



Spotlight Initiative

To eliminate violence against women and girls



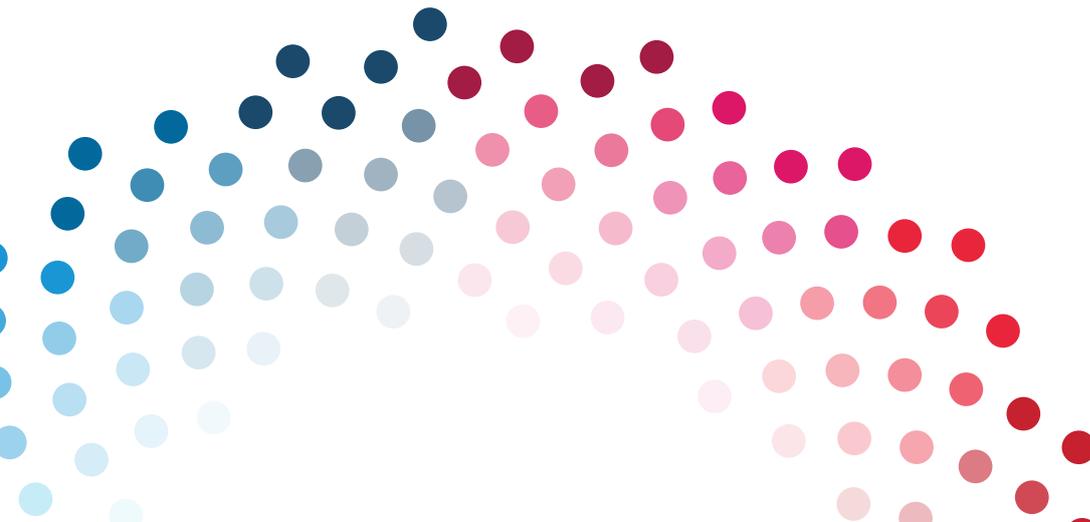
THE IMPACT OF CHILD MARRIAGE AND EARLY UNIONS: Raising the minimum age of consent to marry

POLICY BRIEF

An initiative of the United Nations funded by the European Union



Caribbean Observatory on
Sexual and Reproductive Health and Rights
Monitoring • Mobilising • Advocating



RATIONALE

Child marriage is considered one of the factors that lead to an increase in the adolescent fertility rate as it provides a legal space within which women under 18 can become pregnant. Early unions in Latin America and the Caribbean (LAC) often take the form of an informal union, in which a girl lives with a partner, rather than a formal marriage.¹ The legal recognition of cohabiting unmarried couples in several of these countries makes this a relevant consideration distinct from marriages made formal within civil registries when measuring the extent to

which the practice has been eliminated.

Child marriages and early unions constitute “harmful practices” (see Box 1) under International Human Rights law, with harmful implications for the child, the spouse, as well as broader developmental and social consequences. The elimination of harmful practices such as child marriage is one of the targets under Sustainable Development Goal 5; the continuation of the practice puts the Caribbean region at odds with its development goals.

CHILD MARRIAGES AND EARLY UNIONS CONSTITUTE “HARMFUL PRACTICES”.

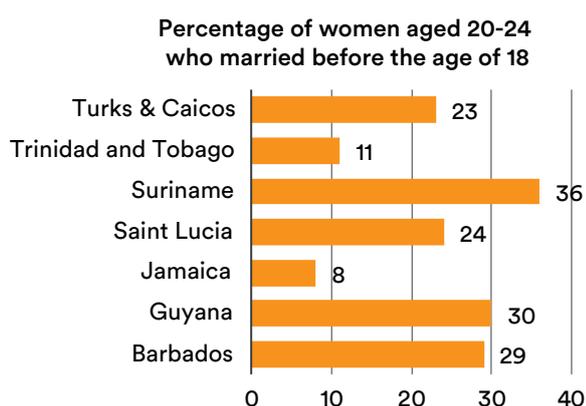
Child Marriage and early union...

