

NEWS RELEASE

For Immediate Release

CIVIL SOCIETY STATEMENT ON

RATIONALIZING THE AGE OF CONSENT:

Corrective Legislation and Other Measures

A grouping of organizations and individuals has been working around the issue of the age of consent. Given here is an abridged version of the document submitted to Government, agreed upon by the signatories listed below. The full document may be accessed at: www.winad.org/resources and www.networkngott.com

The legal age of sexual consent to penetrative sex in Trinidad and Tobago was raised from 16 to 18 when the Children Act, 2012 came into force on 18 May, 2015. Yet the country's marriage laws allow parents to enter their children into marriage from the age of 12 for girls and 14 for boys. Today there is a public outcry for these laws to be amended.

Government has pledged to:

- Rationalize the age of consent, as a matter of legislative priority;
- Bring Government's laws and policies in line with international human rights norms, as well as 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.

Outline of our recommendations for legislative reform

The following amendments will help to harmonize our national laws with international human rights norms, namely the Convention on the Rights of the Child and the Convention on the Elimination of all Forms of Discrimination against Women:

Consent to marry

- Make 18 the age of consent for civil and religious marriages;
- Take on board the request of the Hindu Women's Organization for permission to be granted, in special cases and with strict checks and balances, for marriage from the age of 16.

Discretion in prosecuting sex between young people, notwithstanding age of consent

- Repeal Sections 20, 26, 27 and 28 of the Children Act, 2012;
- Put into law guidelines to determine, case by case, whether minors engaging in sexual activity should be prosecuted. Among the seven factors to be taken into consideration are: evidence of coercion; the age gap between the two parties; and their emotional maturity.

Minors' consent and access to medical services

Since the age of sexual consent was raised, underage youth who are sexually active have been shying away from seeking the sexual and reproductive health services they need. This is because they face prosecution if they fall just outside of the age exceptions provided at Section 20 of the Children Act, 2012. They are also liable to be reported to the police by those who are mandated to report sexual offences against minors under the Sexual Offences Act including doctors, nurses, teachers and employers.

- Put into law 16 years as the age of consent to medical services;
- Provide, in the law, that guidelines are to be worked out for determining the Gillick competence of a child, that is, finding out whether the child is sufficiently mature and intelligent to give valid consent for medical attention;
- Revise Section 31 of the Sexual Offences Act to allow medical personnel to provide sexual and reproductive health services to any Gillick-competent child, with no requirement to report the child, and no fear of prosecution. This is in situations where:

(1) the provider has been unable to persuade the child to inform his/her parents or guardians;

(2) in the professional judgement of the provider, the child is likely to begin or to continue sexual activity; and

(3) without such services the child's physical and/or mental health is likely to suffer.

Public consultation

- Circulate the draft legislation for public comment before the Parliament goes on its 2016 mid-year recess;
- Work with us and other advocates to ensure the participation of a wide range of stakeholders, not only religious leaders, in examining and responding to the draft legislation; religious leaders ought not to have any more say in national decision-making than other sectors of the society;
- Make a special effort to involve young people in this consultation;
- Revise the draft legislation, as necessary, and ensure that it is passed and comes into force before 2017.

Other measures to be pursued

With regard to child marriage, we encourage the State to:

- Identify all currently married minors; 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.
- Expand the social safety net to support married children who wish to leave the marriage;
- Provide spaces in which children who leave their marriage can access essential health, educational and financial services, as well as the necessary counselling to assist them in managing their lives in their changed situation.
- Provide health, social and other programmes to support those who remain in their marriage;

With regard to the protection of young people from sexual violence, and preventing unplanned and premature pregnancy, we encourage the State to adopt a clear and strong policy commitment to accurate and age-appropriate sexuality education.

We stand ready to partner with Government to achieve implementation of these measures.

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)

END
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