

**Center for Reproductive Rights' Submission on the  
Protection of the Rights of the Child and 2030 Agenda for Sustainable Development  
October 17, 2016**

The Center for Reproductive Rights (the Center) is a global legal advocacy organization headquartered in New York, with regional offices in Nairobi, Bogotá, Kathmandu, Geneva, and Washington, D.C. We are pleased to provide this submission contributing to the report of the United Nations Office of the High Commissioner for Human Rights (OHCHR) on the protection of the rights of the child in the implementation of the 2030 Agenda for Sustainable Development.

The 2030 Agenda is explicitly grounded in human rights and seeks “to realize the human rights of all.”<sup>1</sup> As such, international human rights obligations and principles should guide and inform the implementation of the Agenda’s commitments in the Sustainable Development Goals (SDGs). In particular, with the mandate to “leave no one behind,”<sup>2</sup> the Agenda highlights the importance of the principle of non-discrimination, and the need to empower those that are most vulnerable, including children and youth. This submission will use three examples to highlight the importance of protecting the rights of the child in the implementation of Agenda 2030: (1) forced pregnancy testing in schools and the expulsion of pregnant girls in Africa, (2) child, early, and forced marriage in Asia, and (3) sexual violence in Latin America and the Caribbean (LAC). These practices impede the realization of rights guaranteed within human rights treaties and recognized in Agenda 2030. Therefore, it is critical that the implementation of the 2030 Agenda aims to eradicate these harmful practices against girls in order to see progress across a number of different goals and targets. Robust monitoring and accountability mechanisms are necessary to ensure that states are following up on the commitments they made in the 2030 Agenda to eliminate harmful practices that perpetuate discrimination and violence, and seek the full realization of human rights, including sexual and reproductive health and rights, of *all* women and girls.

**Key lessons learned from implementing the Millennium Development Goals (MDGs) to ensure that the rights of all children are protected in the implementation of the 2030 Agenda.**

The 2030 Agenda recognizes that progress under the MDGs remained uneven, particularly in developing states and in relation to maternal, newborn, and child health.<sup>3</sup> The SDGs attempt to address some of these disparities. Importantly, Agenda 2030 is a universal agenda, which calls on developed and developing countries alike to implement the SDGs.<sup>4</sup> In addition, the 2030 Agenda is explicitly rooted in the Universal Declaration on Human Rights and international human rights treaties.<sup>5</sup> With the mandate to “leave no one behind,” moreover, Agenda 2030 acknowledges that equality applies not only to opportunities but also to outcomes, a commitment that is in line with the substantive equality principle found in international human rights. The SDGs intend to build upon the progress that was started under the MDGs by focusing on protecting and empowering the most vulnerable populations. The MDGs fell short in part due to a lack of accountability mechanisms. In order to realize the ambitious goals and targets of the 2030 Agenda, states must ensure robust accountability mechanisms at the national, regional, and global level that include universal and interactive state reviews with multiple stakeholders, including the most marginalized populations.

**I. APPROACH TO IMPLEMENTING THE 2030 AGENDA SO TO ENSURE THE PROTECTION OF THE RIGHTS OF ALL CHILDREN AND THAT NO CHILD IS LEFT BEHIND**

**DISCRIMINATION AND INEQUALITY**

The SDGs address forms of discrimination that perpetuate a broad range of inequalities against vulnerable populations such as children and adolescents, specifically young girls. For instance, Goal 5 of the 2030 Agenda recognizes that gender-based discrimination and violence must be eliminated to

achieve gender equality and the empowerment of all women and girls, particularly in the areas of health, economics, and politics.<sup>6</sup> The success of the 2030 Agenda requires states to eliminate the root causes of gender inequality. The human rights principle of substantive equality provides a holistic approach for addressing inequality and discrimination because it requires states to identify root causes, power structures and socialized gender roles that lead to inequality, and recognizes that people experience inequality differently. Human rights bodies offer rich and detailed guidance that can help states ensure that national implementation, follow up, and review of the SDGs address the root causes of gender inequality and do not leave behind the most marginalized or vulnerable individuals.

### **1. Forced Pregnancy Testing**

Forced pregnancy testing and the expulsion of girls from school is a form of gender-based discrimination that violates girls' rights to education, privacy, the highest attainable standard of health, family planning, and to be free from harm. Forced pregnancy testing and the expulsion of pregnant school girls occurs predominantly in government-funded schools in Africa, particularly Tanzania, Ghana, Kenya, Nigeria, Sierra Leone, Uganda, and Zimbabwe.<sup>7</sup> The Center conducted research in Tanzania where it found that thousands of girls every year are forced to undergo pregnancy testing and are expelled from school or denied matriculation if found to be pregnant.<sup>8</sup> While neither the pregnancy testing nor expulsion are mandated by Tanzanian law or policy, research has shown that teachers and education officials nonetheless believe that they are required by law to administer these pregnancy tests and expel girls who are found to be pregnant, regardless of whether the student became pregnant as a result of sexual violence, early marriage, or economic necessity.<sup>9</sup> For young girls and adolescents who lack or are denied access to sexual and reproductive health information and services, they risk unwanted and unplanned pregnancies, and are consequently penalized by being expelled from school. Girls who have undergone the testing have expressed it to be physically invasive and painful, and oftentimes performed without any prior information or consent.<sup>10</sup> Further, even if a girl chooses to terminate the pregnancy or once the girl gives birth, the school in which she was previously enrolled as well as other public schools will refuse to admit her back into classes.<sup>11</sup> Girls may be able to attend private schools that choose to not enforce this policy, but girls who are expelled for being pregnant, who are mostly from rural and lower socio-economic areas, are unable to afford private school.<sup>12</sup>

