



Political Affairs Digest

A daily summary of political events affecting the Jewish Community

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House of Lords Debate

Marriage and Civil Partnership (Minimum Age) Bill: Second Reading, House of Lords col 1794 Baroness Sugg (Conservative): ... I will briefly set out the purpose of the Bill.

First, it will remove the exception which currently allows 16 and 17 year-olds to get married or enter a civil partnership with parental or judicial consent in England and Wales. ...

The second provision will make it a crime to organise any unregistered marriage involving a child in England and Wales, creating a new offence of arranging the marriage of a child. That is a key part of the problem we are trying to solve. ...

We know from first-hand experiences that the religious ceremony is the most important part of the marriage in the eyes of the family and the community of the child. There is currently, unbelievably, no age limit on unregistered marriage. The only requirement is that it is not forced or the victim lacks capacity to consent, and we know that under the current law proving a forced marriage where it involves children is extremely difficult.

This offence will be triggered by any conduct which causes a child—under 18—to enter into a marriage, whether civil or religious. Crucially, unlike in forced marriage, there is no need to prove coercion or control, and this takes the onus away from the child to show that their marriage was forced and will make prosecutions easier and the deterrent that much stronger. ...

col 1795 The final key provision is on extra-territoriality. ...

Therefore, this Bill will also cover marriages involving anyone anywhere in the world where the child or the person arranging the marriage lives in England and Wales, and in the case of UK national children also those that have at any point lived in England or Wales, unless they live in Scotland or Northern Ireland or deem one of those countries their permanent home. ...

col 1796 **The Lord Bishop of Worcester:** ... The legislation will leave unchanged a person's being presumed under the law to be able to consent to sex from the age of 16, and to the bearing of children as a result, but under it they will not be able to have sex or a bear a child within a married relationship until they turn 18. While society has long abandoned the ideal that all sex and childbearing belongs within marriage, and marriage law had failed to recognise same-sex relationships until recently, I think this will be the first

time that the law would specifically prohibit a legally conceived child of two consenting parents from being born inside a married relationship. ...

At the Second Reading in another place, Pauline Latham seemed unconcerned: "It is outdated to talk about people having children out of wedlock being a sin. If a girl becomes pregnant on her 16th birthday, she will not have the baby until she is almost 17—16 years and nine months—and she has to wait for only another year and three months until she can get married. In that time, she and the person that she has become pregnant by—whether that is by design or not—will, between them, be able to judge whether that is the right choice for them. ..."—[[Official Report, Commons, 19/11/21; cols. 816-17.](#)]

The issue here is the incoherence of much current age-based consent policy. While the trend has been downward on sexual maturity, it has been upwards on public health, criminal and other responsibility. It is surely an oddity that you can conceive and give birth to a child at 16, or leave home, but you cannot get a tattoo or, soon, get married. ...

col 1798 **Baroness Hussein-Ece (Liberal Democrat):** ... Many unregistered child marriages are never reported nor captured by statistics, so we do not know the full extent of the numbers. The current ambiguity in the law has been a barrier to protecting young people. I think and hope this Bill will address this and offer more protection for those unregistered marriages. ...

col 1799 We know unregistered child marriages cause similar damage to registered marriages.

I was pleased to attend a religious marriage ceremony of a close family relative about 18 months ago in the Cambridge Mosque. I heard from the couple who were taking part in the Muslim blessing and ceremony that, before the service took place, they were required to show their passports and ID to prove that they were over 18 as well as resident in the UK. In addition, before the ceremony took place, the imam conducting it emphasised that this ceremony was not recognised in UK law and that they must hold a civil service at a registry office or similar place to ensure their marriage was legitimate and legal, as soon as possible. I thought this was a very welcome example of good practice that really needs to be rolled out more widely. Unfortunately, we hear stories that this does not always happen in other religious ceremonies.

I ask the Minister: how will we ensure that proper guidelines will be updated by all agencies and appropriately enforced, as well as sending guidelines out to the various religious temples, mosques and other places where these ceremonies are likely to take place? ...

