

DRYSTONE

CHAMBERS



Unyime Davies, a member of our criminal and regulatory teams, considers what impact the change in the legal age of consent to be married may have and why this may protect young females in our society.

#InternationalWomensDay

Key Changes In Child Marriage Laws in England and Wales

The Marriage and Civil Partnership (Minimum Age) Act 2022, came into force on 27th February 2023. The new Act amends 'The Marriage Act 1949' and 'Section 121 of the Anti-Social Behaviour, Crime and Policing Act 2014'. The Act raises the minimum age for marriage to 18 years, therefore making it illegal for 16 and 17 year olds to marry or enter a civil partnership even if they have parental consent. As marriage is a devolved matter the Act does not change the age of marriage in Scotland or Northern Ireland.

The Act is broadly worded with a person committing an offence if he or she carries out 'any conduct for the purpose of causing a child to enter into a marriage before the child's eighteenth birthday'.

Previously forced marriage was only an offence if coercion (for example threats) were used to cause a person to marry. This put an expectation on a child in a forced marriage to speak out against their families. The new legislation states that the offence is committed 'whether or not the conduct amounts to violence, threats or any other form of coercion or deception'.

A person commits the offence 'whether or not the marriage is carried out in England or Wales' if – a) the conduct is for the purpose of causing child marriage in England and Wales, b) at the time of the conduct the person/child is habitually resident in England or Wales or c) a UK national who has been habitually resident in England and Wales.

Marriage, according to section 121 of the Anti-Social Behaviour Crime and Policing Act 2014, means any religious or civil ceremony. This includes non-legally binding or 'traditional' ceremonies.

Those found guilty of the offence face a sentence of up to 7 years in prison.

The change comes following campaigning from organisations that aim to end child and forced marriages and forms part of a number of recent legislative changes aimed at tackling violence against women and girls.

In 2021 the government's Forced Marriage Unit provided advice or support in 118 cases involving victims below 18 years of age¹. Statistics also show that girls are more likely than boys to be impacted by child marriage. In England and Wales in 2018, 28 boys married under the age of 18 compared with 119 girls.

Child marriage is said to be associated with domestic abuse towards girls, leaving education early, limited career opportunities, and physical and mental health issues (caused by early pregnancy)².

The U.N. Human Rights Council added child marriage to its agenda for action in 2013, declaring it a barrier to development. One of the UN's Sustainable Development Goals is for all countries to end child marriage by 2030. Analysis indicates there has been a surge in child marriages around the world because of the COVID19 pandemic³.

¹ <https://www.gov.uk/government/statistics/forced-marriage-unit-statistics-2021>

² <https://documents1.worldbank.org/curated/en/530891498511398503/pdf/116829-WP-P151842-PUBLIC-EICM-Global-Conference-Edition-June-27.pdf>

³ <https://www.savethechildren.org.uk/news/media-centre/press-releases/covid-19-places-half-a-million-more-girls-at-risk-of-child-marri0>