Forced pregnancy testing and the expulsion of pregnant girls are forms of gender-based discrimination and direct violations of the right to education,<sup>13</sup> and thus impair the achievement of Goal 4, which calls for the elimination of gender disparities in education and equal access to all levels of education.<sup>14</sup> Human rights bodies affirm that expelling girls because they are pregnant is inherently gender-based discrimination because only women and girls can get pregnant,<sup>15</sup> and the burden of childrearing remains one of the most significant factors that inhibit a woman's ability to participate in public life.<sup>16</sup> Furthermore, the expulsion of pregnant girls reinforces discriminatory gender norms and stereotypes based on the belief that motherhood fulfills an overarching purpose for girls so pursuing education is unnecessary.<sup>17</sup> School officials perpetuate these stereotypes and harmful gender norms when they deny matriculation to girls who have given birth.<sup>18</sup>

The SDGs are interdependent,<sup>19</sup> and their implementation must be broadly holistic. For instance, the realization of the right to education is critical for providing girls with the opportunities to lift themselves out of poverty and participate fully in society<sup>20</sup> (an overall aim of Goal 1<sup>21</sup>); moreover, when a girl is denied education she faces a greater risk of being exposed to harmful practices, such as child marriage, as well as domestic and sexual violence<sup>22</sup> (forms of violence addressed under Goal 5<sup>23</sup>). Pregnancy is only experienced by women, thus being denied access to education due to pregnancy is a gender-based discrimination that leads to further human rights violations and creates greater economic and social disparities between men and women and boys and girls. Sexual and reproductive health education and services are necessary to prevent unplanned teenage pregnancies and provide girls autonomy over their own reproductive choices. Thus, in order to create an enabling environment in

which girls are empowered to determine their own life course, the right to education must be incorporated with sexual and reproductive health and rights.

## **2. Child marriage**

Child, early, and forced marriage (CEFM) is a form of gender-based discrimination that violates girls' sexual and reproductive health and rights, and a harmful practice that states committed to eliminate under Goal 5 of the 2030 Agenda.<sup>24</sup> Rooted in the desire to control women's and girls' reproductive capacity, CEFM is perpetuated by social custom and structural power dynamics that further gender inequality, reproductive health risks, denial of education, and domestic and sexual violence against girls, and can amount to torture, and cruel, inhuman, or degrading treatment.<sup>25</sup> This practice puts girls at risk of early and forced sex and early pregnancies, which have been linked to higher rates of maternal mortality or morbidity,<sup>26</sup> which targets under Goals 3 and 5 aim to reduce.<sup>27</sup> Pregnancy and child-birth related complications remain one of the leading causes of death for girls aged 15-19 worldwide.<sup>28</sup>

Gender inequality, which is at the root of CEFM, is further reinforced by stereotypes about marital gender roles. Married girls often cannot assert the right to use contraception, which exposes them to risks of getting an STI or HIV.<sup>29</sup> Additionally, due to power dynamics in certain societies, child brides do not have the ability to refuse sex so they are often victims of sexual and gender-based violence, (a form of violence against women proscribed under Goal 5<sup>30</sup>) particularly in countries where marital rape is not recognized as a crime under national or customary law.<sup>31</sup> Girl brides are denied access to justice or remedies because they have little or no ability to leave abusive partners and secure the social and legal support they need to improve their situation.<sup>32</sup>

United Nations treaty monitoring bodies and human rights experts affirm that states are responsible for eliminating child, early, and forced marriage and the failure to do so violates a broad spectrum of human rights, for which states can be held accountable.<sup>33</sup> For instance, the CEDAW Committee has recognized that early marriage affects women's enjoyment of their health and education.<sup>34</sup> These rights are promoted within the SDGs. Thus, state implementation of the 2030 Agenda should use this framework of interconnected rights so to ensure girls are able to fully realize their rights to sexual and reproductive health and education (SDG targets 3.7 and 5.6, and 4.1, 4.5, and 4.a, respectively), and that harmful stereotypes perpetuating gender inequality and practices that violate these rights are eliminated (SDG target 5.3).

## **3. Sexual Violence in LAC**

Gender-based violence, including sexual violence, impedes women's and girls' rights to life, health, physical and mental integrity, security of person, information, control over family planning, and to be free from discrimination, and can amount to torture or cruel, inhuman, or degrading treatment.<sup>35</sup> Sexual violence in LAC has reached epic proportions.<sup>36</sup> Countries such as Honduras and Peru have some of the highest rates of violence against women and girls in the world and in many of these cases, adolescents and young girls are the victims.<sup>37</sup> Sexual abuse in schools is widespread in the region. Over the past decade, thousands of girls have suffered sexual violence at the hands of teachers, school officials, and administrators.<sup>38</sup> Most of these instances go unreported, which means most perpetrators are never investigated nor prosecuted.<sup>39</sup> Some girls who become pregnant as a result of rape by school officials would rather commit suicide than report the crime out of fear of retaliation and stigma.<sup>40</sup> Furthermore, when sexual assault crimes are reported, authorities have failed to investigate, detain, or seek charges against alleged perpetrators. For instance, in 2013, less than 6% of reported sexual crimes were investigated in Ecuador.<sup>41</sup> Treaty monitoring bodies have ruled that states violate an individual's right to security of person and rights to be free from discrimination and torture, cruel, inhuman, or degrading treatment when they subject her to sexual violence, such as rape<sup>42</sup>; this includes state failure to provide adequate protection and investigation into allegations of private acts of sexual violence.<sup>43</sup>