Lord Cormack (Conservative): ... We have to face the fact ... that it is still going to be legal for a young couple aged 16 or 17 to have a child. That troubles me, I am bound to say. ...

col 1802 **Lord Collins of Highbury (Labour):** ... The office of the United Nations High Commissioner for Human Rights defines child marriage as "any marriage where at least one of the parties is under 18 years of age."

It defines forced marriage as "a marriage in which one and/or both parties have not personally expressed their full and free consent to the union."

The High Commissioner's view is that all child marriages equate to forced marriages, as a child cannot give full, free and informed consent. ...

col 1803 **Baroness Penn (Conservative):** ... The purpose of the Bill is to stop child marriage and civil partnership in England and Wales. There are two ways in which children can currently marry. First, they can have a legally binding ceremony at 16 or 17 if they have permission from their parents or a judge. We will end this aspect of child marriage by requiring all parties to be 18 before they can enter a legal marriage or civil partnership.

Secondly, at present, children of any age can take part in "marriage ceremonies" which are not legally binding. Often these will take place in community or traditional settings. Although not legally recognised, these marriages are recognised by the communities in which they take place and they come with many of the same expectations. We must ensure

that children are protected from such marriages. The Bill therefore also expands the offence of forced marriage to make it illegal to arrange for any child to enter into any type of marriage without the need to prove that coercion was used.

... a number of European countries have set the minimum age of marriage at 18 and maintained a lower age for sexual consent, including Denmark, Sweden and Ireland. The disconnect between age of marriage and age of consent is already evident in the low numbers of 16 and 17 year-olds marrying ...

col 1804 The Bill will not change the age of marriage in Scotland or Northern Ireland as marriage is a devolved matter. Therefore, the age of marriage in Scotland will remain at 16 and in Northern Ireland 16 with parental or judicial consent, although we note that colleagues in Northern Ireland have recently consulted on changing that. Of course, we hope that Scotland and Northern Ireland will soon also raise their legal age of marriage to 18. If a couple travels to Scotland, Northern Ireland or any other country abroad to marry, if either of them is 16 or 17, and if either of them has their permanent home in England or Wales, that marriage will not be legally recognised in England and Wales. It will also not be legally possible for that couple to marry in Scotland due to existing Scottish law. ...

As I mentioned, the Bill also expands the offence of forced marriage such that it is always illegal to cause a child to enter into a marriage. Currently, that is illegal only if violence, threats or other forms of coercion are used, or if the child lacks capacity to consent to the marriage under the Mental Capacity Act 2005. This Act does not cover all children merely by virtue of their being children; other capacity criteria must also apply. Now it will be illegal to carry out any conduct for the purpose of causing a child to enter into a marriage before their 18th birthday, whether or not the conduct amounts to violence, threats or any other form of coercion or deception.

col 1805 The person carrying out that conduct will be subject to this new part of the forced marriage offence if the marriage is to take place in England or Wales, or at least one of the victim or the perpetrator is habitually resident in England and Wales, or the victim is a UK national who has at some point been habitually resident in England and Wales, and who is also neither habitually resident nor domiciled in Scotland or Northern Ireland. This ensures that the law covers all circumstances where there is a connection to England and Wales even if the marriage takes place elsewhere, helping to prevent children being taken out of the country deliberately to marry. ...

It may be helpful if I say a little more about what conduct counts as “causing” a child to enter into a marriage. It will of course be for the courts to interpret this in practice, but we expect and intend that the behaviour covered will be that which is involved in initiating the process of marriage, such as inducing and persuading the child to marry. This aligns to the behaviour generally covered by the existing forced marriage offence and is the natural meaning of the word “cause”. It will often, although not always, be the parents who do that in these cases.

