

Family Law Consultation Scotland

Zero Tolerance for the Scottish Government, 14 April 2026

Section: The minimum age of marriage and civil partnership

We are seeking views on whether the legal age for marriage and civil partnership in Scotland should be raised from 16 to 18. Under the current law, the minimum age for marriage has been set at 16 since 1929.

The consultation explores whether legislation should be introduced to increase this age limit and also considers whether the existing forced marriage or forced civil partnership offence should be extended.

To help you answer questions 7, 8, 9 and 10, please read Part 2 of the consultation paper.

7. Should the Scottish Government legislate to raise the minimum age of marriage and civil partnership to 18?

Yes

No

Don't know

If you wish, you can choose a reason (or reasons) for your answer from the list below and/or add your own reasons

- raising the minimum age would protect some children and young people from harm they would not otherwise suffer
- other measures can be taken to protect children from harmful conduct, without increasing the minimum age for marriage or civil partnership (please provide information about these other measures below)
- in general, people aged 16 or 17 do not have the capacity to understand what it means to marry or enter a civil partnership
- raising the minimum age in Scotland would meet our international obligations
- we should keep the minimum age at 16 as it's consistent with some other rights that 16-year-olds can also exercise like leaving home
- there is not enough evidence to justify reform
- other (please add your reasons below)

Please provide comments in the text box below (There is a limit of 5000 characters):

Zero Tolerance is Scotland's expert organisation on the primary prevention of men's violence against women and girls (VAWG).

We support the Scottish Government legislating to raise the minimum age of marriage and civil partnership to 18. Doing so would:

- prevent children of all genders in Scotland from experiencing the harmful practice that is child marriage
- prevent girls in Scotland from experiencing child marriage, an internationally recognised form of violence against women and girls (VAWG)
- ensure that Scotland's domestic legislation complies with international human rights obligations and standards
- enhance clarity and consistency in legal protections for women and children in Scotland
- align Scotland with international peers and best practice
- bring Scotland closer to its binding commitments to advancing gender equality and preventing VAWG

It is international consensus that:

- childhood legally and developmentally ends at 18
- child marriage is any marriage where at least one of the parties is under 18
- child marriage is a harmful practice to all children, a form of forced marriage, a form of VAWG, and a human rights violation
- child marriage should be eradicated
- raising the minimum age of marriage to 18 is the legislative approach that is needed to eradicate child marriage

Scotland is obligated to several international commitments which clearly outline the above, and we have provided an overview of these obligations in our answer to question 10.

Childhood legally and developmentally ends at 18:

For the purposes of the United Nations Convention on the Rights of the Child (UNCRC), a child means every human being below the age of eighteen years.

Child marriage constitutes any marriage where at least one of the parties is under the age of 18:

The United Nations (UN) describes “child marriage” as any marriage where at least one of the parties is under 18 years of age.

Child marriage is a harmful practice to all children and a form of VAWG:

The Joint general recommendation No. 31 of the UN Committee on the Elimination of Discrimination against Women/General Comment No. 18 of the UN Committee on the Rights of the Child (2019), asserts that child marriage is:

- a harmful practice
- a form of forced marriage
- a form of VAWG
- a human rights violation

In the view of this joint recommendation (paragraph 16), child marriage:

- constitutes a denial of dignity and a violation of human rights and fundamental freedoms
- constitutes discrimination against children that results in negative consequences for them
- is prescribed by social norms that perpetuate male dominance and inequality of women and children
- is imposed on children regardless of whether the victim provides, or is able to provide, full, free and informed consent

Child marriage should be eliminated:

In this joint recommendation, both committees clearly outline that states should adopt or amend legislation to effectively address and eliminate child marriage.

Raising the minimum age of marriage is international best practice, and is the recommended legislative approach to eradicating child marriage:

To eliminate child marriage, the Committees explicitly recommend that a minimum legal age of marriage is established at 18, without exception and without the possibility of parental or judicial consent (paragraph 55).