The Americas also have one of the highest teen pregnancy rates in the world.<sup>44</sup> Due to restrictive reproductive health laws, girls or teens that become pregnant as a result of sexual violence are often denied access to emergency contraception, safe abortion services, or even reproductive health information.<sup>45</sup> Within LAC, 95% of women of childbearing age live in countries where the abortion law is highly restrictive, including countries that prohibit abortion for any reason, including to save the life of the mother, and only 8 countries permit abortion in the case of rape or incest.<sup>46</sup> Even in countries that permit therapeutic abortions, government hospitals and medical personnel have denied abortions to girls who became pregnant as a result of being raped.<sup>47</sup> Clandestine abortions endanger girls' lives – 12% of all maternal deaths in the region are due to unsafe abortions.<sup>48</sup> These laws and policies amount to gender discrimination and inequality in the area of health. States have an obligation to guarantee women and girls access to sexual and reproductive health and rights, including safe abortion services when the life of the mother is in danger, or in cases of rape or incest.<sup>49</sup>

SDGs 4, 5, and 16, when read together, recognize that all public and private forms of violence impede overall sustainable development and human rights.<sup>50</sup> Human rights bodies and experts have recognized that an act of sexual violence against a woman or girl is not only a form of gender-based discrimination or violence, but can also lead to violations of the right to security of person, sexual and reproductive health, and the right to control the number and spacing of children.<sup>51</sup> Sexual violence in the LAC region has also impacted a girls' right to an education and access to educational environments that are gender-sensitive and non-violent (SDG target 4.a).<sup>52</sup> Persistent, gender-based stereotypes, and systematic, institutional barriers based on harmful gender norms and power dynamics prevent girls from fully realizing their rights and thereby undermine fulfillment of promises made by states under the 2030 Agenda. These harmful gender norms are obstacles to the effective implementation and enforcement of existing laws that are meant to protect girls when reporting instances of sexual violence, as well as when trying to access reproductive health services, such as emergency contraception and therapeutic abortions.<sup>53</sup>

Treaty monitoring bodies have declared that total abortion bans and prohibition of emergency contraceptives amount to discrimination, and in some instances, torture, or cruel, inhuman, or degrading treatment.<sup>54</sup> The ability to access sexual and reproductive health services directly affects women and girls' quality of life,<sup>55</sup> as well as their social and economic participation. Therefore, if states continue to deny women access to their sexual and reproductive health and rights, Goals 3 and 5 on Health and Gender Equality, as well as other goals, such as Goal 4 on Education, will not be achieved.

#### **ACCOUNTABILITY AND MONITORING**

In order to ensure positive development outcomes that fulfill the promises made in the SDGs and states' human rights obligations, it is critical that the 2030 Agenda implementation processes incorporate participatory mechanisms for accountability, monitoring, and review at national, regional, and global levels. The 2030 Agenda involves targets and indicators to which states have committed that aim to "leave no one behind." These indicators are intended to measure states' progress in implementing their SDG commitments.<sup>56</sup> However, these targets and indicators are only useful if effective accountability mechanisms are in place to accurately measure them. States must universally participate in regular review and follow up as part of the 2030 Agenda in order to be kept accountable. The success of the 2030 Agenda requires all states to rigorously monitor progress, correct setbacks, receive feedback from stakeholders and affected persons, and respond to their concerns through comprehensive reporting.<sup>57</sup> Although the SDGs are not legally binding, states should be encouraged to participate because, unlike the MDGs, developing and developed states alike are all responsible to implementing the commitments under the SDGs, and as such are equally held accountable to those commitments.

Furthermore, the 2030 Agenda emphasizes that follow up and review must be gender-sensitive, respect human rights, and focus on the most vulnerable.<sup>58</sup> Using this approach, the global mechanism for follow up and review, the High-Level Political Forum (HLPF), should take inspiration from existing

human rights mechanisms such as the Universal Periodic Review (UPR) at the Human Rights Council. The UPR aims to hold states accountable to its human rights obligations by fostering participatory and transparent involvement from marginalized communities and civil society, seeking input from UN agencies, and issuing recommendations to states. Applying this model to the HLPF would ensure greater accountability because it seeks feedback from numerous stakeholders with differentiated experiences and varied human rights priorities within the SDGs. The first HLPF, which took place in July 2016, demonstrated a weak accountability framework that emphasized reporting over monitoring. Although states provided implementation progress/status reports and some sought out civil society input and participation, the overall process lacked key characteristics for ensuring accountability. The limited time allotted for state reporting prevented comprehensive discussion on the full scope of the 17 SDGs. Further, marginalized groups and civil society served a diminished role and were unable to provide states with impactful input and feedback as part of the national voluntary reviews. Vulnerable populations lack equal political power and opportunities to demand policy or legal change, thus it is critical that these groups are given a meaningful voice in the 2030 Agenda accountability framework, and be invited to monitor states' progress in implementing the SDGs and participate in the HLPF and other review processes.

In addition to the HLPF, a web of effective monitoring and accountability mechanisms at the global and regional levels can ensure that states are upholding their commitments under the SDGs. International human rights bodies provide state accountability in two ways: (1) as independent accountability bodies that enforce human rights obligations, and (2) by issuing judgments and observations that can be integrated with state reviews at the HLPF as a way to measure a state's progress in meeting its SDG commitments. Treaty monitoring bodies hold states accountable to core human rights obligations and provide recommendations to states to ensure human rights are realized. Treaty body reviews can inform the HLPF on the efforts states have taken, or failed to take, to implement related commitments under the SDGs. For instance, the Committee on Economic, Social, and Cultural Rights (CESCR) has observed in state reviews that strict prohibitions on abortion and lack of adequate sexual and reproductive health services are incompatible with fundamental human rights, such as women's rights to health and life.<sup>59</sup> State-specific reviews by treaty monitoring bodies, such as CESCR, provide another form of monitoring that can keep states accountable to implementing the 2030 Agenda targets and meeting fundamental human rights obligations. Additionally, regional instruments, treaties, and action plans include human rights norms that address gender equality and harmful practices that perpetuate discrimination against girls, such as the South Asian Regional Action Plan which proscribes CEFM and calls upon states to create laws eliminating the practice and prejudicial customary norms.<sup>60</sup> Some of these regional treaties provide for separate accountability mechanisms that follow up on state implementation of regional human rights obligations, such as MESECVI, the follow up mechanism on the Implementation of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women in LAC.<sup>61</sup> These review processes can also provide the HLPF with information on whether states have implemented SDGs reflective of regional norms and obligations.

