



Submission on the Marriage (Court Consent to Marriage of Minors) Amendment Bill

To: Justice and Electoral Committee

Submitter: Rural Women New Zealand
Level 5, Technology One House
86 Victoria Street, Wellington 6011

Proposal: This Bill proposes that those who are 16 and 17 years old and who wish to marry, must gain approval from the Family Court.

Date: 21/07/2017

About RWNZ

1. Rural Women New Zealand (RWNZ) is a not-for-profit, member-based organisation that reaches into all rural communities and has an authoritative voice on rural environment, health, education and social issues. RWNZ strives to ensure that all rural people have equitable access to services, inequalities are addressed by Government, and the wellbeing of rural communities is considered from the beginning of all policy and legislative development.

Introduction

2. RWNZ welcomes the opportunity to provide a submission to the Justice and Electoral Committee on the Marriage (Court Consent to Marriage of Minors) Amendment Bill. The concern that some 16 and 17 year olds in New Zealand are being forced into marriage is an issue that affects the health and wellbeing of all New Zealanders.
3. RWNZ is in full support of this bill and its intent to prevent forced marriages from occurring in New Zealand. RWNZ believes that requiring minors aged 16 and 17 to gain approval by the Family Court in order to marry is a necessary amendment to New Zealand's current marriage law.

Specific Comments

4. Forced marriage is more commonly reported in other parts of the world, and there is a lack of data concerning forced marriage in New Zealand. However, this does not mean that it is nonexistent or will not occur in the future. While the proposed amendment will not entirely prevent forced marriage, it will serve as one of the essential provisions to impede the practice from arising.
5. As party to the United Nations Convention on the Rights of the Child (CRC), New Zealand is legally bound to fulfil the obligations outlined in the Convention. The CRC states in section 1 of article 19 that, "States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child."¹ The proposed amendment to New Zealand's marriage law upholds New Zealand's commitment to the UNCRC.
6. In addition to the CRC, New Zealand is also a signatory to numerous other International Conventions that do not condone forced marriage, including the Universal Declaration of Human Rights (UDHR); the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW); and the UN Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages.²

¹ UN General Assembly, *Convention on the Rights of the Child*, 20 November 1989, United Nations, Treaty Series, vol. 1577, accessed 12 July 2017.

² UN General Assembly, *Universal Declaration of Human Rights*, 10 December 1948, 217 A (III), accessed 12 July 2017; UN General Assembly, *Convention on the Elimination of All Forms of Discrimination Against Women*, 18 December 1979, United Nations, Treaty

7. The United Nations Children’s Fund (UNICEF) reports that child marriage is a result of gender inequality, and that girls are disproportionately affected by child marriage on a global scale. In 2014, UNICEF reported that 720 million girls were married between the ages of 15 and 17 in comparison to 156 million boys.³ The Bill states in the explanatory note section that marriage between 16 and 17 year olds occurs an average of 80 times per year in New Zealand. In consideration of UNICEF’s data, the fact that 80% of these minors are female is a concern and should be investigated for any potential misconduct.
8. The law as it currently stands, which allows 16 and 17 year olds to marry with parental consent, is insufficient in preventing forced marriage. It is an unfortunate reality that parental guardians may attempt to facilitate a forced marriage. The proposed amendment serves as a precaution to ensure that this does not occur and that individuals are able to provide their full consent to marry without pressure or coercion.

Conclusion

9. RWNZ thanks the Committee for the opportunity to submit on this Bill.

Please contact me to discuss our submission further.

Yours sincerely,



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Series, vol. 1249, p. 13, accessed 12 July 2017; UN General Assembly, *Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages*, 7 November 1962, accessed 12 July 2017.

³ United Nations Children’s Fund, *Ending Child Marriage: Progress and prospects*, UNICEF, New York, 2014.

