



**National Council of
Women of New Zealand**

Te Kaunihera
Wahine O Aotearoa

**Oral Submission to the Justice Committee on the
Marriage (Court Consent to Marriage of Minors) Amendment Bill 256-1**

by Bernice Williams, Suzanne Manning and Rae Duff on 1 Feb 2018

Justice Select Committee

Chairperson: **Raymond Huo**, Labour List; Deputy Chair: **Amy Adams**, National Selwyn; **Virginia Anderson**, Labour Party list; **Chris Bishop**, National Hutt South; **Andrew Falloon**, National Rangitata; **Greg O'Connor**, Labour Ohariu; **Priyanca Radhakrishnan**, Labour list. Member's Bill - MP in Charge: **Joanne Hayes**, National, also present. (Absent: Matt King, National Northland. Seven of the eight committee members were present.)

Ata mārie. Good morning. My name is Bernice Williams, and my colleagues are Suzanne Manning and Rae Duff. We are members of the Parliamentary Watch Committee, and the Education Committee of the National Council of Women of New Zealand, (NCWNZ).

The submission we present has been prepared from a background of policy decisions and previous submissions on related matters, which were written following consultation with the membership of our organisation.

We welcome the opportunity to convey our organisation's views to the Committee and wish to record NCWNZ's support in general of the proposed Bill.

While NCWNZ approves of the additional level of scrutiny a Family Court hearing would provide to proposed marriages of persons aged between 16 and 18 years, we wish to draw the committee's attention to our 2014 policy reported in our written submission, "that NCWNZ supports the legal minimum age of marriage being 18 years without any exceptions for parental consent."

NCWNZ's view is that few young people between the ages of 16 and 18 have the maturity to fully understand the implications, responsibilities and potential consequences of entering a marriage.

NCWNZ further believes that, as a signatory to UN Conventions including UNCROC, CEDAW and CCPR, the Government has clear obligations to persons under the age of eighteen to ensure access to education and to provide protection against abuse and exploitation. Marriage before the age of eighteen has the potential to negatively impact these basic human rights.

There is a clear gender imbalance with girls making up 80% of persons marrying under the age of 18 in New Zealand, and NCWNZ supports improvements to legislation that seeks to prevent situations where females may be at risk of exploitation.

International research finds that girls who marry early are deprived of education opportunities, experience decreased earning ability, and are exposed to health risks through pregnancy and childbirth at a young age. A 2017 World Bank study reports the following:

“Each day, more than 41,000 girls worldwide are married while still children, often before they may be physically and emotionally ready to become wives and mothers. Child marriage, defined as marriage or a union taking place before the age of 18, endangers the life trajectories of these girls in numerous ways. Child brides are at greater risk of experiencing a range of poor health outcomes, having children at younger ages, having more children over their lifetime, dropping out of school, earning less over their lifetimes and living in poverty than their peers who marry at later ages. Child brides may also be more likely to experience intimate partner violence, have restricted physical mobility, and limited decision-making ability. Most fundamentally, these girls may be disempowered in ways that deprive them of their basic rights to health, education, equality, non-discrimination, and to live free from violence and exploitation, which continue to affect them into adulthood. These dynamics affect not only the girls themselves, but their children, households, communities and societies, limiting their ability to reach their full social and economic potential.”¹

In 2017, NCWNZ, in conjunction with several member NGOs, produced an Alternate Shadow CEDAW Report, which highlights in Article 6, entitled Exploitation of Women, that NZ women experience the highest reported rate of intimate partner violence and the highest lifetime prevalence of sexual violence for any OECD country.

The Report further notes there is minimal evidence of any government commitment to establishing the extent to which trafficking and sexual exploitation is occurring informally, particularly to females under the age of 18, or to creating effective safety provisions for these victims.

NCWNZ views the requirement for consent to be obtained through the Family Court as a useful mechanism for improving the currently available protections for females under the age of 18 from forced marriage and any negative consequences of marriage at a young age.

NCWNZ further considers the Bill an initial step in establishing a process by which marriage under threat, coercion or duress is prevented, and subsequent long-term negative impacts on females are circumvented.

¹ <http://documents.worldbank.org/curated/en/312761498512784050/Economic-impacts-of-child-marriage-work-earnings-and-household-welfare-brief>

For these reasons, NCWNZ is pleased to support the Marriage (Court Consent to Marriage of Minors) Amendment Bill.

Thank you for the opportunity to present the views of our organisation on this Bill.

Questions

Chris Bishop (National) asked for clarification that NCWNZ was advocating for consent not to be given to those under the age of 18 years. **Bernice** agreed.

Andrew Falloon (National) suggested that there could be unexpected consequences if 16 and 17-year olds were prevented from being married before the age of 18 years.

Suzanne responded that this would provide a safety net for girls as it gave them the opportunity to mature and make more informed choices before being committed to a permanent relationship.

Greg O'Connor (Labour) commented that this might then push the couple into a de facto relationship which would provide them with less protection than if the couple were married; that the view espoused by NCWNZ would inadvertently promote the Law of Unexpected Consequences.

NCWNZ's response was that a de facto relationship would in fact be better as it would enable a young woman to easily remove herself from the relationship, whereas marriage would introduce a legal barrier. Keeping the legal age of marriage to 18 years with no exceptions would help to prevent forced and arranged marriages. Greg concluded the discussion by saying that basically NCWNZ opposes marriage before 18 years. NCWNZ agreed.

Amy Adams (National) clarified that the Bill would remove the need for parental permission for marriage by minors, replacing this with Court permission. This was an aspect that Suzanne had misunderstood when writing the submission.

Amy Adams (National) then asked for our views on what was the most important information the court would need to know before it gave its consent for a couple to marry. **Bernice's** response was that the safety of the girl was paramount and that there should be no evidence of coercion. It was essential that the child was entering marriage on their own free will and aware of the consequences of what they were doing. It was agreed that this would be very difficult to determine even with a lawyer present especially if parents were present at the hearing and able to exert any influence.