

19 July 2017

Committee Secretariat
Justice and Electoral Committee
Parliamentary Buildings
WELLINGTON

National Office

Level 6
203 - 209 Willis Street
PO Box 11-515
WELLINGTON 6142

T: (04) 384 4349
F: (04) 382 8356
familyplanning.org.nz

Charities # CC11104

Tēnā koutou

Thank you for the opportunity to make a submission on the Marriage (Court Consent to Marriage of Minors) Amendment Bill.

Family Planning New Zealand supports the intention of the legislation to prevent forced marriages. We are concerned that the human rights of young people are protected. Family Planning is committed to health equity including addressing domestic violence, and its impact on sexual and reproductive health and wellbeing. We acknowledge that this issue is complex, and we are not experts on all of the issues related to forced marriages.

Family Planning raises the following points about the proposed bill:

- Family Planning New Zealand agrees that current law, which is based on parental consent for marriages of 16 and 17 year olds, is ineffective and does not adequately protect the rights of 16 and 17 year olds.
- We raise questions about whether the law should include any provision for 16 and 17 year olds to marry. In its most recent evaluation of New Zealand, the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) recommended that New Zealand *“Revise the legal minimum age of marriage to 18 years without any exceptions for parental consent”*.¹
- Further to the point above, we know that some people will argue that if it’s okay for young people to consent to sexual activity at 16, it should also be okay for them to get married. We say consenting to sexual activity and a relationship that can be severed at

¹ Committee on the Elimination of Discrimination against Women (2012) *Concluding observations of the Committee on the Elimination of Discrimination against Women: New Zealand*. Retrieved from: http://women.govt.nz/sites/public_files/CEDAW%20concluding%20observations%202012.pdf

any time, is very different to consenting to get married with all the legal and societal expectations that entails.

- If the proposed legislation moves forward to allow 16 and 17 year olds to seek permission to marry from the Family Court, Family Planning would recommend that parents be excluded from part or all of the proceedings in order to prevent coercion and protect the rights of young people.

In summary we support the intention of the proposed legislation to prevent forced marriage but raise issues for consideration to ensure the best system is in place to protect the rights of young people from coercion, violence and harm.

Thank you for the opportunity to comment.

Ngā mihi nui

A handwritten signature in dark ink, appearing to read 'Jackie Edmond', written in a cursive style.

Jackie Edmond
Chief Executive