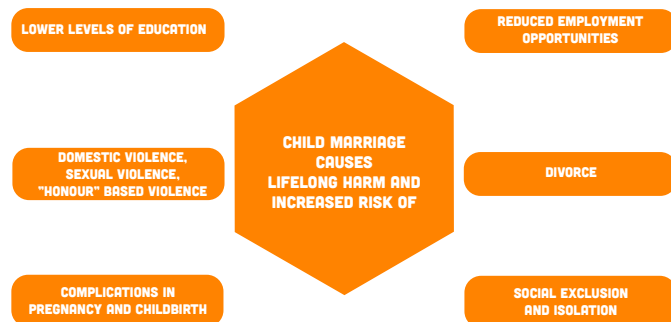


SAFEGUARD FUTURES

BAN CHILD MARRIAGE

Child marriage is “any formal marriage or informal union between a child under the age of 18 and an adult or another child” (UNICEF). Parliament has recognised, by raising the minimum age for leaving education or training to eighteen, that childhood should be safeguarded as a time for learning and personal development.

SAFEGUARDING CHILDREN FROM CHILD MARRIAGE WILL ENABLE EVERY CHILD THE OPPORTUNITY TO COMPLETE THEIR EDUCATION, MAKE INFORMED CHOICES ABOUT THEIR FUTURE AND REACH THEIR FULL POTENTIAL.



I was 15 and I remember my Dad asking me to get married, I giggled “I’m so young”. The next time I felt if I said no, it would damage our relationship. I was on study leave from school, preparing for my GCSE’s. Dad was receiving so much praise from the community for getting his girls married. I was a child, I wanted to please him, **ALL I WANTED WAS TO FOCUS ON MY EDUCATION.** I didn’t comprehend at 16 that it was a life-changing decision that actually meant leaving my family and forming my own. **I DIDN’T UNDERSTAND THE CONSEQUENCES.**

I remember thinking Oh My God, he looks old, he was losing his hair. I was just hoping he wouldn’t want me, that he’d say, “she’s just a baby!”

I had to quit college for a bit because my husband complained that I wasn’t caring for him, cooking for him. He said to my parents, “she needs to have a baby”. It made me feel sick. **I WAS 16 AND I ENDED UP PREGNANT.** I didn’t fully comprehend it, all I knew was that I didn’t want a baby. I should never have been put in that situation, where I had to make that decision. It has haunted me for almost two decades.

To get **DIVORCED**, I had to agree to take the blame of not being a good wife, with all the backlash that entails.

I did not choose child marriage, it ruined my future. **IT LED ME ASTRAY FROM MY DREAMS OF FOCUSING ON MY EDUCATION**, it took away the best years of my life. I’ll never again be that innocent 16-year-old.

IT IS FOR US TO CHANGE THINGS FOR THE NEXT GENERATION AND MAKE CHILD MARRIAGE A CRIME, SO THEY DON’T SUFFER LIKE I HAVE



Payzee Mahmood, British, married in a religious and then civil ceremony in London when she was 16 years old. Her sister Banaz Mahmood was murdered in an “honour” killing.

TYPES OF CHILD MARRIAGE

Child marriage is both impacting children from the UK and is also being perpetrated by men from the UK against children overseas. It takes the form of registered marriages, which are recognised under British law and also religious or customary marriages, which can happen at any age and may or may not also be registered. An unregistered child marriage causes no less harm than a registered marriage.



SCALE OF THE PROBLEM



3354

CHILDREN AGED 16 AND 17 REGISTERED MARRIAGES IN 10 YEARS IN ENGLAND AND WALES



1/3

FORCED MARRIAGE UNIT CASES INVOLVED

Office of National Statistics (ONS) data shows that in the last 10 years, for which data is available (2006-2016), 3354 marriages involving children aged 16 and 17 were registered in England and Wales. Significantly, overall, the average age of marriage in England and Wales has continued to rise and the number of people getting married aged 17 and under has fallen (to 179 in 2016). This shows that as a society we have moved on and that most people no longer want child marriage. However, as the data shows, **CHILD MARRIAGE IS CONTINUING AND THE DAMAGE THAT IT CAUSES TO THE CHILDREN IT HARMS IS SO PROFOUND, THAT NO TIME MUST BE WASTED IN ENSURING THE LAW IS FIT FOR PURPOSE TO PROTECT CHILDREN FROM THIS ABUSE; EVERY CHILD MATTERS.**

Registered marriages are only part of the picture of the UK child marriage problem; the ONS statistics do not capture non-registered religious or cultural marriages or child marriages that take place abroad involving children or adults who have lived in the UK.

