

**CIVIL SOCIETY STATEMENT ON  
RATIONALIZING THE AGE OF CONSENT:  
Four Specific Criteria for Corrective Legislation**

The undersigned are encouraged by the recent surge in public expression of support for amending existing Trinidad & Tobago law to prohibit girls as young as 12 and boys at 14 being entered into marriage by their parents. We welcome the clear and quick statements from the Office of the Prime Minister and the Attorney General that Government will rationalize the age of consent as a legislative priority. We take particular note of the position articulated by the Minister of State in the Office of the Prime Minister (Gender & Child Affairs) regarding the commitment to align the legislative framework and Government policies with international human rights norms and the Global Goals for Sustainable Development.

We salute all those individuals, organizations and State bodies advocating for children, defending their human rights, working for their healthy development, and keeping watch on policies affecting their quality of life. We draw from that experience to propose a strategy for modernizing the age of consent, consistent with and in response to:

- core changes made to the age of sexual consent by the Children Act of 2012,
- human rights norms, and
- the needs and evolving capacities of children.

Such modernization must:

- draw on the lessons of the past year during which the Children Act changes have been in force, and
- ensure the increase in the age of consent to penetrative sex co-exists in a rational framework with consent regarding adolescent sexual experimentation, medical services and marriage.

We agree that Government must:

1. Public consultation. Draft and circulate for public comment draft legislation implementing the measures below in advance of the 2016 Parliamentary mid-year recess. Work with us and other advocates who have shown leadership on this issue to ensure a wide range of stakeholders, including young people themselves, not only religious leaders, have an opportunity to understand and offer thoughtful responses to the draft legislation, through public education measures and a process of meaningful and documented consultation. Revise such legislation, as necessary, and secure its passage and coming into force before 2017.
2. Consent to marry. Make 18 the universal age of maturity for consent for civil and religious marriages. Repeal provisions at common law and in the Hindu Marriage Act, the Marriage Act, the Muslim Marriage & Divorce Act and the Orişā

- Marriage Act that enable marriage of minors. Ensure any legislative exceptions for marriage below that age: a) go no lower than 16 years; b) be between parties no more than three years apart in age; c) require equal consent of both living parents; and d) require review and consent by a master or judge of the Family & Children Court; and e) prior counselling by a professional. Introduce penalties of loss of licence, fines and imprisonments for any marriage officer who attempts the marriage of a minor which violates these provisions. Identify all current minors who have already entered marriages; provide them with professional counselling and psycho-social support; and have a competent committee or Master of the Family & Children Court review all such cases. Introduce appropriate legislative measures to terminate the marriage if desired.
3. Discretion in prosecuting sex between young people, notwithstanding age of consent. Repeal Sections 20, 26, 27 and 28 of the Children Act of 2012. Enact in law a framework of guidelines for initiation of proceedings against persons under 21 years under Part VI of the Act (similar to those governing the United Kingdom's Crown Prosecution Service) which require the Director of Public Prosecutions take into consideration a) evidence of coercion, abuse, manipulation or breach of trust; b) the relative ages of the parties; c) their emotional maturity; d) any mental disorders or disabilities; e) the existence and length of any relationship between the parties, including familial ties and relationships of responsibility; f) the impact of prosecution on all parties; g) other circumstances and background information, including familial circumstances and the views of the families.
  4. Consent and access to services by minors. Establish in the rationalizing legislation an age of consent to medical services of 16 years (consistent with Jamaica's Law Reform (Age of Majority) Act of 1979). Provide in the legislation for the development and issuance of public guidelines for Gillick competence determinations that would allow younger children of sufficient maturity and intelligence to validly consent. Revise Section 31 of the Sexual Offences Act to allow provision, without criminal sanction or requirement of notification, of sexual and reproductive health services to any Gillick-competent child whom a provider cannot persuade to inform his/her parents or authorities, when in the professional judgement of the provider the child is likely to begin or to continue sexual activity, and without such services the child's physical and/or mental health is likely to suffer. (An increased age of consent has had the grave impact of restricting access to sexual and reproductive health services by sexually active minors, those who most need them.)

Harmonisation of domestic laws with international human rights norms, including the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women requires implementation of all of these legislative measures.

We encourage the State to expand the social safety net to support children who wish to leave marriages, and we advocate for the provision of spaces in which they can access essential services including health, educational and financial, as well as the necessary counseling to assist them in negotiating their lives outside the paradigm of early marriage. We further encourage the State to provide health, social and other programmes to support those who remain in their marriage.

Finally, we are deeply heartened by the growing recognition of the importance to our national development of protecting young people, girls in particular, from sexual violence, and preventing unplanned and premature pregnancy. These cannot be achieved without a clear and strong policy commitment to accurate and age-appropriate comprehensive sexuality education, alongside any legislation, consistent with the sixth target of “universal access to sexual and reproductive health and reproductive rights” of the Sustainable Development Goal on Gender Equality.

We stand ready to partner with Government to achieve implementation of these measures in law by year-end.

Association of Female Executives of Trinidad and Tobago (AFETT)  
Caribbean Association for Feminist Research and Action (CAFRA) Trinidad and Tobago  
CAISO  
Domestic Violence Survivors Reaching Out  
Down Syndrome Family Network  
Family Planning Association of Trinidad and Tobago (FPATT)  
Maloney Senior Activity Centre  
Maloney Women’s Group  
Mamatoto Resource and Birth Centre  
Network of NGOs of Trinidad and Tobago for the Advancement of Women  
PSI Caribbean  
Say Something  
Silver Lining Foundation  
WOMANTRA  
Women’s Caucus  
Women Working for Social Progress (Workingwomen)  
Young Women’s Christian Association of Trinidad and Tobago (YWCATT)  
Women’s Institute for Alternative Development (WINAD)

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