England and Wales have already raised the minimum age of marriage to 18, and neighbouring European countries, including Denmark, Sweden, Norway, Germany and Ireland, also set the minimum age of marriage at 18.

This legislative change is also consistent with a primary prevention approach to VAWG, as it removes the legal framework that allows child marriage to occur. Girls

are disproportionately impacted by, and experience the most severe and long-term consequences of, child marriage, including:

- reduced educational opportunities
- economic dependence
- increased risk of forms of VAWG and child abuse
- higher maternal morbidity and mortality rates

This reflects a broader global pattern in which child marriage is closely linked to gender inequality and harmful gender norms that limit girls' autonomy and life opportunities. Statistics on child marriage by gender evidence that these international realities for girls are very much reflected in Scotland. Statistics from the National Records of Scotland clearly demonstrate that it is much more common for girls aged 16 or 17 to marry in Scotland than boys, and that these girls are typically marrying older men.

The Scottish Government should therefore legislate to raise the minimum age of marriage and civil partnership to 18 without exception as part of its wider commitment to preventing VAWG and advancing gender equality in Scotland.

References

CEDAW and CRC joint recommendation
<https://docs.un.org/en/CEDAW/C/GC/31/REV.1>

UNCRC <https://www.unicef.org.uk/what-we-do/un-convention-child-rights/>

8. Do you agree or disagree that the Scottish Government should legislate to extend the forced marriage offence?

This would be so that any conduct with the intention of causing a person under 18 to marry or enter a civil partnership would be a criminal offence, including where there is no evidence of coercion.

☐ Agree

☐ Disagree

☐ Don't know

If you wish, you can give reasons for your answer.

Please provide comments in the text box below (There is a limit of 5000 characters):

Zero Tolerance agrees that the Scottish Government should legislate to extend the forced marriage offence.

The UNCRC and CEDAW define forced marriages as:

- marriages in which one or both parties have not personally expressed their full and free consent to the union

And/or

- a marriage in which one of the parties is not permitted to end or leave it

Both committees consider child marriage as a form of forced marriage. Their reasoning for this is that children (under 18s) are too young to be physically and psychologically ready for adult life or to make conscious and informed decisions and so are not ready to consent to entering into or ending a marriage. In cases where guardians have the legal authority to consent to marriage of children, children can be married contrary to the right to freely enter into marriage.

This international definition has been adopted by the third sector in Scotland for quite some time, with the Scottish Women's Rights Centre, Shakti Women's Aid, and Amina Muslim Women Resource Centre (who deliver Scotland's Forced Marriage Helpline) defining child marriage as a form of forced marriage.

In England and Wales, the Marriage and Civil Partnership (Minimum Age) Act 2022 ("the 2022 Act") not only raised the minimum age of marriage to 18, but also extended the criminal offence of forced marriage in England and Wales so that a person commits an offence under the law if they carry out conduct for the purpose of causing a child to enter into a marriage before the child's eighteenth birthday. This is so whether or not the conduct amounts to violence, threats, any other form of coercion or deception. The conduct need not have been carried out in England and Wales.

For further information, we defer to the expertise of our trusted partners Amina Muslim Women Resource Centre.

References:

CEDAW and CRC joint recommendation
<https://docs.un.org/en/CEDAW/C/GC/31/REV.1>

Scottish Women's Rights Centre
<https://www.scottishwomensrightscentre.org.uk/forced-marriage/>

Shakti Women's Aid
<https://shaktiedinburgh.co.uk/forced-marriage/>

Amina Muslim Women Resource Centre
<https://www.sdafmh.org.uk/en/information-support/what-is-forced-marriage/>

9. Do you have any comments on our draft impact assessments about the minimum age of marriage and civil partnership?

We are particularly interested in any evidence about the experience of harm (or other impacts) for parties aged 16 or 17 who are permitted to marry or enter a civil partnership in Scotland, to their children or to others. You should not include personal data in your response.