- Constitute a denial of the dignity and/or integrity of the individual and a violation of the human rights and fundamental freedoms enshrined in CEDAW and the CRC.
- Constitute discrimination against women or children and are harmful, as they result in negative consequences for them as individuals or groups, including physical, psychological, economic and social harm and/or violence and limitations on their capacity to participate fully in society or develop and reach their full potential.
- Are traditional, re-emerging or emerging practices that are prescribed and/or kept in place by social norms that perpetuate male dominance and inequality of women and children, on the basis of sex, gender, age and other intersecting factors.
- Are imposed on women and children by family members, community members or societies, regardless of whether the victim provides, or is able to provide, full, free and informed consent.



Source: CEDAW/C/GC/31/Rev.1–CRC/C/GC/18/Rev.1, [16]

SITUATION IN THE CARIBBEAN



Source: United Nations, Department of Economic and Social Affairs, Population Division, World Population Prospects: The 2022 Revision.

In LAC, the prevalence of women aged 20-24 who were married before the age of 18 years is 25%,² compared to 21% globally,³ and 14% among the Caribbean region only.⁴ The percentage of women aged 20-24 who married below the age of 18 varies between 8% in Jamaica and 36% in Suriname (see figure).⁵ Except for Trinidad & Tobago and Jamaica, all countries shown are above the global rate. Guyana and Suriname with significant indigenous populations have the two highest rates in the region.⁶ Especially at risk of child marriage are girls from indigenous communities, of African descent,⁷ from rural areas, who live in poor households and have less education.⁸ It can be inferred

1 United Nations Children’s Fund (UNICEF), A Profile of Child Marriage & Early Unions in Latin America and the Caribbean (2019).

2 *ibid.*

3 *ibid.*

4 *ibid.*

5 UNICEF, Child Marriage Databases 2023 < <https://data.unicef.org/topic/child-protection/child-marriage/> accessed 14 July 2023.

6 Pan-American Health Organisation, Reaching Poor Adolescents in Situations of Vulnerability with Sexual and Reproductive Health (2013).

7 UNICEF (*supra* note 1).

8 *ibid.*

that cultural norms, religious values and the costs associated with child-rearing within poor families may be factors which drive child marriages pointing to a phenomenon of older men marrying girls under 18 as a way of reducing costs on her family. More than half of child brides in LAC are married to men at least five years older, with one in five being married to men who are at least 10 years older.⁹ In

some countries in LAC, child brides were likelier to be financially dependent on their partners than women who were never married or who married in adulthood.

The rate of child marriage among boys within nine of ten LAC countries is higher than the global average of 3%, including in Belize and Guyana.¹⁰

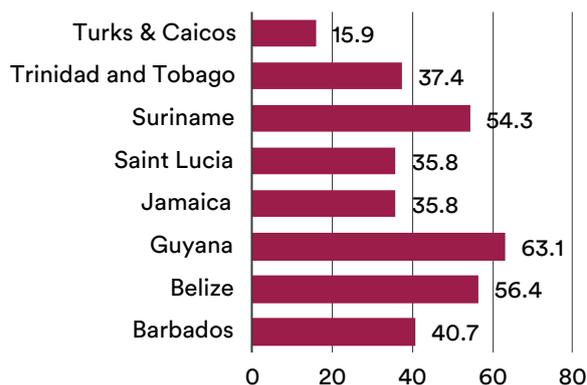
Adolescent pregnancy

More than half of the women married in childhood gave birth before 18.¹¹ With the exception of Sub-Saharan Africa, global data show a clear correlation between adolescent pregnancy and child marriage.¹² In fact, 90% of births among 15–19-year-olds occur within a marriage.¹³

Except for St. Lucia & Turks Caicos, there is a significant correlation between countries with higher percentages of child marriages, and higher estimates for adolescent fertility (see graph).¹⁴ Belize, Guyana and Suriname have the highest percentages of child marriage and the three highest adolescent fertility rates. Jamaica and Trinidad & Tobago have the lowest percentages of child marriage with adolescent fertility rates only barely under the global average of 40 per 1000 women aged 15-19 years.