We do not envisage that the offence would extend to people who contribute to a process which is already under way, such as people who make financial contributions towards a marriage or those who assist in practical arrangements, such as hiring out a hall. On the same basis, it should also not cover the activities of registrars and celebrants in facilitating the proceedings of a legal marriage. This is unlikely to become an issue for those in England and Wales, given the increase in the age of marriage in the Bill, but is potentially an issue in the odd case involving, say, the marriage in Scotland or Northern Ireland of a 16 or 17 year-old who is habitually resident in England and Wales. ...

col 1806 ... the MoJ and the Home Office are already engaging with community groups, and will continue to do so, to ensure that they are aware of the changes to the law. ...

To read the full transcript see

[https://hansard.parliament.uk/lords/2022-04-01/debates/7CF2AC16-56E7-4AC8-B9BD-298AAA98D4E2/MarriageAndCivilPartnership\(MinimumAge\)Bill](https://hansard.parliament.uk/lords/2022-04-01/debates/7CF2AC16-56E7-4AC8-B9BD-298AAA98D4E2/MarriageAndCivilPartnership(MinimumAge)Bill)

The Charity Commission for Northern Ireland

Charities Act (Northern Ireland) 2022: information pack

<https://www.charitycommissionni.org.uk/news/the-charities-act-northern-ireland-2022-information-pack/>

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Israel

House of Commons Written Answer

Palestinians: Discrimination

Crispin Blunt (Conservative) [146753] To ask the Secretary of State for Foreign, Commonwealth and Development Affairs, what representations she has made to Israel regarding the urgent need to end discrimination faced by Palestinians, including land seizures, home demolitions, and forced evictions.

Amanda Milling: In all but the most exceptional of circumstances, demolitions and evictions are contrary to International Humanitarian Law. The UK raises these issues with the Government of Israel, most recently with Israel's Ministry of Defense and Ministry of Justice. I met the Israeli Ambassador Hotovely on 10 March and underlined the need to find a lasting solution to the Israeli-Palestinian conflict.

<https://questions-statements.parliament.uk/written-questions/detail/2022-03-24/146753>

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Relevant Legislation ** new or updated today

UK Parliament

Animal Welfare (Sentience) Bill

<https://bills.parliament.uk/bills/2867>

Assisted Dying Bill

<https://bills.parliament.uk/bills/2875>

Education (Assemblies) Bill

<https://bills.parliament.uk/bills/2878>

Higher Education (Freedom of Speech) Bill

<https://bills.parliament.uk/bills/2862>

Israel Arms Trade (Prohibition) Bill

<https://bills.parliament.uk/bills/3025>

Marriage Act 1949 (Amendment) Bill

<https://bills.parliament.uk/bills/3017>

**** Marriage and Civil Partnership (Minimum Age) Bill**

<https://bills.parliament.uk/bills/2900>

Second Reading, House of Lords

[https://hansard.parliament.uk/lords/2022-04-01/debates/7CF2AC16-56E7-4AC8-B9BD-298AAA98D4E2/MarriageAndCivilPartnership\(MinimumAge\)Bill](https://hansard.parliament.uk/lords/2022-04-01/debates/7CF2AC16-56E7-4AC8-B9BD-298AAA98D4E2/MarriageAndCivilPartnership(MinimumAge)Bill)

**** Nationality and Borders Bill**

<https://bills.parliament.uk/bills/3023>

Notice of amendments

<https://bills.parliament.uk/publications/46110/documents/1724>

Online Safety Bill

<https://bills.parliament.uk/bills/3137>

Palestine Statehood (Recognition) Bill

<https://bills.parliament.uk/bills/2942>

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Consultations

** new or updated today

**** closes in 6 days**

CPS: Public interest guidance for suicide pact and 'mercy killing' type cases

(closing date 9 April 2022)

<https://www.cps.gov.uk/consultation/consultation-public-interest-guidance-suicide-pact-and-mercy-killing-type-cases-0>

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The Scottish Council of Jewish Communities (SCoJeC) is Scottish Charitable Incorporated Organisation SC029438