The Center hopes that the information provided is useful to the OHCHR in its consideration of its report on the protection of the rights of the child in the implementation of the 2030 Agenda for sustainable development. If you have any questions, or need further information, please do not hesitate to contact Rebecca Brown, Director of Global Advocacy, at [rbrown@reprorights.org](mailto:rbrown@reprorights.org).

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<sup>1</sup> Transforming Our World: The 2030 Agenda for Sustainable Development, G.A. Res. 70/1, para. 10, U.N. Doc A/RES/70/1, (Oct. 21, 2015) [hereinafter *The 2030 Agenda for Sustainable Development*].

<sup>2</sup> *Id.*, at para. 23.

<sup>3</sup> *Id.*, at para. 16.

<sup>4</sup> *Id.*, at para. 5.

<sup>5</sup> *Id.*, at para. 10.

<sup>6</sup> *Id.*, at Goal 5, targets 5.1, 5.2, 5.4, 5.5, 5.6, 5.a, 5.c.

<sup>7</sup> CENTER FOR REPRODUCTIVE RIGHTS, *Forced Out: Mandatory Pregnancy Testing and Expulsion of Pregnant Students in Tanzanian Schools* 13 (2013), available at <http://reproductiverights.org/en/document/tanzania-report-forced-out-mandatory-pregnancy-testing-expulsion> [hereinafter *Forced Out*]; CENTER FOR REPRODUCTIVE RIGHTS, Submission to CEDAW Committee for Half-Day of General Discussion and Draft General Recommendation on the Right to Education, 2 (2014), available at <http://www.ohchr.org/Documents/HRBodies/CEDAW/WomensRightEducation/CenterForReproductiveRightsContribution.pdf>. [hereinafter Submission to CEDAW Committee]; Taniele Gofers, *Teenage Pregnancy Should Not End Girl's Education*, GHANAWEB (Oct. 6, 2012), available at <http://www.ghanaweb.com/GhanaHomePage/NewsArchive/artikel.php?ID=252382> (last visited Jun. 13, 2014); MINISTRY OF PUBLIC HEALTH AND SANITATION AND MINISTRY OF EDUCATION, NATIONAL SCHOOL HEALTH POLICY 23 (2009) (Kenya) (evidencing that although Kenya has introduced a reentry policy for pregnant students, it is not clear how widely the policy is being implemented in practice. Further, the policy requires “voluntary” pregnancy testing in schools); *See also*, Cynthia Vukets, *Testing schoolgirls for pregnancy not likely to cut number of teenage mothers*, DAILY NATION (Dec. 22, 2009), <http://www.nation.co.ke/News/-/1056/829400/-/vo7vw2/-/index.html> (last visited June 13, 2014) (discussing how “voluntary” pregnancy testing may effectively mean mandatory pregnancy testing); *See.*, Ifeoma Onyeka, Juhani, Miettola, Amobi Ilika & Tuula Vaskilampi, *Unintended pregnancy and termination of studies among students in Anambra state, Nigeria: Are secondary schools playing their part?* 15 AFR. J. REPROD. HEALTH 109, 100 (2011); *Sierra Leone: Pregnancy automatic dismissal for male and female students*, IRIN (March 6, 2009), available at <http://www.irinnews.org/report/83356/sierra-leone-pregnancy-automaticdismissal-for-male-and-female-students> (last visited June 16, 2014); *See, Zimbabwe: Pregnancy need not put an end to education*, IRIN (Aug. 25, 2010), <http://www.irinnews.org/Report/90286/ZIMBABWEpregnancy-need-not-put-an-end-to-education> (last visited June 13, 2014).

<sup>8</sup> *See* Submission to CEDAW Committee, *supra* note 7, at 2; HAKIELIMU, *Expulsion of Pregnant Students LITIGATING THE RIGHT TO EDUCATION IN TANZANIA: LEGAL, POLITICAL, AND SOCIAL CONSIDERATIONS AND POTENTIAL APPLICATIONS*, 3 (2011), available at <http://hakielimu.org/files/publications/Litigating%20the%20Right%20to%20Education%20in%20Tanzania.pdf> [hereinafter HAKIELIMU, *Expulsion of Pregnant Students*].

<sup>9</sup> Submission to CEDAW Committee, *supra* note 7, at 2; *Forced Out*, *supra* note 7, at 54; Interview with Winifrida Rutaindurwa, Gender Focal Point, Ministry of Education, in Dar es Salaam (Jun. 10, 2013) (on file with the Center for Reproductive Rights); MINISTRY OF EDUCATION AND VOCATIONAL TRAINING, BASIC EDUCATION STATISTICS IN TANZANIA (BEST) (2012), T2.12&2.13 DropRep and 4.11, Chap 4.5. Drop [hereinafter BEST 2012]; MINISTRY OF HEALTH AND SOCIAL WELFARE, NATIONAL ADOLESCENT REPRODUCTIVE HEALTH STRATEGY 2011-2015 5 (2011); MINISTRY OF EDUCATION AND CULTURE, GUIDELINES FOR IMPLEMENTING HIV/AIDS/STDs AND LIFE SKILLS EDUCATION IN SCHOOLS AND TEACHER'S COLLEGES 24 (2002); UNITED REPUBLIC OF TANZANIA, PRIME MINISTER'S OFFICE, NATIONAL POLICY ON HIV/AIDS para. 5.2 (2001); Anne Robi, *5,000 pregnant girls drop out of school*, DAILY NEWS (Nov. 16, 2012), <http://allafrica.com/stories/201211160227.html> (last visited Oct. 13, 2016) [hereinafter *5,000 pregnant girls drop out of school*].

