NICCY response to the Marriage and Civil Partnership Bill

June 2026

Introduction

The Commissioner for Children and Young People (NICCY) was created in accordance with 'The Commissioner for Children and Young People (Northern Ireland) Order' (2003) to safeguard and promote the rights and best interests of children and young people in Northern Ireland. Under Articles 7(2) and (3) of this legislation, NICCY has a mandate to keep under review the adequacy and effectiveness of law, practice and services relating to the rights and best interests of children and young people by relevant authorities. Under Article 7(4), NICCY has a statutory duty to advise any relevant authority on matters concerning the rights or best interests of children and young persons.

The Commissioner's remit includes children and young people up to 18 years, or 21 years if the young person is disabled or is care experienced. In carrying out his functions, the Commissioner's paramount consideration is the rights of the child or young person, having particular regard to their wishes and feelings. In exercising his functions, the Commissioner has regard to all relevant provisions of the United Nations Convention on the Rights of the Child (UNCRC).

NICCY welcomes the opportunity to provide advice to the Committee as part of their deliberations on the Marriage and Civil Partnership Bill and notes that our comments are not intended to be comprehensive but instead address the key aspects of the legislation which most directly engage children and young people's rights and best interests.

Child marriage and rights

Child marriage, also referred to as early marriage, is any marriage where at least one of the parties is under 18 years of age. The overwhelming majority of child marriages, both formal and informal, involve girls, although at times their spouses are also under 18 years of age. A child marriage is considered by the UN to be a form of forced marriage, given that one or both parties have not expressed full, free and informed consent.

NICCY has expressed the clear view that child or early marriage is an issue of grave concern and that the law in NI should ensure that such marriages should never be

permitted. This call has been repeated many times internationally, including for example, in UN General Assembly resolutions 2020 and 2022, alongside the UN Sustainable Development Goals (SDG 3, 5, 10 and 16). The UN Committee's 2019 joint General Comment on harmful practices issued jointly by the Committee on the Rights of the Child and the Committee for the Elimination of Discrimination against Women (CEDAW) provided clear calls on child and forced marriage.[1] During the last Universal Periodic Review of the UK State Party in 2022 also made recommendations to further consider measures to ensure the minimum age of marriage is raised to at least 18 years across all of the United Kingdom.[2]

NICCY has long expressed concern at the levels of gender-based violence experienced by children and young people in NI with an understanding of the multi-level 'social ecologies of violence and harm', within the state, community, school and family systems which require a contextual safeguarding approach. We made recommendations to the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) GREVIO Committee for NI to take immediate steps to introduce legislation to repeal all legal provisions permitting the marriage of children in NI and increase the minimum age for marriage to 18 years for all children in NI. In addition, we recommended that the NI Executive should take effective steps to ensure that cross-departmental efforts to combat forced marriages in NI are strengthened, including support for parents on the need for full and free consent of their child to marry. Subsequently, the GREVIO Committee recommended to the UK State Party in 2025 that:

> *…the relevant authorities in the United Kingdom [should] harmonise the procedures for the voidance, annulment or dissolution of forced marriages throughout the four nations, including the legal age to marry, taking due account of the fact that the young age of the spouse means that they are at a higher risk of not being able to express their full and free consent to a marital union or to resist a forced marriage. Moreover, the procedure should be easily accessible and should not entail an*

[1]UN Committee on the Rights of the Child and UN Committee on the Elimination of Discrimination against Women, 'Joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2019) on harmful practices' (2019) (Available at: Document Viewer, accessed on 28.5.26)

[2] United Nations, 'UPR of United Kingdom of Great Britain and Northern Ireland (4th Cycle - 41st Session) Thematic list of recommendations' (2022) (Available at: Universal Periodic Review - United Kingdom of Great Britain and Northern Ireland | OHCHR, accessed on 19.3.26)

undue financial or administrative burden for the victim, as required under Article 32 of the Istanbul Convention.[3]

The Concluding Observations (2023) from the UN Committee on the Rights of the Child to the UK and devolved governments following examination of how effectively the UNCRC is being implemented across the UK. The Committee specifically recommended that the UK State Party, including NI:

> *Develop national strategies aimed at eliminating and preventing harmful practices affecting children, including child marriage…and ensure that they include effective measures for raising public awareness, training relevant professional groups, identifying victims and addressing data gaps and low rates of reporting and prosecution.*[4]

The child rights obligations highlighting the need for legal reform are well established and unequivocal. We also note that reform was secured in the Republic of Ireland through the Domestic Violence Act 2018 and the Marriage and Civil Partnership (Minimum Age) Act 2022 secured reform in England and Wales, setting the age of marriage at 18 and removing the option of parental consent.