Adolescent pregnancy increases girl's risk of pregnancy-related complications. Studies also demonstrated significant economic developmental costs

Fertility rate per 1000 women aged 15-19 years

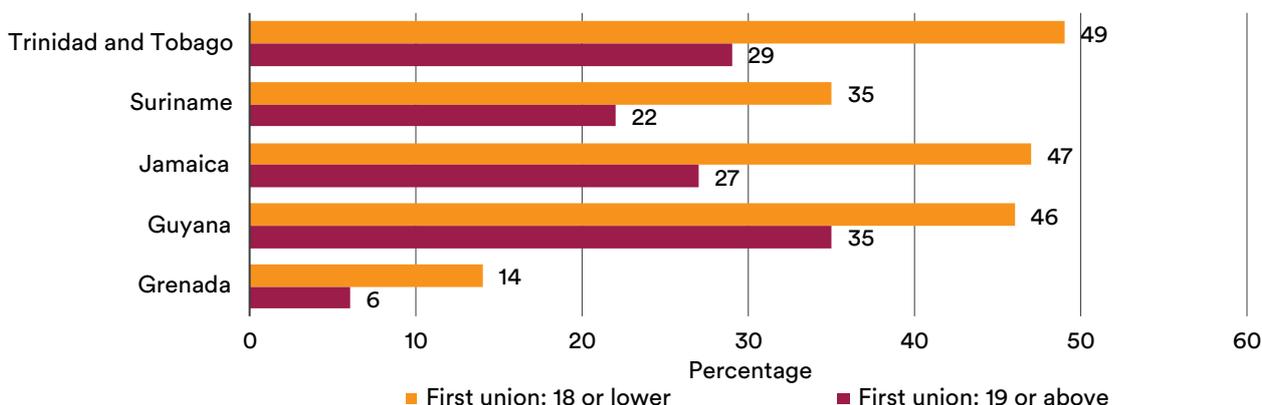


Source: United Nations, Department of Economic and Social Affairs, Population Division, World Population Prospects: The 2022 Revision.

associated with adolescent pregnancy. Regional data also suggests that child brides are somewhat less likely to be employed than women who were married as adults.¹⁵

Intimate partner violence (IPV)

Physical and/or sexual IPV among ever-partnered women



9 *ibid* 12.

10 UNICEF (*supra* note 1) 20

11 *ibid*.

12 United Nations Population Fund, State of the World Population 2022: Seeing the Unseen. The case for action in the neglected crisis of unintended pregnancy, 2022, 33.

13 UNFPA, Girlhood, Not Motherhood: Preventing Adolescent Pregnancy (2015) 8.

14 United Nations, Department of Economic and Social Affairs, Population Division, World Population Prospects: The 2022 Revision

15 UNICEF (*supra* note 1) 15.

Child brides have an increased risk for being victims of IPV within the marriage.¹⁶ Across five countries in the region where data is available, women who were married at age 18 or below were likelier to experience physical and/or sexual IPV in their lifetime, compared to women who were married at age 19 and above (see figure above).¹⁷ The rate of

IPV varied between 14% and 49% among those who were in union before the age of 18. In comparison, among those who were in union at 19 or above, 6% to 35% experienced IPV. Women who marry younger are also likelier to face emotional abuse across four of the five countries discussed above.¹⁸

Obligations and International Benchmarks

Several LAC countries ratified key international and regional Human Rights Covenants and Conventions that reinforce the need for actions to end child

marriages, particularly since these marriages are often arranged without the knowledge or consent of the child.