<sup>10</sup> *Forced Out*, *supra* note 7, at 61; Interview with Nurse in Charge and with Assistant Medical Officer, Government Health Clinic, in Dar es Salaam (June 12, 2013) (on file with the Center for Reproductive Rights); Interview with Nursing Officer, at Nursing School, in Dar es Salaam (June 12, 2013) (on file with the Center for Reproductive Rights); Interview with Sophia, former secondary school student, in Mafinga (Jan. 23, 2013) (on file with the Center for Reproductive Rights); Interview with Martha, student, in Mafinga (Jan. 23, 2013) (on file with the Center for Reproductive Rights); Interview with Joyce, student, in Mafinga (Jan. 23, 2013) (on file with the Center for Reproductive Rights); Interview with senior official in the Children Development Division, Ministry of Community Development, Gender and Children, in Dar es Salaam (Jan. 13, 2011) (on file with the Center for Reproductive Rights); Submission to CEDAW Committee, *supra* note 7, at 3.

<sup>11</sup> *Forced Out*, *supra* note 7, at 81-82; Interview with Salma, Biology and Geography Teacher, in Mafinga (Jan. 23, 2013) (on file with the Center for Reproductive Rights); Interview with Zubeida Tumbo-Masabo, Girl-Child Rights

Officer at UNICEF (Jan. 18, 2011) (on file with the Center for Reproductive Rights); Interview with Gender Desk Officer, Ministry of Education and Vocational Training, in Dar es Salaam (Jan. 15, 2011) (on file with the Center for Reproductive Rights); Interview with Winifrida Rutaindurwa, Gender Focal Point, Ministry of Education, *supra* note 9; Interview with teachers from a private girls' secondary school, Dar es Salaam (Jan. 19, 2011) (on file with the Center for Reproductive Rights); Interview with official, Commission for Human Rights and Good Governance (CHRAGG) (Jan. 20, 2011) (on file with the Center for Reproductive Rights).

<sup>12</sup> Interview with Salma, Biology and Geography Teacher, *supra* note 11; Interview with Zubeida Tumbo-Masabo, Girl-Child Rights Officer at UNICEF *supra* note 11; Interview with Gender Desk Officer, Ministry of Education and Vocational Training, *supra* note 11; Interview with Winifrida Rutaindurwa, Gender Focal Point, Ministry of Education *supra* note 9; Interview with teachers from a private girls' secondary school, Dar es Salaam, *supra* note 11; Interview with official, CHRAGG, *supra* note 11 (confirming that female students who drop out due to pregnancy "are allowed to seek secondary education informally by registering as private candidates." This suggests that adolescent girls are not permitted to "formally" seek secondary education through public schools); 5,000 pregnant girls drop out of school, *supra* note 9.

<sup>13</sup> Committee on the Rights of the Child, *Concluding Observations: Lesotho*, para. 53, U.N. Doc. CRC/C/15/Add.147 (2001) [hereinafter *Concluding Observations: Lesotho*]; Committee on the Rights of the Child, *General Comment No. 15: The right of the child to the enjoyment of the highest attainable standard of health (art. 24)* (62<sup>nd</sup> Sess., 2013) para. 56, U.N. Doc. CRC/C/GC/15 (2013); HAKIELIMU, *Expulsion of Pregnant Students*, *supra* note 8, at 3; BEST 2012, *supra* note 9.

<sup>14</sup> See, *The 2030 Agenda for Sustainable Development*, *supra* note 1, at Goal 4, target 4.5.

<sup>15</sup> *Concluding Observations: Lesotho*, *supra* note 13.

<sup>16</sup> CEDAW Committee, *General Recommendation No. 23: Women in political and public life* (16<sup>th</sup> Sess., 1997), in *Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies*, at 349, para. 10, U.N. Doc. HRI/GEN/1/Rev.9 (Vol. II) (2008).

<sup>17</sup> Interview with two teachers, private girls' secondary school, Dar es Salaam (Jan. 19, 2011) (on file with the Center for Reproductive Rights); Rebecca J. Cook et al., *Unethical female stereotyping in reproductive health*, 109 *Int'l J. of Gynecology & Obstetrics* 255, 256 (2010).

<sup>18</sup> Interview with representatives from Women's Legal Aid Centre (WLAC), in Dar Es Salaam (Jan. 19, 2011) (on file with the Center for Reproductive Rights); Interview with Winifrida Rutaindurwa, Gender Focal Point, Ministry of Education, *supra* note 9; Interview with Joyce, student, in Mafinga, *supra* note 10.

<sup>19</sup> See *The 2030 Agenda for Sustainable Development*, *supra* note 1, at paras. 74(b), 85.

<sup>20</sup> Committee on Economic, Social and Cultural Rights (ESCR Committee), *General Comment No. 13: The Right to Education (Art. 13)*, (21<sup>st</sup> Sess., 1999), in *Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies*, at 63, para. 1, U.N. Doc. HRI/GEN/1/Rev.9 (Vol. I) (2008).

<sup>21</sup> *The 2030 Agenda for Sustainable Development*, *supra* note 1, at Goal 1.

