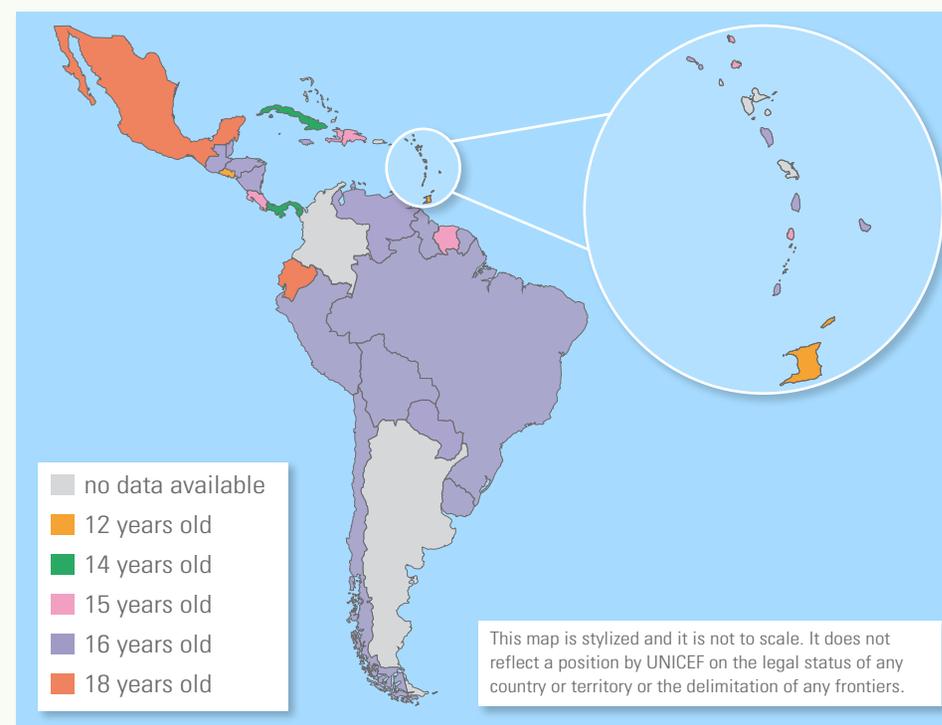


## MINIMUM AGE FOR MARRIAGE

- International standards set the minimum age of marriage at 18.
- Child marriage has numerous long-term negative implications on children's rights, in particular the right to education, the right to express views, the right to be protected from violence, and the right to health, among others. Girls are particularly vulnerable to the practice, with significant impact on their development and gender equality in general.
- Rates of child marriage in the Latin America and the Caribbean remain significant and close to global averages. However, they have not decreased in recent years like in other regions.
- Child marriage – i.e. marriage when at least one of the intending spouses is under 18 – is generally forbidden under international standards, although recent evolutions provide for the possibility for adolescents over 16 to marry under specific circumstances and on their own consent, through judicial approval.
- While providing that adolescents can fully consent to marriage on their own at 18, legislations in the overwhelming majority of countries provide for the possibility for children to get married with parental and/or a judge's consent.
- Approximately one third of the countries have different minimum ages for marriage for boys and girls, thus effectively featuring discriminatory legislation.
- Possible grounds for authorizing underage marriage due to "exceptional circumstances" are in many instances extensive, thus significantly undermining the protection the legal marriageable age offers.

## ABSOLUTE MINIMUM AGE OF MARRIAGE WITH PARENTAL OR JUDGE CONSENT OR EXCEPTIONAL CIRCUMSTANCES



*Child marriage has negative effects on adolescents' health and is a cause of early pregnancy. It represents a significant cause for school dropout, with implications for children's, and especially girls', lives. Child marriage is correlated with higher levels of domestic violence.*

## THE SITUATION IN LATIN AMERICA AND THE CARIBBEAN

Data indicate that 30 per cent of women aged 20 to 49 years were married or in union before 18 years in the region, while 8 per cent were married before the age of 15. Currently, 19 per cent of girls aged 15 to 19 – almost 1 in 5 – are married or in union. Girls from poor backgrounds and living in rural areas are particularly vulnerable to the practice.

In LAC, the prevalence of child marriage in rural areas is about twice that of urban areas. While in the richest quintile an estimated 10 per cent of women aged 20 to 49 years were married before the age of 18, the proportion reaches 38 per cent in the poorest quintile. Indigenous girls are particularly affected.<sup>1</sup>

Domestic legislation in LAC countries systematically contains provisions setting a minimum age for marriage. With the exception of four Caribbean countries, the general minimum age for marriage is set at 18 or over.