21

Ratified the **International Covenant on Civil & Political Rights (ICCPR)**

Countries include Anguilla, Antigua and Barbuda, Aruba, Bahamas, Barbados, Belize, Bermuda, British Virgin Islands, Curaçao, Dominica, Grenada, Guyana, Jamaica, Montserrat, Saint Lucia, Saint Vincent and the Grenadines, Sint Maarten, Suriname, The Cayman Islands, Trinidad and Tobago, Turks & Caicos Islands

22

Ratified the **Convention for the Elimination of All Forms of Discrimination Against Women (CEDAW)** and the **Convention on the Rights of the Child (CRC)**

Countries include Anguilla, Antigua and Barbuda, Aruba, Bahamas, Barbados, Belize, Bermuda, British Virgin Islands, Curaçao, Dominica, Grenada, Guyana, Jamaica, Montserrat, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Sint Maarten, Suriname, The Cayman Islands, Trinidad and Tobago, Turks & Caicos Islands

6

American Convention on Human Rights

Countries include Barbados, Dominica, Grenada, Jamaica, Suriname, Trinidad and Tobago

Within international human rights law, there is a distinction between the age of consent to sexual activity among adolescents and the age of consent to marry. The age of consent to sexual activity has no prescribed lower age limit; however, there is

caution against it being too low.¹⁹ For the age of consent to marry, the recommendation is to prohibit any child (under 18 years) from being able to consent to marriage.

16 ibid 16.

17 Data for each country is from the respective sources: Pemberton, Cecile & Joseph, Joel, National Women's Health Survey for Trinidad & Tobago (2018) IDB, 40; Joseph, Joel, Pemberton, Cecile & Philip, Urgan, National Women's Health Survey for Suriname (2019) IDB 39; Watson Williams, Carol, Women's Health Survey 2016 Jamaica (2018) UN Women 89, Contreras Urbina, Manuel et al, Guyana Women's Health & Life Experiences Survey Report (2019) UN Women; Nicholson, Manuel & Deshong, Halimah, Grenada Women's Health and Life Experiences Study 2018 (2019) UN Women, 59.

18 supra note 20.

19 UNICEF, Legal Minimum Ages and the Realization of Adolescents' Rights (2015) 2.

LAWS AND POLICIES ACROSS THE REGION: GAPS & BARRIERS

Across the region, there are different minimum ages of consent to marry. In Belize, there is no requirement for parental consent for children aged 16 and 17 to marry. In Guyana, a pregnant mother

below 16 years may marry the father of the child with the leave of the Court. For all other countries, marriage for persons under 18 requires parental consent or leave of the Court.

Minimum age of consent to marry across Caribbean countries

18 Antigua & Barbuda, Trinidad & Tobago

16 Barbados, Belize, Bermuda, British Virgin Islands, Dominica, Grenada, Guyana, Jamaica, St. Lucia, Bermuda, Cayman Islands, Montserrat, Turks & Caicos Islands

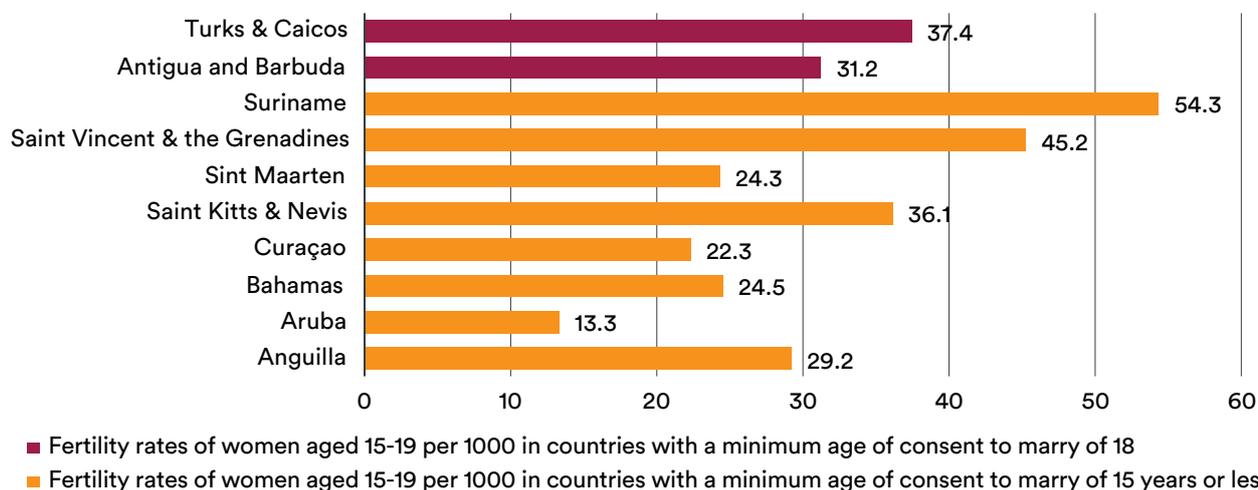
15 Anguilla, Aruba, Curaçao, Saint Kitts & Nevis, Saint Vincent & the Grenadines, Sint Maarten, Suriname

