will receive dowry from the groom, either in the form of cattle, an important economic asset, or money. For example, Ayen C., from Bor County, said, “My husband paid 75 cows as dowry for me. We never talked or courted before we got married. When I learned about the marriage, I felt very bitter. I told my father, ‘I don't want to go to this man.’ He said, ‘I have loved the cattle that this man has, you will marry him.’”

Many girls have miserably little access to sexual and reproductive health information and services—whether on how one gets pregnant, reliable contraception methods, protection against sexually transmitted infections, prenatal services, or emergency obstetric care.

As a result, child marriage is closely linked to early—and risky—childbearing. The consequences can be fatal: complications from pregnancy and childbirth are the second-leading cause of death for girls ages 15 to 19 globally. In other cases, the stress of delivery in physically immature bodies can cause obstetric fistulas, a tear between a girl's vagina and rectum that results in constant leaking of urine and feces. Girls suffering this condition are often ostracized and abandoned by their families and communities.



According to 2013 data, 74 percent of new HIV infections among African adolescents are in girls, many of them in the context of marriage where limited agency in the relationship and pressure to have children contribute to lack of condom use.

Domestic violence is another risk of marriage, perpetrated by a girl's husband or in-laws, including psychological, physical, and sexual violence, such as marital rape. While not all child marriages are marked by domestic violence, the risk increases when there are large age gaps between a girl and her husband.

Many countries fail to criminalize marital rape, and even when it is a crime, child brides have little ability to seek help. And in general, limited information about their rights, lack of access to services especially legal assistance and emergency shelters, discriminatory divorce, inheritance, and custody laws, and rejection from their own families, can leave many trapped in abusive marriages with no means of escape.

Armed conflict heightens girls' risk of child marriage and other abuses. For example, forced marriage of girls is a devastating tactic of war used by extremist groups such as Islamic State (also known as ISIS) and Nigeria's Boko Haram. Human Rights Watch interviewed Yezidi girls in Iraq who gave harrowing accounts of being captured, separated from their families, and bought and sold into sexual slavery. One young woman who escaped described being taken to a wedding hall with 60 girls and women where ISIS fighters told them to "forget about your relatives, from now on you will marry us, bear our children."

Environmental factors also play a role. Poor families living in areas at high risk of natural disaster, including as a result of climate change, such as in Bangladesh, have cited the resulting insecurity as a factor pushing them to marry their daughters early. For example, flooding of crops or the loss of land can deepen a family's poverty, and parents said they felt pressure to hasten a young daughter's marriage in the wake of a natural disaster or in anticipation of one.

The Way Forward

While the harms caused by child marriage are grim, the benefits of ending the practice are transformative and far-reaching. Tackling child marriage is a strategic way to advance women's rights and empowerment in several areas, ranging from health, education, work, freedom from violence, and participation in public life.

But child marriage is complex and varies widely around the world. Governments committed to achieving the Sustainable Development Goals target of ending child marriage by 2030 will need to employ a holistic, comprehensive approach that is tailored to local contexts and diverse communities.

And while the rate of child marriage has begun to drop in some places, it has increased in others. For example, civil society groups report a growing incidence of child marriage among Syrian refugees in Jordan.

Adopting and implementing cohesive national legal frameworks that uphold international human rights standards is key. This includes making 18 the minimum marriage age, avoiding loopholes such as exceptions for parental consent, ensuring the laws require free and full consent of both spouses, requiring proof of age before marriage licenses are issued, and imposing penalties on anyone who threatens or harms anyone who refuses to marry.

Governments should ensure these protections are not undermined by religious or customary laws and traditions, and should regularly engage with religious and community leaders.

Learning about what types of interventions work—and for whom—is key. Only some of the proliferation of interventions have been adequately monitored or evaluated to know which deserve to be replicated and expanded. In a 2013 review, the Washington DC-based International Center



for Research on Women found that only 11 of 51 countries with a prevalence of child marriage greater than 25 percent had evaluated initiatives that fight child marriage.

An assessment of 23 programs out of 150 found evidence supporting the effectiveness of: 1) empowering girls with information and support networks; 2) ensuring girls' access to quality education; 3) engaging and educating parents and community members about child marriage; 4) providing economic incentives and support to girls' families; and 5) establishing and implementing a strong legal framework, such as a minimum age of marriage.

The Population Council, an international action-research organization, conducted a rigorous, multi-year study that found offering families in Tanzania and Ethiopia economic incentives, such as livestock, to keep their daughters unmarried and in school led to girls ages 15 to 17 being significantly (two-thirds and 50 percent respectively) less likely to be married compared to those in a community not participating in the program.

In Ethiopia, in communities where girls 12 to 14 were provided free school supplies, they were 94 percent less likely to be married than a comparison group. Communities that engaged in sensitization programs about the value of educating girls and the harms of child marriage also had fewer married girls.

A particularly powerful message that communities and parents respond to is information about the harms of early childbearing. Correspondingly, access to information about reproductive and sexual health is key for adolescents to understand their bodies, promote respect and consensual conduct in relationships, and prevent unwanted pregnancies.

