THE LAW SOCIETY OF NORTHERN IRELAND

Committee for Finance

Consultation

MARRIAGE AND CIVIL PARTNERSHIP BILL

Response of the Law Society of Northern Ireland

May 2026

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ABOUT THE LAW SOCIETY

The Law Society of Northern Ireland (the Society) is the professional body for solicitors, regulating and representing all solicitors in Northern Ireland.

The Society represents c.3000 solicitors working throughout Northern Ireland in approximately 440 firms in the private sector, and practitioners in the public sector, in business and in the community and voluntary sector. Members of the Society thus represent members of the public, small, medium, and large enterprises, government bodies and charities, making the Society uniquely placed to offer constructive comment on policy and law reform proposals across a broad range of topics.

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CONSULTATION QUESTIONS

Part 1 – Belief Marriage

The right to marriage is protected in international law by Article 23(2) of the International Convention on Civil and Political Rights (ICCPR) and Article 12 of the European Convention on Human Rights.

The Society supports the provisions within the Bill which seek to recognise belief marriage in law in Northern Ireland, thereby ensuring equality of treatment by putting belief marriage on an equal footing with religious marriage in line with Articles 9 and 14 of the European Convention on Human Rights (ECHR).

Whilst interim arrangements enabling aspects of belief marriage to be 'read in' to the Marriage (Northern Ireland) Order 2003 are in place following the *Re Smyth* judgment, explicitly legislating for belief marriage will clarify the position and help safeguard individual rights in the interests of equality.

Part 2 – Increasing the Minimum Age of Marriage and Civil Partnership

The Society welcomes the provisions within Part 2 of the Bill to increase the minimum age of marriage and civil partnerships in Northern Ireland.

The current legislative framework governing marriage in Northern Ireland, including the Marriage (Northern Ireland) Order 2003 and the Marriage Regulations (Northern Ireland) 2003 falls short of international standards and raises significant child protection concerns.

Northern Ireland is out of sync with other local jurisdictions. In England and Wales, the Marriage and Civil Partnership (Minimum Age) Act 2022 came into force in 2023, meaning that 16 and 17 year olds are no longer allowed to marry or enter a civil partnership, even if they have parental consent. Those found guilty of arranging child marriages can face a sentence of up to 7 years in prison. In the Republic of Ireland, under 18s are prohibited from marrying and where a person permits or is party to such a marriage, they are guilty of an offence and liable to a fine not exceeding £500. Moreover, the minimum age at which a person can marry without consent is 18 across most of Europe.

Several international and transnational instruments explicitly support setting the minimum age of marriage at 18, including:

- The UNCRC and the UN CEDAW Committee recommend setting the minimum age for marriage (with or without parental consent) to 18 years. In May 2016, the UNCRC Committee recommended that the UK Government and the NI Executive raise the minimum age of marriage to 18 years.
- The Council of Europe Parliamentary Assembly Resolution 1468[1] on forced marriages and child marriages (2005), which placed an obligation on States to undertake legislative and other measures to "fix at or raise to 18 the minimum statutory age of marriage".
- In 2019, the United Nations Human Rights Council adopted its third resolution on child, early and forced marriage[2], which called on Member States to "strengthen and accelerate action to address child marriage".
- The Office of the United Nations High Commissioner for Human Rights regards child marriage as a form of forced marriage where one or both parties have not expressed full, free, and informed consent[3].

Northern Ireland is therefore out of step in terms of compliance with international standards and child protection in comparison to other local jurisdictions.

Research from the United Nations Human Rights Commission has highlighted a number of risks associated with child marriage[4], including:

- Child marriage is often accompanied by early and frequent pregnancy and childbirth, resulting in higher than average maternal morbidity and mortality rates. Pregnancy-related deaths are the leading cause of mortality for girls between 15 and 19 years of age, whether married or unmarried, around the world. Infant mortality among the children of very young mothers is higher (sometimes as much as two times higher) than among those of older mothers.
- In cases of child and/or forced marriage, in particular where the husband is significantly older than the wife, and where girls have limited education, the girls generally have limited decision-making power in relation to their own lives.

[1] https://assembly.coe.int/nw/xml/xref/xref-xml2html-en.asp?fileid=17380&lang=en#:~:text=The%20Assembly%20defines%20forced%20marriage,in%20no%20way%20be%20justified.
[2] https://undocs.org/A/73/585
[3] https://www.ohchr.org/en/professionalinterest/pages/minimumageformarriage.aspx
[4] Harmful practices | OHCHR

- Higher rates of school dropout, especially among girls, or forced exclusion from school, which may have an impact on limiting opportunities for career and vocational advancement.
- An increased risk of domestic violence.
- Limiting the enjoyment of the right to freedom of movement.

Moreover, the parental consent loophole that currently exists can have harmful unintended consequences in Northern Ireland. Article 12 of the Convention on the Rights of the Child sets out the right of every child to freely express his or her views in all matters affecting them, and the right for those views to be given due weight. Northern Ireland's continued ability for marriage under 18, including through parental consent provisions, is inconsistent with the above and creates risks for children and young people.

In light of the above, the Society is therefore supportive of the provisions in the Bill which increase the minimum age of marriage/civil partnership to 18.

CONCLUSION

The Society welcomes the opportunity to submit a response in respect of the Marriage and Civil Partnership Bill.

We trust our contribution is constructive and we would like to be kept informed of any subsequent proposals formed as a result of this consultation. We would be grateful if you could send us any post-consultation responses to: policy@lawsoc-ni.org