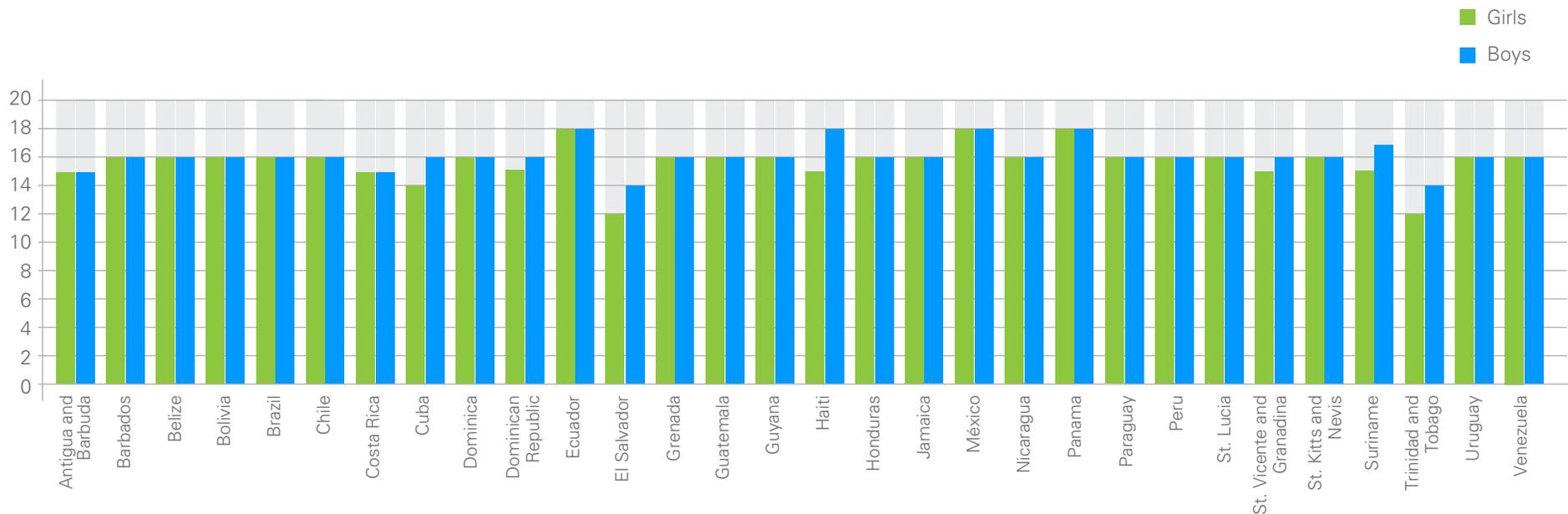
*In many cases, the provisions making it possible to waive the 18 years threshold are quite broad, thus questioning the effectiveness of legislation in adequately protecting adolescents, in particular adolescent girls, from marriage.*

About a third of the countries in the region have set different minimum ages for marriage boys and girls. In these countries, the minimum age for girls is consistently a year or two lower than the minimum age for boys. This is considered a discriminatory practice on the basis of gender, which is not in accordance with international standards. Not only does it make girls particularly vulnerable to the practice, it also conveys an official recognition that girls can legitimately be “sexualized” earlier than boys and therefore contributes to feeding prejudices in relation to girls’ ownership of their lives. The CRC Committee has criticized “the use of the biological criterion of puberty to set different ages of maturity between boys and girls”.<sup>2</sup>

## RECOMMENDATIONS

- Set the legal minimum age for marriage at 18 for all, with or without parental consent.
- Exceptions should only be allowed in exceptional circumstances clearly circumscribed by law, and marriage only authorized by a court of law upon the child’s full, free, informed consent, regardless of parents’ views. In any case, the legal minimum age for marriage should never be below 16 years old.

### ABSOLUTE MINIMUM AGE OF MARRIAGE WITH PARENTAL OR JUDGE CONSENT OR EXCEPTIONAL CIRCUMSTANCES



<sup>1</sup> UNICEF, Ending Child Marriage: Progress and prospects, UNICEF, New York, 2014.

<sup>2</sup> CRC COBs for Honduras (2007), para 29.