

**Barnardo's Northern Ireland**

**Department of Finance**  
**Minimum Age for Marriage or Civil Partnership**

Barnardo's NI is the largest children's charity in Northern Ireland. In the past year we worked with more than 18,000 children, young people and families across more than 45 different services and programmes. We are a leading provider of schools-based support, reaching more than 32,000 children in schools across the UK and Ireland through our NI-managed social and emotional literacy programmes. We deliver a wide range of services, from providing family support and early intervention, to working directly with children and families who have experienced adversity and need our support. Our goal is to achieve better outcomes for more children. To achieve this, we work with partners to build stronger families, safer childhoods and positive futures.

Barnardo's NI welcomes the opportunity to provide our views on the minimum age of marriage or civil partnership as a preliminary to possible legislation. Below we have provided responses and additional information from our service experience in relation to each of the consultation questions.

**Response to consultation questions**

*Q1. Should Government introduce legislation to raise the minimum marriage/civil partnership age to eighteen in line with the recommendation of the United Nations Committee responsible for the UN Convention on the Rights of the Child?*

Yes. Barnardo's believes that the minimum age of marriage should be raised to 18, in line with the age of compulsory education. This will help to prevent coerced and forced marriage amongst children. It will bring the current antiquated law on marriage into line with the broader legal framework on protecting children in Northern Ireland.

UNICEF clearly outline the risks of marriage before the age of 18: 'Marriage before the age of 18 is a fundamental violation of human rights. Many factors interact to place a child at risk of marriage, including poverty, the perception that marriage will provide 'protection', family honour, social norms, customary or religious laws that condone the practice, an inadequate legislative framework and the state of a country's civil registration system. While the practice is more common among girls than boys, it is a violation of rights regardless of sex'.<sup>1</sup>

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<sup>1</sup> <https://data.unicef.org/topic/child-protection/child-marriage/>

*Q2. Should government continue to permit 16 and 17 year olds to marry or enter a civil partnership but either: (i) replace the current parental consent requirement with a requirement for the consent of an authoritative body such as a court or, (ii) make such unions conditional on both parental consent, as now, and the consent of an authoritative body such as a court.*

No form of marriage, including religious or faith-based marriages, should be permitted.

*Q3. If this jurisdiction were to set its minimum marriage/civil partnership age at 18, should it refuse to recognise marriages/partnerships contracted outside the jurisdiction where one or both party is under eighteen?*

Yes

*Q4. Should Government make marriage/civil partnership, where one or other party is under the age of eighteen, a criminal offence?*

Yes. Barnardo's NI believes that this change would be in line with other legislative changes currently being considered by the Assembly. We know that children aged 16 and 17 remain vulnerable – which is the reasoning behind the Assembly closing the loophole on adults with positions of trust engaging in sexual relationships with under 18s. The extension of the law in the Justice (Sexual Offences and Trafficking Victims) Bill will make it illegal for adults in positions of trust to have any sexual activity with 16 and 17-year-olds.

*Q5. Do you believe that, by allowing marriage/civil partnership by people under the age of eighteen, there is a risk of forced marriage?*

Yes – our case study highlights this: Barnardo's NI supported a refugee family in Northern Ireland for 4 years. The family had struggled to settle into Northern Ireland due to racism. Their 17-year-old daughter was engaged to be married to a man at least 10 years older than her. The marriage was arranged by her parents in return for a financial settlement. The girl had dropped out of education due to the racism she experienced in school and saw the marriage as a way out of poverty for her family and as the only option for her future. The support workers were very concerned about the marriage and felt that all the indications were that she was being coerced into it by her family.<sup>2</sup>

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<sup>2</sup> Barnardo's NI delivers the Syrian Vulnerable Persons Resettlement Scheme as part of a consortium commissioned by the Department for Communities.

*Q6. What do you see as the principal risks of forced marriage?*

Children who marry under 18 are more likely to be victims of domestic abuse and other harm, including harm linked to faith or belief.<sup>3</sup>

In recognition of the risks facing children, especially girls from particular communities, in 2015 the Home Office funded Barnardo's and the Local Government Association to establish the National Female Genital Mutilation (FGM) Centre. In 2017, its remit was extended to address other harms linked to faith or belief. We know from the June 2021 Ofsted report into abuse and harassment in schools in England how much hidden harm affects young girls, however, forced marriage and related issues are even more taboo and less understood.

*Q7. Do you believe that marriage/civil partnership before the age of eighteen—before adulthood—can deprive young people, especially girls, of opportunities such as education?*

Children who marry under the age of 18 are more likely to drop out of education.<sup>4</sup> Despite the legal requirement, the Department for Education in England recorded 5% of 16/17s in 2020 as not in education, employment or training in the latest data.

*Q8. Would you be concerned if this jurisdiction were the only jurisdiction on these islands that permitted marriage for 16 and 17 year olds?*

Yes. With an increase in the minimum age of marriage already in effect in the Republic of Ireland, and change underway in England and Wales, Northern Ireland risks being left behind the other nations with less protection for our children. Barnardo's has been supportive of the Private Members' Bill on the minimum age of marriage and forced marriage, currently progressing through Westminster.<sup>5</sup>

*For further information, please contact:*

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<sup>3</sup> Child Marriage Report & Stories – Karma Nirvana

<sup>4</sup> [Child marriage | UNICEF](#)

<sup>5</sup> <https://www.theguardian.com/global-development/2021/may/04/child-marriage-thriving-in-uk-due-to-legal-loophole-warn-rights-groups>