However, while governments have little problem promoting interventions that generally garner broad public support such as providing school supplies, many remain reluctant to introduce programs that might trigger a backlash. They avoid offering comprehensive sexuality education in schools or through other community mechanisms, and ensuring that adolescents, as well as adult women, get full information about contraception and affordable access to health services, including safe and legal abortion.

The effort to end child marriage cannot succeed without greater acceptance of adolescent girls' sexuality and their rights to make their own informed choices about their bodies, their relationships, and their sexual activity.

Governments and donors can rally around the idea that a 12-year-old girl should be in school rather than a marriage. Countries such as Canada, the Netherlands, the United Kingdom, and the United States have been lead donors in combatting child marriage. But the challenge will be whether they can make sure child marriage interventions are not standalone efforts disconnected from other undertakings to empower women and poor communities and promote education and health.

Governments, whether as donors or as implementers, need to address some tough questions if they are going to make genuine progress. Do their education programs include special outreach to married girls? Do national plans of action on gender-based violence and "women, peace, and security" include efforts/steps to end child marriage? Do their police training programs on gender-based violence include policing methods to fight child marriage, such as prosecuting local officials who sign marriage certificates for underage girls?

Such coordination is crucial to ensuring that critical opportunities are not missed when allocating resources and programming that will be dedicated across the expansive Sustainable Development Goals agenda.

Efforts to end child marriage also mean the donors should press governments to meet their obligations under international law to eliminate the practice. Key international human rights treaties include the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women, and the Convention on the Rights of the Child. While there



is growing evidence of the effectiveness of a number of community-level approaches, government cooperation, law enforcement, and national-level initiatives are key to scale and sustainability.

Too often, nongovernmental organizations and donors support innovative programs, but local government officials undermine their impact by ignoring or even facilitating child marriage (for example, by changing the age on a birth or marriage certificate in return for bribes) or local police fail to enforce laws that make child marriage a crime.

Similarly, critical opportunities are missed when government health workers cannot talk to adolescents about sexuality and contraception, or government school teachers and principals are not mandated or encouraged to reach out to girls dropping out of school to marry.

One of the most striking parallels across Human Rights Watch's research on child marriage is how girls who married young desperately long for a better future for their daughters.

Kalpana T., interviewed by Human Rights Watch in southern Nepal, is not sure of her age but said she married after she had three or four menstrual periods, and now has three daughters ages 5 and under. She never went to school.

"My sisters and I all had to work in the fields for the landlords for money from as soon as we were old enough to know about work," she said. "I had to marry because my parents wanted me to. I don't want this for my daughter. I am uneducated and I don't know how the world works.... I can't count money. I want my daughter to be educated and have a better life than what I have right now."

The Sustainable Development Goals target on ending child marriage could bolster Kalpana T.'s daughters' chances of having more opportunities than their mother. But a huge amount of coordination, willingness to tackle socially sensitive issues, and sustained commitment and resources is needed before this lofty goal can lead to meaningful change—both for girls in Kalpana T.'s village and elsewhere around the world.



Sessão Plenária de Estrasburgo - 2 a 5 de Outubro

Pergunta oral sobre a erradicação do casamento infantil.

Terça-feira, dia 3

Pergunta oral à Vice-Presidente da Comissão/Alta Representante:

Assunto: VP/AR - Erradicar o casamento infantil - Vilija Blinkevičiūtė (S&D)

Comissão dos Direitos da Mulher e da Igualdade dos Géneros

- **Alguns dados a ter em conta**

- A Organização das Nações Unidas (ONU) define Casamento Forçado como a união entre duas pessoas, em que, pelo menos, uma delas não deu o consentimento pleno e livre para participar dessa união. É considerado pela mesma organização como uma violação dos Direitos Humanos, pois vai contra os direitos básicos de autonomia e liberdade; **o Casamento Precoce ou Infantil é aquele em que a pessoa que se está a casar não tem ainda 18 anos;** o Casamento Arranjado é aquele em que a união é acordada pelas famílias (habitualmente, os pais) podendo haver aceitação ou não da parte de quem se casa.

- Em todo o mundo, **uma em cada três mulheres casou antes dos 15 anos de idade.** Mais de **700 milhões de mulheres em todo o mundo casaram antes de atingir a maioridade.**

- Um [estudo](#) da Organização Internacional do trabalho, da Walk Free Foundation e da Organização Internacional para as Migrações estima que, em 2016, cerca de 15.4 milhões de pessoas tiveram de casar contra a sua vontade.

- Cerca de um terço desse valor (à volta dos 5 milhões), as vítimas desses casamentos tinham menos de 18 anos aquando do casamento. Destas, metade (cerca de 2 milhões e meio) tinham menos de 15 anos. (Estudo em 43 países, maioritariamente em África)

- **Riscos do casamento infantil:** abandono escolar, violação no casamento, violência doméstica, falta de acesso ao mercado de trabalho, risco de doenças sexualmente transmissíveis, problemas de saúde em relação à gravidez de risco.