Child marriage is a hidden form of child abuse, so it is important to look to a range of sources for prevalence. In 2018 a third of cases (33%, 574) dealt with by the UK's Forced Marriage Unit involved children aged 17 and under. The vast majority of victims (75%) were females, showing that this issue is disproportionately affecting girls. The cases relate to 110 countries demonstrating the breadth of the UK child marriage problem globally.

SINCE 2015, KARMA NIRVANA, WHO RUN THE NATIONAL HELPLINE FOR "HONOUR" BASED ABUSE RECEIVED 852 CHILD MARRIAGE CASES INVOLVING 17 YEAR OLDS AND UNDER, and many other charities working domestically have been supporting many more children at risk of child marriage within the UK and abroad.

Many child marriages are never reported nor captured by statistics. Current ambiguity in the law is a barrier to protection and likely keeps the known numbers down.



I saw him the first time, and just ran. He was a very big man and 11 years older. Child marriage is a big mistake. Because I have experienced it, I know how it feels, when you are just a girl and you get married. It is very hard. I loved studying and had many ambitions, which child marriage stole from me. **YOU NEED TO GROW UP FIRST AND MAKE YOURSELF. THEN YOU CAN MAKE THE RIGHT CHOICES FOR YOU.** You should choose your own life. No-one should choose it for you. Now I need to divorce. **IN MY CULTURE, BEING 19 AND DIVORCED IS A PROBLEM.** No one can accept you as you. Still none of my friends know I am married. I don't want to tell them. I just tell them I came to England to study. If they knew I was married, getting divorced...

CHILD MARRIAGE SHOULD BE A CRIME



Nadia (not her real name), Syrian, was married by a British man 11 years older than her when she was 16 years old in Lebanon before coming to the UK on a spouse visa when she was 18 years old (represented by IKWRO).

I LOVED STUDYING AND HAD MANY AMBITIONS WHICH CHILD MARRIAGE STOLE FROM ME



COMPARISONS TO OTHER AGE RELATED LAWS:

THE CHILDREN ACT 1989, IN LINE WITH THE UN CONVENTION ON THE RIGHTS OF THE CHILD DEFINES A CHILD AS 'A PERSON UNDER THE AGE OF 18' Under the age of 18 a person cannot:

Enter into most contracts



Leave education or training



Drive a medium or heavy-goods, or large passenger vehicle



Buy alcohol, tobacco or fireworks



Gamble or get a tattoo



Vote or serve on a jury



Buy a knife, razor blade or axe



CURRENT LAW IS FAILING TO SAFEGUARD CHILDREN FROM CHILD MARRIAGE

CURRENTLY THERE'S NO EXPLICIT CRIME OF CHILD MARRIAGE, AT ANY AGE

There is no explicit crime of child marriage, at any age (including under 16, the minimum age that a marriage can be registered). A child marriage that takes place involving a child aged under 16 is simply not legally binding, unless it qualifies as a forced marriage.

For a child marriage to qualify as a forced marriage, relies upon whether both parties are deemed to have consented and had the capacity to consent. The test for capacity to consent is defined under the Mental Capacity Act 2005 and, importantly, **AGE IS NOT A STAND-ALONE FACTOR IN DETERMINING LACK OF CAPACITY TO CONSENT**. So one or both parties being a minor does not automatically qualify a child marriage as being a forced marriage and therefore a crime. **THE ONUS IS ON THE CHILD TO RECOGNISE THE MARRIAGE IS FORCED IN ORDER TO GET PROTECTION FROM IT, WHICH IN PRACTICE LEAVES MANY VULNERABLE TO CHILD MARRIAGE.**

Forced marriage law is insufficient to protect children who do not have the agency, on account of being children who are likely to be living at home under the influence of their family or community, to declare their marriage as being forced. They may be victims of coercive control. Reliance on the child victim to raise the alarm can put them in great danger from "honour" based abuse, they may be fearful of being harmed or being removed from school and taken elsewhere immediately if their family finds out they have asked for help. Some may not want to get their family in trouble.

