

Response ID ANON-XN5X-TR7W-7

Submitted to Marriage Law Consultation
Submitted on 2022-02-01 14:03:35

Introduction

1 Are you responding on behalf of an organisation?

Yes

2 What is the name of your organisation?

Answer:

The Church and Society Commission of the Church of Ireland.

3 Please tell us something about the organisation you represent, e.g. its purpose, its size, how long it has been going.

Answer:

The Church and Society Commission (CASC) of the Church of Ireland is an advisory group, serving the Standing Committee of the General Synod, and engages with legislatures and governments on a variety of issues, including legislation. The mission of CASC is to provide oversight and direction for the Church of Ireland's work, in respect to social theology in action. CASC's views only become representative of the wider Church of Ireland after being approved by its General Synod.

Marriage Law Consultation Questions

Belief Marriage

1 Are you content that the current marriage law is being amended to include belief marriage, and with the rationale provided for this proposed change?

Not Answered

If you wish to comment further, please use the space below.:

While the Church of Ireland obviously would wish to promote the sanctity of religious marriage above all other types of such ceremonies, we feel we have to be realistic and support this proposed change which has already, in effect, been accepted by the High Court and Court of Appeal.

2 Should the Registrar General in this jurisdiction determine the genuineness and appropriateness of any applicant belief group as she currently does for religious groups?

Yes

If you wish to comment further, please use the space below.:

3 Do we need qualifying criteria for belief groups or should it be for the Registrar General to determine whether a belief group is or is not genuine?

Yes

If you wish to comment further, please use the space below.:

Yes and it would seem that there is considerable merit in the criteria laid down in the Republic of Ireland in that it means only well-established ethical groups can be considered. Otherwise, there is the risk of virtually any group or organisation being involved. Furthermore such a set of criteria would assist the Registrar General in dealing with applications and appeals.

4 If we adopt qualifying criteria, should we adopt relatively loose qualifying criteria for belief bodies, on the Scottish model, or more specific criteria (and exclusions) on the Dublin model?

Specific Criteria

If you wish to comment further, please use the space below.:

5 If we adopt qualifying criteria for belief groups, should we adopt them for religious groups as well?

Not Answered

If you wish to comment further, please use the space below.:

Our understanding is that there is already a well-established process for assessing religious groups in that clergy/pastors have, for the most part, been selected, trained and licensed by their particular faith groups and are recommended by their hierarchy for conducting such ceremonies. This is particularly important as marriage is seen by them as something with a spiritual dimension. The process in most religious groups also allows for "screening" by the cleric/pastor of those seeking marriage. However, the application of the Republic of Ireland criteria (except the non-religious point) could also be applied to religious groups thereby ensuring a common approach.

Belief Marriage continued

6 Do you consider that belief marriage offers a greater opportunity to the organisers of illegal sham marriages as religious or civil marriage?

Yes

If you wish to comment further, please use the space below.:

our comments above are relevant here. Religious groups have a "screening" process relating to church attendance /membership/personal knowledge of those to be married. To prevent sham marriages, some type of "vetting" process would need to be in place for belief groups with appropriate oversight by the Register General.

7 Are there adequate controls in place to prevent sham marriages?

Can't Say/No Opinion

Comments:

We in the Church of Ireland have little knowledge about the scale of this problem but sham marriage is certainly something that needs prevention processes and appropriate protocols in place. At present with religious marriages, clergy/pastors act as the checking mechanism for the Marriage Registrars since the former meet, often actually know the couple seeking marriage and undertake marriage preparation with them.

8 Do you consider that eccentric or frivolous marriage ceremonies are more likely to take place under belief marriage than under religious or civil marriage?

More Likely Under Belief

If you wish to comment further, please use the space below.:

We certainly see this as a risk and have heard anecdotally of cases of frivolous ceremonies having taken place. There are also examples of where the ceremonies were clearly "spun out" - possibly to help the officiant justify their fee. In religious marriage, the spiritual dimension and the very serious nature of the vows before God reduce the possibility of frivolity.

9 Are there adequate controls in place to guard against eccentric or frivolous forms of marriage?

Can't Say/No Opinion

If you wish to comment further, please use the space below.:

We are unsure in the present circumstances, but appropriate controls such would certainly need to be specified in any new legislation.

10 Should the law be changed to allow independent wedding celebrants, who operate on a for-profit business basis, to offer legally binding marriage ceremonies?

No

If you wish to comment further, please use the space below.:

We would not support this. Entering into marriage should not be confused with business contracts and no one should be permitted to gain from conducting them. Religious groups are not profit making and see marriage as one dimension of their spiritual work. While a fee/ gratuity may be in place, religious marriage is not a commercial operation and this must not change.

