

CHILD MARRIAGES IN EUROPE: WHEN CULTURE CANNOT JUSTIFY THE VIOLATION OF HUMAN RIGHTS

The UN has estimated that around 37.000 under-age girls are married each day worldwide and this number is expected to increase in the next years due to the devastating economic and social effects that COVID-19 pandemic has produced. Moreover, in Europe child marriage is considered to be a “developing world issue” yet it is affecting also our girls. Girls that were born and raised in what we considered the most developed countries in the world such as the UK, France and Germany. No legislation, not even the most recent ones, have been able to eradicate this phenomenon. Urgent measures must be taken because the excuse that “it is culture” cannot be used to justify the violation of human rights as it happens in these cases.

OHCHR defines *child marriage* as a marriage of a girl or a boy before they become 18 years old¹. This term also includes informal unions in which children under 18 live with their partner as if they were married. They are considered to be forced marriages when one or both parties have not given their full, free and informed consent which happens in the large majority of cases. Indeed, the parents are the ones who usually force their children to get married in order to escape from poverty, to raise their social

status, to maintain their honour or to respect traditions among other reasons.

Child marriages may affect both boys and girls. In fact, according to *UNICEF*, there are 765 million such marriages worldwide². Nevertheless, it certainly affects girls the most: 1 in 5 girls in comparison to 1 in 30 boys are married before the age of 18³. The data shows that more than 12 million under-age girls are married each year around the world from which 2 million girls before

¹ Ohchr.org. 2021. *OHCHR | Child, early and forced marriage, including in humanitarian settings*. [online] Available at: <<https://www.ohchr.org/en/issues/women/wrgs/pages/childmarriage.aspx>>

² Unicef.org. 2019. *115 million boys and men around the world married as children - UNICEF*. [online]

Available at: <<https://www.unicef.org/press-releases/115-million-boys-and-men-around-world-married-children-unicef>>

³ *Ibid. note 2*

they become 15. Yet it has been calculated that this number will drastically increase due to COVID-19 pandemic⁴. In fact, the pandemic has worsened this tradition due to the shuttered of schools and the impoverishment of families.

According to Statista's 2020 analysis, the states where this practice is most common are India, Bangladesh, Nigeria, Ethiopia, Brazil and Pakistan⁵. Indeed, it is considered to be a "developing world issue" yet there have been and there still are cases of child marriages in Europe. It is affecting our girls. Girls that are born and raise in Europe but who do not have the privilege of independence, of choosing freely who to become, what to work at and, especially, who to marry.

In the United Kingdom many young girls have lost their lives due to this practice. In 2003 Shafilea Ahmed, a 17 years old British girl with Pakistani origin, was killed by her own parents after having refused to agree to a forced marriage while she was still under age⁶. Actually, the family wanted her to get married because she was becoming *too*

westernized and wanted to be a lawyer. She sought help in five different organizations and ran away several times yet at the end her parents killed her in front of her siblings in order to teach them a lesson. In 2006 Banaz Mahmod, a 20 years old Iraqi-Kurdish girl who grew up in London, was raped and killed after she went five times to the police seeking for help⁷. She had been obliged to agree to a child marriage when she was 17 years old, she was repeatedly abused by her husband and then she was killed by her own family for having fell in love with another man. In 2007 Rabina Sanghera, a 24 years old British girl with Indian origin, set herself on fire and died in order to escape from an abusive marriage that she was obliged to enter into at the age of 14 and from which she suffered both physical and psychological abuses⁸. These are just few of the girls who had lost their lives for being forced to marry too soon. Girls who have lost their lives due to the so called *honour killings* which are murders of girls or women perpetrated by their male family members and justified by the dishonour that the victim has brought upon the family name due to her conduct. However, this is the most extreme and horrific result of child marriages. Indeed, the most common

⁴ Save the Children. 2020. *COVID 19 Places Half a Million More Girls at Risk of Child Marriage in 2020*. [online] Available at: <<https://www.savethechildren.org/us/about-us/media-and-news/2020-press-releases/covid19-half-a-million-more-girls-risk-of-child-marriage>>

⁵ Statista. 2021. *Countries with highest numbers of child marriage | Statista*. [online] Available at: <<https://www.statista.com/statistics/1228332/highest-absolute-number-of-girl-brides-by-country/>>

⁶ BBC News. 2012. *Shafilea Ahmed murder trial: Parents guilty of killing*. [online] Available at: <<https://www.bbc.com/news/uk-england-19068490>>

⁷ The Guardian. 2020. *'She won't be the last': why not enough has changed since the murder of Banaz Mahmod*. [online] Available at: <<https://www.theguardian.com/global-development/2020/sep/21/uk-policing-why-not-enough-has-changed-since-the-murder-of-banaz-mahmod>>