As the Committee will be aware, the law in NI currently allows child marriage and child civil partnerships for 16- and 17-year-olds (where parental consent is granted). Discussions have been held with our Youth Panel, and young people expressed concern that children up to age of 18 should be afforded full protection in this area and that this obligation was not diminished by different thresholds for consent in other areas of a young person's life, including the age of consent. As the UN Committee on the Rights of the Child has specifically highlighted in regard to adolescence, as children rightly have increasing agency as they grow older their 'right to exercise increasing levels of responsibilities does not obviate the State's obligation to guarantee protection' to them as they move into teenage years and towards adulthood.[5]

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[3] Group of Experts on Action against Violence against Women and Domestic Violence, 'GREVIO Baseline Evaluation Report United Kingdom: Istanbul Convention' (2025) (Available at: 1680b66579, accessed on 20.3.26), p.81

[4] UN Committee on the Rights of the Child, 'Concluding observations on the combined 6th and 7th periodic reports of the United Kingdom of Great Britain and Northern Ireland' (2023) (Available at: digitallibrary.un.org/record/4013807?ln=en&v=pdf, accessed on 18.5.26)

[5] UN Committee on the Rights of the Child, 'General Comment No. 20 on the implementation of the rights of the child during adolescence' (2016) (Available at: General comment No. 20 (2016) on the implementation of the rights of the child during adolescence | OHCHR, accessed on 28.5.26)

The requirement for parental consent does not effectively address concerns regarding the use pressure and coercion in child marriage and indeed such concerns were also expressed by members of our Youth Panel who drew attention to the importance of fully informed and free choices being made regarding marriage and that barriers to this may come from parental as well as wider family and community expectations, pressures and coercion. During the consultation held on this matter, the Department noted that girls and young women are disproportionately subject to child marriage, highlighting concerns regarding the impact of this on their access to education, training and employment as well the effect on their physical and mental health and increased risk of exposure to harm and violence which NICCY welcomed. While such concerns are often associated with global trends and data, the figures provided demonstrate an established pattern across reported years that girls are significantly (two to three times) more likely than boys to be affected by child marriage in NI. NICCY notes that in the NI Executive' Ending Violence Against Women and Girls Strategic Framework, child marriage is recognised as a form of violence and harmful practices against girls and women.

We continue to note with interest the figures indicate that each year, a substantial number of child marriages in NI. NICCY has been made aware of concerns that the current legal position (which presents a lower legal threshold than that in the Republic of Ireland) may lead to an increase in child marriages taking place here and would welcome further detail regarding this data. According to recent statistics from NISRA, from July 2022 until the end of June 2025, 91 girls and 25 boys aged under 18 registered for marriage here, with seven males aged 16 or 17 and 37 females of the same age in 2024 alone. From 1997 to 2024, a total of 326 males and 892 females aged 16 or 17.[6]

These figures provided illustrate that there are many children still affected by child marriage, and over time – the numbers are not insignificant and do not show the vulnerability and risks a child's life that this represents. The NI Executive and Assembly has an obligation to meet UNCRC standards, which requires that children should be afforded the full protection of the law.

NICCY submitted advice to government during the 2022 consultation process on this matter and we stated that we were supportive of proposals that would not recognise child

[6] NISRA, 'Northern Ireland Marriages Background Quality Report' (2025) (Available at: Northern Ireland Marriages Background Quality Report | Northern Ireland Statistics and Research Agency, accessed on 19.3.26)

marriage or child civil partnership undertaken in another jurisdiction and that would recognise the conduct or facilitation of child marriage as an offence. We support the inclusion of Clause 6(2) which clarifies that carrying out conduct for the purposes of child marriage outside NI would be an offence. NICCY also would welcome data collection on and publication of, offences under Section 16 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (NI) 2015 subsequent to this Bill passing.

We note that the Department intends to have a two-month period between Royal Assent and commencement of all the Bill's sections and query why this lead in time is needed. The proposed Section 10 appears to allow for the continuance of, and in some cases entry into, unions that would in future be forbidden on the basis of age. It is unclear to NICCY how young people party to such a union would seek the protections equivalent or comparable to what this proposed legislation is otherwise intended to give. Dissolution of such a union might depend, for example, by recourse to the Matrimonial Causes (NI) Order 1978. It would be helpful to know what consideration has been given to such issues, to include whether further legislation (including by way of amendment) is being considered. If these matters have not already been reviewed, NICCY is requesting that the Committee seek assurance that they will be.

Finally, we note the importance of the Department ensuring full and meaningful engagement with those groups most likely to be affected by reform of the law, including during this consultation period undertaken by the Committee, and in the implementation and monitoring of reform thereafter.

Conclusion

The Bill addresses one of NICCY's long standing calls for reform of legislation in NI that can safeguard children and young people's most fundamental rights. Children under the age of 18 should never be subject to any form of child marriage or civil partnership in NI and we welcome that this has now been introduced. We hope that this legislation can receive Royal Assent and be commenced without delay.

Should the Committee require any further information from NICCY on any of the issues raised within this paper, or any other matters relating to safeguarding and children's rights, we are more than happy to provide this.