Our view is that both religious and belief groups should meet a set of criteria, such as listed above for the Republic of Ireland. We cannot see how independent, individual celebrants could be approved and permitted if such criteria were in place.

Belief Marriage, final questions

11 Are there risks in permitting marriage ceremonies to be provided for profit/gain?

Yes

If you wish to comment further, please use the space below.:

The true meaning of marriage, as a union of two persons, could be lost. In Christian marriage - and that in other world religions - the vows are taken before God and it is a solemn and sacred step in life. It is not about money. The sanctity of marriage would be lost if it was undertaken by a third person

purely for profit.

12 Would you favour religious and belief groups being allowed to offer marriage ceremonies for a profit?

No

If you wish to comment further, please use the space below.:

13 Are you content with the current regulations which prohibits the solemnisation of marriages for profit or gain?

Yes

If you wish to comment further, please use the space below.:

14 Should religious and belief groups publish the fees they charge for solemnising marriages?

Not Answered

If you wish to comment further, please use the space below.:

While this should not be about price comparison as marriage is not a commodity to be purchased, there should be transparency in this area. It must be remembered that costs will vary considerably from place to place, from officiant to officiant, and from ceremony to ceremony depending how much time and travel is involved, the music required and on the size of the premises to cover the cost of heat/light etc. Those seeking marriage should always be given precise details of all associated costs when meeting the officiant to plan the ceremony.

Minimum Age for Marriage or Civil Partnership

1 Should Government introduce legislation to raise the minimum marriage/civil partnership age to eighteen in line with the recommendation of the United Nations Committee responsible for the UN Convention on the Rights of the Child?

Yes

If you wish to comment further, please use the space below.:

The UN has done considerable research in this area and are sadly aware of many instances of child marriage, child trafficking (especially with girls being sold for early marriage to older men) and also of parents being coerced to "sell" their daughters into marriage to meet debts.

While admittedly at present the number of marriages of those under 18 is low, we agree that marriage by a person under the age of 18 should be defined as child marriage. The ability to vote, hold various offices etc. is restricted in most jurisdictions to those over 18 as this is seen as the age one can take mature decisions and act in a responsible way. Marriage is a very serious step in life and must be taken only by those who are mature enough to understand what they are doing. It might even be defined as a breach of human rights for that life decision to be taken by a parent or guardian on behalf of anyone under 18.

2 Should government continue to permit 16 and 17 year olds to marry or enter a civil partnership but change the type of consent required?

Not Answered

If you wish to comment further, please use the space below.:

Child marriage (ie for under 18 year olds) should not be permitted in any circumstances.

3 If this jurisdiction were to set its minimum marriage/civil partnership age at 18, should it refuse to recognise marriages/partnerships contracted outside the jurisdiction where one or both party is under eighteen?

Yes

If you wish to comment further, please use the space below.:

we believe such marriages should not be recognised here.

(We would be interested to know what happens at present eg with regard to those under 18 marrying here whose origin is a country with an age 18 requirement?)

4 Should Government make marriage/civil partnership, where one or other party is under the age of eighteen, a criminal offence?

Yes

If you wish to comment further, please use the space below.:

Yes and also any new legislation should include provisions to criminalise child marriage so that those who conduct or facilitate such marriages would be liable to prosecution.

Minimum Age, continued

5 Do you believe that, by allowing marriage/civil partnership by people under the age of eighteen, there is a risk of forced marriage?

Yes

If you wish to comment further, please use the space below.:

Please see the earlier answers - evidence from the UN shows that this is real risk and happening worldwide.

6 What do you see as the principal risks of forced marriage?

Answer:

The safety of the child, child abuse, sexual exploitation, sex trafficking, rape - or even gang rape, unhappy marriages, poverty, mental and physical health issues, prevalence of sexually transmitted diseases, unwanted pregnancies, infant mortality, and many associated health risks.

7 Do you believe that marriage/civil partnership before the age of eighteen— before adulthood—can deprive young people, especially girls, of opportunities such as education?

Yes

If you wish to comment further, please use the space below.:

Yes and also, in the case of girls, ability to mature at their own pace without being bullied by the husband, especially if he is considerably older.

8 Would you be concerned if this jurisdiction were the only jurisdiction on these islands that permitted marriage for 16 and 17 year olds?

Yes

If you wish to comment further, please use the space below.:

There should be a common approach across the UK and, given the land border between Northern Ireland and the Republic of Ireland and the close proximity of the other nations, also between the UK and Ireland