⁸ Belfast Telegraph. 2017. *'I'd seen four of my sisters abused in horrific marriages, and they were all told to go back to their husbands'*. [online] Available at: <<https://www.belfasttelegraph.co.uk/life/weekend/id-seen-four-of-my-sisters-abused-in-horrific-marriages-and-they-were-all-told-to-go-back-to-their-husbands-35636164.html>>

consequences of child marriages, according to the *International Women's Health Coalition*, are that they put an end to girls' childhood and their education, decrease their chances to be economically independent, increment the risk of abuses and domestic violence and, finally, imply very high-risk pregnancies and so endanger the girls' health as well as the one of their babies⁹. In addition to this, we must take into consideration the traumatic experience that these little girls go through after being given as brides at such a young age. A trauma that is never treated and from which they will never heal unless they manage to escape from the marriage and start a new life. However, this possibility is very remote due to the fact that it

is unacceptable to leave under such circumstances because the community and your family will exclude you. In fact, the three girls I have mentioned before have sought help from their parents but in all three cases their families have refused and actually they have encouraged them to go back to the perpetrator. *"It was better for her to take her life and not dishonour the family than for her to leave her husband"* said the family of Rabina after she set herself on fire¹⁰.

The "European survivors" of child marriages share a common life experience. Their parents are migrants who came to Europe from African or



⁹ International Women's Health Coalition. 2020. *The Facts on Child Marriage - International Women's Health Coalition*. [online] Available at: <https://iwhc.org/resources/facts-child-marriage/>

¹⁰ Sanghera, J., 2013. *Fighting forced marriages and honour based abuse* | TEDxGöteborg. [online] Youtube.com. Available at: https://www.youtube.com/watch?v=h_Xh5MXA7yY

Asian countries in search for a better life yet they are people who have not accepted the European life style nor the culture. So they arrange the marriages for their daughters believing it is the right thing to do. Usually the arrangement is done when the girls are still little (sometimes even when they are just born) and then they oblige them to get married once they become 13 or so. At this point these girls have just two options: either accept the marriage or run away.

Payzee Mahmood's life exemplifies at best what it means to be a daughter of Muslim immigrants' parents in Europe. Before the age of 10 she and her four sisters had to experience the female genital mutilation. "We were told this was done to protect us from being promiscuous and to prevent us from dishonouring our family's name" she affirms during her Ted Talk in London¹¹. She explains that when she was a teenager one of her sisters started to challenge their father's beliefs which resulted in her sister running away several times and eventually the social services getting involved. After her sister was taken into care by social services, "every trace of her disappeared overnight as though she never existed" so the community started to threaten them and exclude them. "My father had lost his status in the community so in a desperate attempt to regain this when I was 15 [...] my father came to me and he started to talk about marriage" she adds. Finally, at 16 years old she was obliged to get married to a man she did not know and who was much older than her. She explains how during the arrangement of the marriage she was considered to be just an item and how after

that everything happened so quickly. At the wedding day the Imam did not question her age and the whole ceremony was celebrated in Arabic, a language she did not speak. Thanks to her marriage and the one of her sister Banaz, their father regained his honour and status in the community. She further explains how after the ceremony she was given a white bed sheet which had to be returned to her family even though nobody explained her what it was needed for. During her first night as a bride she refused her new husband and that's why the day after he brought her to her parents' house and told them: "we are not still husband and wife there is something wrong with her". Her parents instead of supporting her, were horrified and started accusing her that if she was not to sleep with her new husband, the community would have thought she was not a virgin. Finally, she was sent home with her husband and few months after she found out she was pregnant without knowing exactly how was it possible. She was just a kid without any clue of how adulthood works. When she went to the hospital she said to the nurse "I do not want his baby, can you please take it away now?" and the nurse's response was "well maybe you should have thought about using contraception". After two years of such an abusive marriage, she managed to be divorced by her husband who accused her to be a bad wife even though she had done nothing bad. In this case, nobody helped Payzee: not her school teachers, not the social services, not the Imam, not the registrar at the registry office, not the nurse and not even the police. All these people knew she was

¹¹ Mahmood, P., 2020. *A survivor's plea to end child marriage* | TEDxLondonWomen. [online] Youtube.com.

Available at:
<<https://www.youtube.com/watch?v=GkH0jZPLB5M>>

under-age yet nobody cared what she was living through.