Current civil law permits child marriage under the age of 18 across the UK, including in England and Wales, through the legal exception of **PARENTAL CONSENT**, which **TOO OFTEN AMOUNTS TO PARENTAL AND COMMUNITY COERCION.**

As the National Policing Lead for "Honour" Based Abuse, Forced Marriage and Female Genital Mutilation, I am delighted to lend my support to this campaign to see a change in the law to prevent child marriage under 18. Society has moved on since these antiquated laws, more needs to be done to protect children when they are vulnerable between the ages of 16 and 17, not to be forced into what is effectively child marriage. A change in the law, making it clear that all marriage under 18 were a crime, would assist all parts of the criminal justice system in protecting children.

COMMANDER IVAN BALHATCHET, NATIONAL POLICE CHIEFS COUNCIL LEAD FOR "HONOUR" BASED ABUSE, FORCED MARRIAGE AND FGM

CURRENT LAW IS UNDERMINING THE UK'S INTERNATIONAL WORK TO END CHILD MARRIAGE

THE GOVERNMENT HAS TAKEN A LEADING ROLE INTERNATIONALLY AS A FORCE FOR ENDING CHILD MARRIAGE. HOWEVER OUR DOMESTIC LAW IS UNDERMINING THESE EFFORTS, AS DEMONSTRATED BY COMMENTS FROM BANGLADESH WHO HAVE CITED THE UK AS BEING HYPOCRITICAL.

The UK worked hard to ensure the inclusion of child marriage within Goal 5 of the Sustainable Development Goals (SDGs) and a specific target has been achieved. **THIS IS A TIMELY OPPORTUNITY TO BRING DOMESTIC LEGISLATION IN LINE WITH GLOBAL COMMITMENTS TO END CHILD MARRIAGE UNDER TARGET 5.3 OF THE SDGS.**

WHAT NEEDS TO HAPPEN

THE MINIMUM AGE FOR REGISTERING A MARRIAGE MUST BE 18 WITH NO EXCEPTIONS AND ALL FORMS OF CHILD MARRIAGE (CIVIL, RELIGIOUS AND CUSTOMARY) INVOLVING A CHILD AGED 17 AND UNDER MUST BE MADE A CRIME.

Criminalisation will act as a deterrent and empower those at risk. It is known that criminalisation helps victims; in the year after criminalisation of forced marriage there was a 68% increase in reporting to the police.

Criminalisation would make it clear to statutory agencies (in particular police and social services) that all children must be safeguarded from the offence of child marriage and that they must take positive action and assist them readily, even if there are no obvious indications of sexual or physical violence. Currently such cases can sometimes be overlooked.

Only adults should be culpable for the offence of child marriage. There should be no change to the age of sexual consent, which is a distinct matter.

The Marriage and Civil Partnership (Minimum Age) Bill [HL] 2016-2017 to raise the age of marriage to 18 and make child marriage a crime successfully passed through the House of Lords and only did not progress to the House of Commons due to lack of time.

HOW YOU CAN HELP

BACK THE CAMPAIGN AND THE BILL AND HELP GATHER SUPPORT.

To confirm your support or for further information please contact Sara Browne, Campaign Manager at IKWRO at Sara.Browne@ikwro.org.uk or on 0207 920 6460.

The Girls Not Brides UK partnership is Co-Chaired by IKWRO, Karma Nirvana, FORWARD and the Independent Yemen Group. It is part of the Girls Not Brides global network which comprises over 1000 organisations working to end child marriage around the world.



Legal Team