13 Bahamas

There is a tendency to align the age of consent to marry with the age of consent to sexual activity. For Anguilla, Aruba, Curaçao, St. Kitts & Nevis, Sint Maarten & Suriname, the age of consent to sexual activity is 16 but the age of consent to marry is 15 which creates a legal anomaly, as the absence of sexual activity in marriage may be used as grounds for annulments. The case is even more extreme in Bahamas where sexual activity can only be consented to at age 16 but marriage can be consented

to as early as 13. This is further complicated by laws, which limit access to SRH services. Neither Anguilla nor St. Kitts have laws explicitly allowing minors to access these services which represent an additional gap within these laws. The predominance of laws allowing for child marriages stand in stark contrast to international human rights obligations and developmental goals. Raising the minimum age of consent to marry is a critical approach to respond to the pressing challenges.

Minimum age to marry and fertility rates



There is no clear correlation between lower minimum ages of consent to marry and higher adolescent fertility rates. For example, Bahamas has the lowest age of consent to marry but its fertility rate is below the global average. St. Vincent & Suriname, which has 15 as the minimum age to marry, have adolescent fertility rates above the global average. Trinidad & Tobago and Antigua & Barbuda which recently changed their laws, have rates below the global average.

Adolescent sexual activity can be informed by comprehensive sexuality education and provision of SRH services. Adolescents who engage in sexual activity, free from coercion, with access to available SRH services are less likely to become pregnant and fall victim to cycles of abuse. The harm created by child marriage and the associated risks cannot be readily mitigated given the legal protections and the cultural norms that surround them.

Child marriage and early union as priority issues

Child marriage has not been a major point of advocacy or discussion, in part due to the lack of data. More research is needed to identify if there are ethnic and religious reasons for the lack of attention. For example, Jamaica, which has specific Marriage Acts for certain groups have a smaller population

of these religious groups, compared to Trinidad & Tobago where the minimum age of consent to marry is 18. The lack of attention may also be a result of the perception that child marriage is not a significant problem within the region.

SUSTAINED ADVOCACY TO END CHILD MARRIAGE

In Trinidad & Tobago, there have been sustained advocacy efforts by civil society organisations given the varied approaches to age of consent to marry under the country's four Marriage Acts. The result of this advocacy is that Trinidad & Tobago is one of the only two countries in the region that does not allow legal child marriages.

Source: Joseph, Kavell, 'Get up, stand up: The unfinished business of ending child marriage in the Caribbean' World Bank Blogs (17 October 2018) available at <https://blogs.worldbank.org/latinamerica/get-stand-unfinished-business-ending-child-marriage-caribbean> accessed 30 July 2023

RECOMMENDATIONS FOR DECISION MAKERS

1. Improve data collection, collation and analysis on the prevalence and harmful impacts of child marriages.
2. Build capacity of key stakeholders, particularly lawmakers and parliamentarians, around the importance of addressing child marriages, given its relationship to high adolescent fertility, poverty and IPV.
3. Increase awareness raising of the dissonance between the legalization of child marriages and international human rights law and development targets.
4. Facilitate dialogue between lawmakers within the region to improve understanding of the barriers to amending laws related to child marriage.
5. Amend laws to increase the age of consent to marry to 18 without exception.
6. Prohibit child marriages with appropriate criminal and administrative sanctions to be applied to parents, leaders, community actors, government officials who facilitate these marriages.

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