Then there is Jasvinder Sanghera's story which is a different one yet it has some similarities¹². The only difference lays in the fact that she decided to run away. Indeed, in her Ted Talk in Göteborg, she explains how she saw all her sisters being coerced to fly to India and to marry older men that they had just seen in photographs. She says that they disappeared one by one and nobody questioned where they went. When she was 14 years old, her mother showed her a picture of a man to whom she was promised from the age of 8 yet she said no. Then she became 15 and the pressure increased until the point that she was kept prisoner in her own house: she was not allowed to leave the room, not even to eat or go to the bathroom. This situation persisted until she agreed to the marriage and she agreed just to have a chance to escape. She finally managed to run away yet her parents went to the police to report her missing. When the police found her, she begged the police officer not to send her home and in this case the police acted correctly: they believed her but they suggested to call home to reassure her apparently very worried parents. However, when she called her mother said "you either come home and marry who we say or from this day forward you are dead in our eyes". This was so because she had ashamed and dishonour them. At just 16, she had to take the choice of her life: go back home and get married or

never see her family again. She chose the latter and they made her feel it was her fault.

It seems that girls as Payzee and Jasvinder just have these two options: acceptance or escape but it should not be like this. No girl should be obliged to marry anyone, no girl should be obliged to leave her studies, no girl should be obliged to live this life and, especially, no girl should have to find herself in this situation.

The *Parliamentary Assembly of the Council of Europe* has condemned child marriages in its Resolution 1468 of 2005¹³. Moreover, in the Resolution 2233 of 2018, the Council called on member states to prohibit child marriages and to sign and ratify the different commitments under international law in order to address this issue¹⁴. For instance, the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, the United Nations Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages and, finally, the Optional Protocol to the United Nations Convention on the Elimination of All Forms of Discrimination against Women. Finally, the European Union has signed the Istanbul Convention which requires its parties to criminalise

¹² Ibid. note 10

¹³ Council of Europe, 2005. *Parliamentary Assembly| Resolution 1468 (2005) on Forced Marriages and Child Marriages*. [online] Refworld. Available at: <<https://www.refworld.org/docid/43f5d5184.html>>

¹⁴ Assembly.coe.int. 2018. *Council of Europe- Resolution 2233 (2018) - Forced marriage in Europe*. [online] Available at: <<http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=25016&lang=en>>

the act of forcing a child to enter into a marriage (art. 37)¹⁵.

Nowadays Europe is facing two main problems regarding child marriages: whether kids (meaning over 16) should still be allowed to get married and whether child marriages celebrated abroad should be recognized. Nevertheless, each European state has its own laws about the right to marry as established by art. 9 of the Charter of Fundamental Rights of the European Union¹⁶ and, consequently, every country tackles the issue differently. On one hand, there are states such as Spain, Italy, Portugal and the UK where the minimum marriage age is 16 with parental approval and/or the one of a public authority¹⁷. This can be actually a problem because it allows situations where children are forced to consent to the marriage by their parents. So instead of guaranteeing the freedom to teenagers to choose who to marry, it perpetuates a system in which children are the victims. On the other hand, there are countries such as Germany, Denmark, The Netherlands and Sweden where people under 18 cannot get married¹⁸. Finally, there are also states such as Ireland, France, Greece and Finland

where the minimum age to get married is not regulated at all¹⁹.

For example, Germany has passed a bill to outlaw child marriages on the 22 July of 2017. Indeed, this law changed a lot the previous legislation: it set the minimum age to get married from 16 to 18, it nullifies all existing marriages in which a spouse was under 16 at the time of the celebration, it automatically annuls marriages when a spouse is under the age of 16 and it punishes with a fine the religious or traditional ceremonies where minors are getting married. This law was approved because almost 1500 minors with non-German background but who lived in the country were registered as married only in the first half of 2016 (361 of them being under the age of 14).²⁰ These minors came mainly from Syria, Afghanistan, Iraq and Bulgaria. However, this law has not been as successful as expected. In fact, in 2019, a study of the non-profit women's rights organization *Terre des Femmes* has revealed that at least 813 child marriages have been registered across the country since the law went into effect and that only 10 of these marriages have been annulled.²¹

¹⁵ Rm.coe.int. 2011. *Council of Europe Convention on preventing and combating violence against women and domestic violence*. [online] Available at: <<https://rm.coe.int/168046031c>>

¹⁶ Europarl.europa.eu. 2000. *Charter of Fundamental Rights of the European Union*. [online] Available at: <https://www.europarl.europa.eu/charter/pdf/text_en.pdf>

¹⁷ European Union Agency for Fundamental Rights. 2018. *Marriage with consent of a public authority and/or public figure*. [online] Available at: <<https://fra.europa.eu/en/publication/2017/mapping-minimum-age-requirements/marriage->

[age#:~:text=The%20European%20Convention%20on%20Human,for%20both%20girls%20and%20boys.>](#)

¹⁸ Ibid. note 17

¹⁹ Ibid. note 17

²⁰ DeutscheWelle.com. 2017. *German cabinet proposes national ban on child marriages | DW | 05.04.2017*. [online] Available at: <<https://www.dw.com/en/german-cabinet-proposes-national-ban-on-child-marriages/a-38306852>>