<sup>22</sup> Damian Carrington, *Why women's education in Tanzania is critical for slowing population growth*, THE GUARDIAN (Oct. 24, 2011), <http://www.guardian.co.uk/global-development/2011/oct/24/womeneducation-tanzania-population>; Children's Dignity Forum, *Voices of Child Brides and Child Mothers in Tanzania* 20, 22-23. (2010); National Bureau of Statistics, *Tanzania Demographic and Health Survey 2010*, at 276, tbl. 16.7 (2011), available at <http://www.measuredhs.com/pubs/pdf/FR243/FR243%5B24June2011%5D.pdf>.

<sup>23</sup> *The 2030 Agenda for Sustainable Development*, *supra* note 1, at Goal 5, targets 5.2, 5.3.

<sup>24</sup> *Id.*, at Goal 5, target 5.3.

<sup>25</sup> Special Rapporteur on violence against women, its causes and consequences, *Rep. of the Special Rapporteur on violence against women, its causes and consequences*, Ms. Radhika Coomaraswamy, submitted in accordance with *Commission on Human Rights resolution 2001/49, Cultural practices in the family that are violent towards women*, paras. 56, 91, U.N. Doc. E/CN.4/2002/83 (Jan. 31, 2002) [hereinafter *Rep. of the Special Rapporteur on violence against women, cultural practices in the family*]; Committee on the Rights of the Child and Committee on the Elimination of Discrimination Against Women, *Joint General Recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/General Comment No. 18 of the Committee on the Rights of the Child on harmful practices*, para. 22, U.N. Doc. CEDAW/C/GC/31-CRC/C/GC/18 (2014); Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, *Rep. of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment*, Juan E. Mendez, Human Rights Council (31<sup>st</sup> Sess.), para. 64, U.N. Doc. A/HRC/31/57 (Jan. 5, 2016) (stating that child marriage constitutes torture or ill-treatment because it inflicts long-term physical and psychological harm on victims, and is rooted in attempts to control girls' bodies and sexuality).

<sup>26</sup> World Health Organization (WHO) *Secretariat, Early marriages, adolescent and young pregnancies: Report by the Secretariat*, para. 11, A65/13 (Mar. 16, 2012); Anita Raj and Ulrike Boehmer, *Girl Child Marriage and Its Infant Mortality Across 97 Countries, Violence against Women* 3 (2013); *Rep. of the Special Rapporteur on violence against women, cultural practices in the family*, *supra* note 25, at paras. 56, 92.

<sup>27</sup> *The 2030 Agenda for Sustainable Development*, *supra* note 1, at Goal 3, targets 3.1, 3.7; and Goal 5, target 5.6.

<sup>28</sup> Executive Directors of the U.N. Children's Fund, UNFPA, and U.N. Women, *Joint Statement: International Day of the Girl Child 2012* (Oct. 2012), available at <http://www.unwomen.org/en/news/stories/2012/10/joint-statement-international-day-of-the-girl-child-2012/#sthash.IplX3Gnj.dpuf> [hereinafter *Joint Statement: International Day of the Girl Child 2012*].

<sup>29</sup> CENTER FOR REPRODUCTIVE RIGHTS, *Child Marriage in South Asia: International and Constitutional Legal Standards and Jurisprudence for Accountability and Change* 24 (2013).

<sup>30</sup> *The 2030 Agenda for Sustainable Development*, *supra* note 1, at Goal 5, target 5.2.

<sup>31</sup> CENTER FOR REPRODUCTIVE RIGHTS, *Accountability for Child Marriage: Key U.N. recommendations to governments in South Asia on reproductive health and sexual violence* 4 (2013), available at [http://www.reproductiverights.org/sites/crr.civicactions.net/files/documents/ChildMarriage\\_FactSheet\\_Web.pdf](http://www.reproductiverights.org/sites/crr.civicactions.net/files/documents/ChildMarriage_FactSheet_Web.pdf).

<sup>32</sup> *Joint Statement: International Day of the Girl Child 2012*, *supra* note 28.

<sup>33</sup> See, e.g., United Nations Human Rights Office of the High Commissioner, South America Regional Office, *First International Day of the Girl Child – Joint Statement by a group of UN human rights experts*, (Oct. 2012), available at <http://acnudh.org/en/first-international-day-of-the-girl-child-joint-statement-by-a-group-of-un-human-rights-experts/> (the following human rights experts affirmed that child marriage violates all the rights of the child, including rights to education, health, the freedom to consensual marriage, and the freedom from violence and torture, cruel, inhuman or degrading treatment: U.N. Committee on the Rights of the Child, U.N. Committee on the Elimination of Discrimination against Women, U.N. Special Representative of the Secretary-General on Violence against Children, U.N. Special Rapporteur on Sale of children, child prostitution and child pornography, U.N. Special Rapporteur on Contemporary forms of Slavery, including its causes and consequences, U.N. Special Rapporteur on Violence against Women, U.N. Special Rapporteur on trafficking in persons, especially women and children, and U.N. Working Group on Discrimination against Women in Law and Practice).

<sup>34</sup> CEDAW Committee, *Concluding Observations: Nepal*, para. 44, U.N. Doc. CEDAW/C/NPL/CO/4-5 (2011).

<sup>35</sup> Committee against Torture, *General Comment No. 2, Implementation of Article 2 by state parties*, (39<sup>th</sup> Sess., 2007), in *Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies*, para. 18, 20, 22, U.N. Doc. HRI/GEN/1/Rev.9 (Vol. II) (2008); *M.E.N. v. Denmark*, CEDAW Committee, Commc'n No. 35/2011, para. 8.6, U.N. Doc. CEDAW/C/55/D/35/2011 (2013).