- As Nações Unidas incluiu, em 2015 no seu "Sustainable Development Goals", a erradicação do casamento infantil como um ponto-chave até 2030.

- Assinada a 11 de Maio de 2011, a Convenção de Istambul exigiu que os Estados instituíssem o casamento forçado como infração penal, entre outros.

- **Em Portugal**, a Lei consigna que o crime de casamento forçado, definindo que quem constringer outra pessoa a contrair casamento ou união equiparável à do casamento é punido com prisão até cinco anos. Entrou em vigor em 2015.

- Segundo a Save the Children, **a cada sete segundos uma menina torna-se "mulher".**

- **Questão:**

Nos países em desenvolvimento, uma em cada três raparigas casa antes dos 18 anos e uma em cada nove antes dos 15. O casamento infantil afeta tanto as raparigas como os rapazes, embora as raparigas – que representam 82 % das crianças casadas – corram um maior risco. O problema atinge não só países terceiros mas também a Europa.

Nos termos do artigo 3.º do Tratado da União Europeia (TUE), a UE deve promover os direitos da criança. Ora, o casamento infantil, precoce ou forçado constitui uma violação desses direitos. Um dos Objetivos de Desenvolvimento Sustentável das Nações Unidas visa eliminar todas as práticas danosas, como o casamento infantil, precoce e forçado. Ao mesmo tempo, a erradicação do

casamento infantil, precoce e forçado é uma das prioridades de trabalho da UE constantes do documento de trabalho conjunto intitulado «Igaldade de género e o empoderamento das mulheres: Transformar a vida das raparigas e mulheres através das relações externas da UE (2016-2020)», do Plano de Ação da UE para os Direitos Humanos para 2015-2019 e do Plano de Ação sobre o Género (2016-2020), que salienta a necessidade de as mulheres e as raparigas usufruírem plena e equitativamente dos direitos humanos e das liberdades fundamentais. Recentemente, a UE decidiu assinar a Convenção de Istambul, que reconhece que o casamento forçado é uma forma de violência contra as mulheres e encoraja o alargamento das medidas previstas na Convenção aos rapazes e aos homens, uma vez que também estes podem ser vítimas de casamentos forçados. A Convenção requer a criminalização da conduta de quem forçar uma criança a contrair matrimónio ou de quem atrair uma criança para outro país, com o intuito de a forçar a contrair matrimónio.

Além disso, as meninas noivas estão amiúde sujeitas a gravidezes precoces e frequentes, cujas complicações conduzem, muitas vezes, à morte.

1. Como avalia a Comissão o impacto de projetos ou campanhas destinadas a lutar contra o casamento infantil, bem como o nível de financiamento consagrado a este objetivo em todas as ações externas da UE? A Comissão tem em conta indicadores sobre o casamento infantil nos seus acordos de cooperação e disponibiliza valores de referência específicos para erradicar este fenómeno?

2. Que medidas estão a ser tomadas para garantir a proteção dos direitos e a saúde (inclusive os direitos em matéria de saúde sexual e reprodutiva) de todas as crianças nos Estados-Membros da UE no que respeita aos casamentos infantis e a aplicação de normas jurídicas uniformes, para que, nomeadamente, a UE ratifique a Convenção de Istambul?

3. De que forma é que a Comissão e os Estados-Membros estão a enfrentar o problema dos casamentos infantis, em especial no que toca às crianças refugiadas e requerentes de asilo?

Links úteis:

<http://www.savethechildren.org/atf/cf/%7B9def2ebe-10ae-432c-9bd0-df91d2eba74a%7D/EVERY%20LAST%20GIRL%20REPORT%20FINAL.PDF>

https://www.rtp.pt/noticias/mundo/quarenta-milhoes-foram-vitimas-de-escravatura-moderna-em-2016_n1028110

http://www.alliance87.org/global_estimates_of_modern_slavery-forced_labour_and_forced_marriage.pdf

https://www.hrw.org/sites/default/files/world_report_download/wr2017-web.pdf

http://www.savethechildren.org/site/apps/nlnet/content2.aspx?b=9357115&c=8rKLIXMGlpI4E&ct=14926603&n_otoc=1

<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+OQ+O-2017-000050+0+DOC+XML+V0//PT>

<https://rm.coe.int/1680685fcb>

<http://www.tvi24.iol.pt/sociedade/mutilacao-genital-feminina/casamento-forcado-ja-e-considerado-crime>

<http://pt.euronews.com/2016/10/14/milhares-de-raparigas-na-europa-enfrentam-mutilacoes-e-casamentos-forcados>

<http://www.apf.pt/violencia-sexual-e-de-genero/casamentos-forcados>

<http://pt.euronews.com/2016/10/14/casamentos-forcados-contem-a-alguem-o-que-esta-a-acontecer>
(reportagem da euronews sobre casos de casamento forçado e a lei na Bélgica)

http://www.pewresearch.org/fact-tank/2016/09/12/many-countries-allow-child-marriage/marriage_girls/
(gráficos com idades mínimas para casar: rapazes e raparigas)