



# Discussion Paper

Wilberforce Institute for the study of Slavery and Emancipation



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## Child Trafficking for Forced Marriage

This paper highlights how child forced marriage is child trafficking when certain conditions are met in relation to the act and purpose of trafficking as derived from the international definition of trafficking in the *United Nations (UN) Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (2000)*.

It has been internationally documented how promises of marriage have been used as a method of recruitment to traffic girls into sexual exploitation. But, a forced marriage can also be the result of trafficking, where forced marriage is defined as a servile marriage according to the *UN Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (1956)*. According to this Convention a servile marriage is a practice or institution similar to slavery where a woman (minimum age not defined) does not have the right to refuse being given in marriage in exchange for monetary payment or in kind gain benefiting her family or any other person or group.

### Extent and forms

Child trafficking for forced marriage is simply another manifestation of trafficking and is not restricted to particular nationalities or countries, nor is it condoned by any religion. There is little data on this aspect of trafficking internationally or within the UK, partly because of a lack of systematic data collection on child trafficking in all its forms. A UK government scoping study in 2007 found 330 reported cases nationwide of child trafficking, one of which was identified as servile marriage. Also in 2007, ECPAT UK's research identified seven Somali girls who had been trafficked into the UK for forced marriage. Annually there are some 300 cases of forced marriages in the UK, of which 30 percent are children under 18 years old. These are mainly girls but 15 percent are male, some of which are young men under 18.

#### Difference between arranged and forced marriage

In the UK a distinction is made between a forced and an arranged marriage. A forced marriage is one lacking free and informed consent with an element of physical force or psychological pressure. In an arranged marriage families take a leading role in arranging the marriage with the intending spouses free to choose or to refuse.

#### Marriage as a method of recruitment for child trafficking into sexual exploitation

Previous research by ECPAT UK has documented how girls, particularly from Eastern Europe, are trafficked into the UK on promises of marriage, as fiancées or girlfriends hoping for a better life, only to be forced into sexual exploitation. There are no consistent patterns on the nationalities of the girls brought into the country or their traffickers, but this method has been used on girls from Albania, Kosovo, Moldova and Russia. Traffickers establish romantic relationships with the girls prior to travelling abroad or girls may travel abroad in response to marriage advertisements. Once they arrive in the UK they are often sold and sexually exploited and may be trafficked to other European destinations.



## Forced marriage as a result of trafficking

Another scenario in the UK is where British girls, predominately from a South Asian or Middle Eastern background, are taken abroad, either unaware of an impending marriage or having been coerced into agreeing to the marriage. Once abroad they often face physical and psychological violence, their documents are removed and their movements closely monitored so they cannot leave or seek help. After the marriage ceremony these young girls may be left in the country abroad, sometimes never to return to the UK. However, most seem to be brought back and are expected to sponsor their husband to live in the UK. South Asian and some Middle Eastern girls forced to marry a British man abroad are also brought into the UK. These forced marriages are characterised by domestic and sexual servitude, physical and psychological violence and often severe restrictions on the movement of these girls.

## Causes and context

In the case of girls falsely promised marriage but trafficked into sexual exploitation the motives are ones of pure financial profit for the traffickers at the cost of human suffering and abuse. These young girls have hopes and dreams of a prosperous and happy life and traffickers are adept at exploiting these vulnerabilities.

In cases of trafficking into forced marriage it is important to consider how marriage takes on different forms and practices worldwide and in many regions is used to build or strengthen alliances between families and consolidate wealth. In some regions and countries this may include the betrothals of young children and even babies. In some regions marriage and kinship systems involve the practice of giving girls and women as gifts and this is widely accepted.

In these situations, families may be marrying their children in the hope that the marriage will benefit them financially and socially. Poverty and dominant notions of morality and honour that place a high value on a girl's virtue are often significant factors in determining a child's risk of being trafficked for a forced marriage. Where poverty is acute, a young girl may be regarded as an economic burden and her marriage to a

much older - sometimes even elderly - man may be seen to benefit the child and her family both financially and socially. A daughter may be the only commodity a family has left to be traded and so girls can be used as currency or to settle debts. In the UK context children are being forced into marriages and trafficked to maintain family ties, improve a family's economic position, both in the UK or abroad, and for spouses to gain permanent residence in the UK.

Being trafficked for forced marriage includes a range of human rights abuses against children including rape and sexual assault, emotional and psychological abuse, enforced pregnancy and abortion, domestic violence and domestic servitude, denial of education, isolation and restrictions on freedom of movement.

## International measures

The right to free and informed consent in marriage is a basic human rights principle enshrined in all the major human rights conventions. The *UN Convention on the Rights of the Child* (CRC) (1989), the most widely ratified UN convention, defines a child as anyone under the age of 18 years and in Article 3 states that "In all actions concerning children ... the best interests of the child shall be a primary consideration". The CRC also requires States to guarantee a child's right to health, education and freedom from all forms of "exploitation prejudicial to any aspect of the child's welfare".

The *UN Convention on the Elimination of All Forms of Discrimination against Women* (CEDAW) (1979) calls on States to ensure that the betrothal and marriage of children has no legal standing and its treaty-monitoring committee recommends a minimum marriageable age of 18 years. The *Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages* (1964), similarly emphasises consent, a minimum age for marriage and the registration of all marriages by a competent authority. In 1965 the UN General Assembly recommended that States not specify a minimum age for marriage less than 15 years of age. The *African Charter on the Rights and Welfare of the Child* (1990) states that the minimum age should be 18 years.

This discussion paper was written by Farrah Bokhari of ECPAT UK after undertaking a research sabbatical at the Wilberforce Institute for the study of Slavery and Emancipation (WISE), University of Hull. This sabbatical led to a groundbreaking research project on child trafficking for forced marriage in the UK and a full report is to be published. ECPAT UK sincerely thanks Professor Gary Craig, Associate Director of WISE, and Dr. Claire Griffiths, also of WISE, for their support and guidance throughout this project. For further information about WISE, see [www.hull.ac.uk/WISE](http://www.hull.ac.uk/WISE).