<sup>36</sup> CENTER FOR REPRODUCTIVE RIGHTS, *Violence against women and reproductive rights in the Americas*, 2 (2015), available at

[http://www.reproductiverights.org/sites/crr.civicactions.net/files/documents/\(EN\)%20Advocacy%20Doc%20for%20OAS%20Convening.pdf](http://www.reproductiverights.org/sites/crr.civicactions.net/files/documents/(EN)%20Advocacy%20Doc%20for%20OAS%20Convening.pdf) [hereinafter *Violence against women in the Americas*] (citing that each year in the Americas, according to police records, 185,000 women and girls report being raped, but this only accounts for 11% of the 1,680,000 incidents of rape).

<sup>37</sup> Jaris Mujica, *Violaciones Sexuales en el Peru 2000-2009 (Sexual Violence in Peru 2000-2009)*, 78 (2011); Inter-American Commission on Human Rights, Report No. 76/08 (Admissibility, Petition 1055-06, Paola del Rosario Guzmán Albarracín and Next of Kin v. Ecuador, (Oct. 2008), available

at <http://cidh.org/annualrep/2008eng/Ecuador1055-06eng.html>; Inter-American Commission on Human Rights, *Caso Paola Guzmán y familiares*, YOUTUBE (Oct. 19, 2015), [https://www.youtube.com/watch?v=1pui6w\\_WPDw](https://www.youtube.com/watch?v=1pui6w_WPDw); CENTER FOR REPRODUCTIVE RIGHTS, *Honduras: Sexual violence and total bans on emergency contraception and abortion*, 1 (2015), available at

[http://www.reproductiverights.org/sites/crr.civicactions.net/files/documents/25MAR15%20GLP\\_LAC\\_Honduras\\_Factsheet\\_Final%20AS%20FILED%20\(1\).pdf](http://www.reproductiverights.org/sites/crr.civicactions.net/files/documents/25MAR15%20GLP_LAC_Honduras_Factsheet_Final%20AS%20FILED%20(1).pdf) (citing that in 2012, there were 2,263 cases of sexual offenses against children reported throughout Honduras; in 2014, 79% of adolescent Honduran girls in relationships reported being abused in some form, be it physical, psychological or sexual); Ximena Cases, *New Abortion Guidelines in Peru a Victory for Women and Girls, But More Work Ahead*, REWIRE (Aug. 19, 2014), <https://rewire.news/article/2014/08/19/new-abortion-guidelines-peru-victory-women-girls-work-ahead/> (citing that in 2014, Peru had more reported cases of rape and sexual violence than any other country in South America in 2014 – and 8 in 10 victims of sexual violence occurrences are minors).

<sup>38</sup> CENTER FOR REPRODUCTIVE RIGHTS, *Calls to Address Institutionalized Sexual Violence in Latin America's Schools* (2011), available at <http://www.reproductiverights.org/press-room/call-to-address-institutionalized-sexual-violence-in-latin-america%E2%80%99s-schools> [hereinafter *Sexual Violence in Latin America's Schools*] (reporting that from 2002-2007, Mexico City schools had 3,242 complaints of physical and sexual abuse. In 2007, Colombian schools had 337 reported incidents of sexual violence).

<sup>39</sup> CENTER FOR REPRODUCTIVE RIGHTS, *Government of Ecuador Absent at Inter-American Commission Hearing on Sexual Violence in Schools* (2015), available at <http://www.reproductiverights.org/press-room/government-of-ecuador-absent-at-inter-american-commission-hearing-on-sexual-violence-in-schools> [hereinafter *Govt. of Ecuador absent at Inter-American Commission Hearing*].

<sup>40</sup> *Govt. of Ecuador absent at Inter-American Commission Hearing*, *supra* note 39.



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<sup>41</sup> *Id.*; Ecuador emprende acciones para erradicar la violencia sexual en el sistema educativo [Ecuador takes action to eradicate sexual violence in schools], ANDES (Mar. 20, 2014), <http://www.andes.info.ec/es/noticias/ecuador-emprende-acciones-erradicar-violencia-sexual-sistema-educativo.html>.

<sup>42</sup> See, Sylvie Bakatu-bia v. Sweden, CAT Committee, Commc'n No. 379/2009, para. 10.6, U.N. Doc. CAT/C/46/D/379/2009 (2011) (ruling that Sweden was prohibited from returning a refugee to the Democratic Republic of Congo because she risked being exposed to sexual violence); M.E.N. v. Denmark, CEDAW Committee, *supra* note 35 (ruling the case inadmissible but stating that gender-based violence inflicts mental or physical suffering and nullifies a woman's right to life and right not to be subjected to torture or cruel, inhuman or degrading treatment).

<sup>43</sup> See, A.T. v. Hungary, CEDAW Committee, Commc'n No. 2/2003, para. 9.3, U.N. Doc. CEDAW/C/32/D/2/2003 Annex III (2005) (finding that Hungary violated A.T.'s right to personal security by not having institutional structures that offer coordinated, comprehensive protection and support for domestic violence victims, including shelters; criminal proceedings were unreasonably delayed and did not include temporary protections; no legislation existed that combatted domestic or sexual violence); V.K. v. Bulgaria, CEDAW Committee, Commc'n No. 20/2008, paras. 9.11, 9.12, 9.14, U.N. Doc. CEDAW/C/49/D/20/2008 (2011) (upholding state obligations to abolish laws and practices that are discriminatory towards women and finding that states can be liable if courts fail to use requisite gender-sensitivity and apply discriminatory gender stereotypes in decisions); S.V.P. v. Bulgaria, CEDAW Committee, Commc'n No. 31/2011, paras. 9.3, 9.4, 9.6, 9.7, 9.11, U.N. Doc. CEDAW/C/53/D/31/2011 (2012) (ruling that a state-party may be liable for violating due diligence obligations by not providing protection or detention mechanisms that protect victims from further violence and by failing to provide gender-sensitive health care for women and girl victims of violence, including gender-sensitivity training for health care workers); See, V.L. v. Switzerland, CAT Committee, Commc'n No. 262/2005, para. 8.10, U.N. doc. CAT/C/35/D/262/2005 (2006) (affirming that states have a duty to investigate allegations of violence against women to prevent the perpetrator from attacking again with impunity).