Yes
No

If you answered Yes, please outline these comments and/or evidence (There is a limit of 5000 characters):

We do not have capacity to answer this question.

10. Do you have any other comments on the minimum age of marriage and civil partnership?

You can, for example, suggest alternative or additional actions that you consider we should take.

Yes
No

If you answered Yes, please outline these comments (There is a limit of 5000 characters):

Scotland is obligated to several international commitments which clearly recommend that a minimum legal age of marriage is established at 18 years to prevent all children from experiencing this avoidable harm.

UNCRC:

The United Nations Convention on the Rights of the Child (UNCRC) is the most complete statement of children's rights ever produced and is the most widely-ratified international human rights treaty in history. The UNCRC was ratified by the UK Government in 1991 and was incorporated into domestic law in Scotland through the UNCRC (Incorporation) (Scotland) Act 2024. Section 15(2) of the 2024 Act requires

that Scottish Ministers must have regard to any reports, suggestions, general recommendations or other documents issued by the UN Committee on the Rights of the Child relating to the implementation of the Convention.

Further to this, in 2023, the UN's CRC's concluding observations on the combined 6th and 7th periodic reports of the United Kingdom of Great Britain and Northern Ireland recommended that the UK:

"Prohibit all marriages of children under 18 years of age, without exception, in Scotland, Northern Ireland and all overseas territories and the Crown dependencies of Guernsey and the Isle of Man."

CEDAW:

The Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) is the UN's human rights treaty devoted to women; it spells out in detail women's human right to equality and non-discrimination, which states that countries which have ratified it must act to realise these rights. The UK ratified CEDAW in 1986, which means it is bound observe and protect the rights in the convention under international law. The Scotland Act places a responsibility on the Scottish Government and Scottish Parliament to fulfil all the UK's international obligations.

The Joint general recommendation No. 31 of the UN Committee on the Elimination of Discrimination against Women/General Comment No. 18 of the UN Committee on the Rights of the Child (2019) clarifies the obligations of States parties to the Conventions by providing authoritative guidance on legislative, policy and other appropriate measures that must be taken to ensure full compliance with their obligations under the Conventions to eliminate harmful practices.

Within paragraphs 11 and 12 of this joint recommendation, both committees make clear that States parties who have committed to the UNCRC and CEDAW:

- have a duty to comply with their obligations to respect, protect and fulfil the rights of women and children
- have a due-diligence obligation to prevent acts that impair the recognition, enjoyment or exercise of rights by women and children
- must ensure that private actors do not engage in discrimination against women and girls
- should adopt or amend legislation with a view to effectively address and eliminate child marriage

To eliminate child marriage, the Committees explicitly recommend that a minimum legal age of marriage is established at 18 years, without exception and without the possibility of parental or judicial consent (paragraph 55). It is also stressed that legislation aimed at eliminating harmful practices must include appropriate budgeting, implementing, monitoring and effective enforcement measures (paragraph 12).

The SDGs:

The 17 Sustainable Development Goals (the SDGs) agreed by the UN in 2015, apply to all member states, including the UK. Goal 5 (Achieve gender equality and empower all women and girls) of the SDGs includes the target to eliminate child, early and forced marriages. These goals, to be achieved by 2030, were committed to by the Scottish Government in 2015.

Therefore, raising the minimum age of marriage in Scotland to 18 years of age is an international commitment and obligation that must be fulfilled. This legislation must also comply with the specifications of these above conventions, committees, and development goals.

References:

CEDAW <https://www.ohchr.org/sites/default/files/cedaw.pdf>

CEDAW and CRC joint recommendation
<https://docs.un.org/en/CEDAW/C/GC/31/REV.1>

SDGs <https://www.undp.org/sustainable-development-goals/gender-equality>

UNCRC <https://www.unicef.org.uk/what-we-do/un-convention-child-rights/>

For Further Information

Contact: info@zerotolerance.org.uk

About Us

Zero Tolerance is a Scottish charity working to end all forms of men's violence against women by tackling its root cause: gender inequality.