



**National Council of  
Women of New Zealand**

Te Kaunihera  
Wahine O Aotearoa

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S17.11

## **Submission to the Justice and Electoral Committee on the Marriage (Court Consent to Marriage of Minors) Amendment Bill**

1. The National Council of Women of New Zealand, Te Kaunihera Wahine O Aotearoa (NCWNZ) is an umbrella group representing 283 organisations affiliated at either national level or to one of our 21 branches. In addition, about 260 women are individual members of branches. Collectively our reach is over 290,000 with many of our membership organisations representing all genders. NCWNZ's vision is a gender equal New Zealand and research shows we'll be better off socially and economically if we're gender equal. Through research, discussion and action, NCWNZ in partnership with others, seeks to realise its vision of gender equality because it is a basic human right. This submission has been prepared by the NCWNZ Education Standing Committee and the Parliamentary Watch Committee', based on policy previously established by NCWNZ members.
2. This Bill is supported by NCWNZ policy, which has been developed over a number of years in consultation with NCWNZ members. Legislation which prevents girls being forced into marriage is a step towards gender equality. Our vision is for all women to be able to freely choose whether or not to be married, and where being married is a safe, enjoyable and nurturing experience for each spouse. This Bill is a good start to achieving that vision.
3. Our support for the Bill must be read in conjunction with our policy, passed in 2014, "that NCWNZ supports the legal minimum age of marriage being 18 years without any exceptions for parental consent."<sup>1</sup> We have two reasons for this policy. One is that NCWNZ members have concerns that "even with parental/guardian permission generally needed until the age of 18 very few young persons are mature enough to understand the implications of the responsibilities they are accepting".<sup>2</sup> The other reason for the policy of a minimum age of 18 years is the potential for forced marriage, as 16 and 17 year olds are still legally under the jurisdiction of their parents. For NCWNZ members, therefore, this Bill does not go far enough to protect girls from the possibility of forced marriage.
4. However, given the current legislative environment, this Bill improves the protection for girls from forced marriage and NCWNZ members support "measures to prevent underage and forced marriages".<sup>3</sup> We also note that the government has responsibilities under several UN Conventions to

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<sup>1</sup> NCWNZ Resolution 1.8.1.7, 2014

<sup>2</sup> NCWNZ Submission on the Civil Union and the Relationships Bills, S04.41, 2004

<sup>3</sup> NCWNZ Resolution 1.8.2.5, 2013

ensure that girls are not forced into marriage, which can be considered abuse or exploitation.<sup>4</sup> Requiring court consent for the marriage of minors is a useful and achievable way of offering protection for these young people.

5. Further, NCWNZ notes with approval the distinction this Bill makes between forced marriage and arranged marriage, where the family supports young people to choose a marriage partner. The key factor is the freely given consent of both marriage partners, without coercion or pressure.
6. NCWNZ also supports the continued requirement for young people wishing to get married to have parental or guardian consent. Parental rights and responsibilities for the guidance of their children under 18 years are enshrined in UNCROC<sup>5</sup> and need to be continued.
7. In summary, NCWNZ supports the provisions of this Bill to require both parental and Family Court consent for a person under the age of 18 years to get married.

Rae Duff  
National President

Suzanne Manning  
Convenor, Education Standing Committee

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<sup>4</sup> Convention on Civil and Political Rights (CCPR), see NZ government report, 2015  
United Nations Convention on the Rights of the Child (UNCROC), see Articles 19, 32, 34.  
Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), Concluding remarks, para 21(c), CEDAW/C/NZL/CO/7, July 2012

<sup>5</sup> United Nations Convention on the Rights of the Child (UNCROC), see Articles 3, 5, 7, 14, 18.