<sup>44</sup> WHO, *Maternal Health, Adolescent Fertility Rate, Region: Americas*, available at [http://gamapserver.who.int/gho/interactive\\_charts/mdg5/atlas.html?indicator=i2](http://gamapserver.who.int/gho/interactive_charts/mdg5/atlas.html?indicator=i2) (reporting that there are approximately 2 million mothers between the ages of 15-19 and 54,000 births each year).

<sup>45</sup> Secretaría de Salud, Acuerdo No. 2744 [Secretariat of Health, Agreement No. 2744 of 2009] (Honduras) (2009); Decreto No. 144-83, art. 126 (Código Penal, Honduras) [Decree No. 144-83 (Penal Code, Honduras)] (1983), available at <http://www.ccit.hn/wp-content/uploads/2013/12/Codigo-Pena-Honduras.pdf>.

<sup>46</sup> GUTTMACHER INSTITUTE, *In Brief: Facts on Abortion in Latin America and the Caribbean (2012)*, available at [http://www.guttmacher.org/pubs/IB\\_AWW-Latin-America.pdf](http://www.guttmacher.org/pubs/IB_AWW-Latin-America.pdf).

<sup>47</sup> See, T.P.F. (on behalf of L.C.) v. Peru, CEDAW Committee, Commc'n No. 22/2009, para. 8.11, U.N. Doc. CEDAW/C/50/D/22/2009 (2011) [hereinafter L.C. v. Peru, CEDAW Committee].

<sup>48</sup> WHO, *Unsafe Abortion: Global and Regional Estimates of the Incidence of Unsafe Abortion and Associated Mortality in 2008* 28 (2011), available at [http://whqlibdoc.who.int/publications/2011/9789241501118\\_eng.pdf](http://whqlibdoc.who.int/publications/2011/9789241501118_eng.pdf).

<sup>49</sup> Mellett v. Ireland, Human Rights Committee, Commc'n No. 2324/2013, U.N. Doc. CCPR/C/116/D/2324/2013 (2016) [hereinafter Mellett v. Ireland, Human Rights Committee]; L.C. v. Peru, CEDAW Committee, *supra* note 47; K.L. v. Peru, Human Rights Committee, Commc'n No. 1153/2003, U.N. Doc. CCPR/C/85/D/1153/2003 (2005) [hereinafter K.L. v. Peru, Human Rights Committee].

<sup>50</sup> *The 2030 Agenda for Sustainable Development*, *supra* note 1, Goals 4.7, 5.2, 16.1, 16.2.

<sup>51</sup> See, L.C. v. Peru, CEDAW Committee, *supra* note 47; See also, K.L. v. Peru, Human Rights Committee, *supra* note 49.

<sup>52</sup> *Sexual Violence in Latin America's Schools*, *supra* note 38; *Govt. of Ecuador absent at Inter-American Commission Hearing*, *supra* note 39.

<sup>53</sup> See, L.C. v. Peru, CEDAW Committee, *supra* note 47; See, *Govt. of Ecuador absent at Inter-American Commission Hearing*, *supra* note 39 (citing Lita Martínez, institutional coordinator at CEPAM Guayaquil); See also, *Sexual Violence in Latin America's Schools*, *supra* note 38; See also, CENTER FOR REPRODUCTIVE RIGHTS, *Organization of American States Links Abortion Restrictions to Violence Against Women; Calls on Governments to Decriminalize Abortion* (2014), available at <http://www.reproductiverights.org/press-room/oas-links-abortion-restrictions-to-violence-against-women-calls-governments-to-decriminalize-abortion>.

<sup>54</sup> See, L.C. v. Peru, CEDAW Committee, *supra* note 47; See also, Mellett v. Ireland, Human Rights Committee, *supra* note 49.

<sup>55</sup> *Violence against women in the Americas*, *supra* note 36.

<sup>56</sup> See, *The 2030 Agenda for Sustainable Development*, *supra* note 1, at para. 75.

<sup>57</sup> Center for Reproductive Rights, Amnesty International, Center for Economic and Social Rights, Human Rights Watch, *Accountability for the Post-2015 Agenda: A proposal for a robust global review mechanism* 1 (2015), available at

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[http://www.reproductiverights.org/sites/crr.civicactions.net/files/documents/Post2015%20Global%20Review%20Pr  
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<sup>58</sup> *The 2030 Agenda for Sustainable Development*, *supra* note 1.

<sup>59</sup> ESCR Committee, *Concluding Observations: Chile*, paras. 29, 29(a), U.N. Doc. E/C.12/CHL/CO/4 (2015).

<sup>60</sup> *See*, Regional Action Plan to End Child Marriage in South Asia (2015-2018), *adopted* 2014, *available at* [http://www.saievac.org/download/Thematic%20Area%20Resources/Child%20Marriage/RAP\\_Child\\_Marriage.pdf](http://www.saievac.org/download/Thematic%20Area%20Resources/Child%20Marriage/RAP_Child_Marriage.pdf).

<sup>61</sup> Organization of American States (OAS), Statute of the Mechanism to Follow Up on the Implementation of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women, “Convention of Belem do Para” – MESECVI, *adopted on* October 26, 2004, arts. 1-8; *See*, OAS, *A life free of violence: The right of all women, The Belem do Para Convention and its Follow-up Mechanism* (2012), *available at* <http://www.oas.org/en/mesecvi/docs/FolletoMESECVI2012-EN.pdf> (explaining in brochure form the processes of MESECVI).