²¹ DeutscheWelle.COM. 2019. *Child marriages in Germany present a challenge for authorities | DW | 23.09.2019*. [online] Available at:

Regarding foreign child marriages, in 2005 the Parliamentary Assembly of the Council of Europe recommended to the member states that child marriages celebrated abroad should not be recognized within their territory “except in cases where recognition would be in the victim’s interest”.²² Indeed, the non-recognition of child marriages celebrated abroad is not very much addressed by the different international instruments but it is tackled by the Convention on the Elimination of all Forms of Discrimination Against Women (1979) in which it is stated that “marriage of a child shall have no legal effect” (Art. 16,2).²³ This means that under-age marriages shall not be recognized, yet the Convention foresees some exceptions to this rule. Thus the recognition of foreign child marriages remains an issue to regulate. On one side, recognizing them can lead to the violation of girls’ fundamental rights and to the increase of domestic violence or the spread of abusive relationships. On the other side, non-recognizing those marriages can leave the under-age brides even more vulnerable since it can imply a loss of the residence permit if the bride arrived in Europe thanks to family reunification, it can also imply the exclusion of the girl by her family and/or community, it can raise the problem of the children care and it can lead to economic hardship for the girls who will have to survive by their own. What it

is clear is that the non-recognition of child marriages cannot be implemented if there is not a support plan for the brides.

To conclude, European states must continue addressing this phenomenon and implementing measures in order to protect young girls and guarantee them a safe and happy childhood. Furthermore, the elimination of child marriage by 2030 is the target 5.3 set in the UN Sustainable Development Goals. This is actually one of the most important targets since if we do not manage to achieve it, we will neither accomplish other 8 targets: no poverty (t. 1), zero hunger (t. 2), good health and well-being (target 3), quality education (t. 4), decent work and economic growth (t. 8), gender equality (t. 5), reduced inequality (t. 10) and peace, justice and strong institutions (t. 16)²⁴. It is then of vital importance to tackle this issue as soon as possible and to address its roots which mainly are gender inequality, poverty and lack of equal social and economic opportunities. As Jasvinder Sanghera states during her Ted Talk “*cultural acceptance does not mean accept the unacceptable*” and child marriages are unacceptable²⁵.

Beatrice Carpani ,

Fuente de Vida Team.

<<https://www.dw.com/en/child-marriages-in-germany-present-a-challenge-for-authorities/a-50540043>>

²² Ibid. note 13

²³ Ohchr.org. 1979. *Convention on the Elimination of All Forms of Discrimination against Women*. [online] Available at: <<https://www.ohchr.org/documents/professionalinter est/cedaw.pdf>>

²⁴ Sdgs.un.org. 2015. *THE 17 GOALS | Sustainable Development*. [online] Available at: <<https://sdgs.un.org/goals>>

²⁵ Ibid. note 10

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I'll marry when I want (Eileen Piri, 13 years old)

*I'll marry when I want
My mother can't force me to marry
My father can't force me to marry
My uncle, my aunt, my brother, my sister
Cannot force me to marry
No one in the world can force me to marry
I'll marry when I want
Even if you beat me
Even if you chase me away
Even if you do anything bad to me
I'll marry when I want
I'll marry when I want
But not before I am well educated
And not before I am all grown up
I'll marry when I want*

*Source: Early days of the marriage between Tahani (6 years old) and Majed (25 years old) in Yemen.
(Stephanie Sinclair, National Geographic, 2013)*



References:

- Assembly.coe.int. 2018. *Council of Europe- Resolution 2233 (2018) - Forced marriage in Europe*. [online] Available at: <<http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=25016&lang=en>>
 - BBC News. 2012. *Shafiea Ahmed murder trial: Parents guilty of killing*. [online] Available at: <<https://www.bbc.com/news/uk-england-19068490>>
 - Belfast Telegraph. 2017. *'I'd seen four of my sisters abused in horrific marriages, and they were all told to go back to their husbands'*. [online] Available at: <<https://www.belfasttelegraph.co.uk/life/weekend/id-seen-four-of-my-sisters-abused-in-horrific-marriages-and-they-were-all-told-to-go-back-to-their-husbands-35636164.html>>
 - Council of Europe, 2005. *Parliamentary Assembly| Resolution 1468 (2005) on Forced Marriages and Child Marriages*. [online] Refworld. Available at: <<https://www.refworld.org/docid/43f5d5184.html>>
 - DeutscheWelle.com. 2017. *German cabinet proposes national ban on child marriages | DW | 05.04.2017*. [online] Available at: <<https://www.dw.com/en/german-cabinet-proposes-national-ban-on-child-marriages/a-38306852>>
 - DeutscheWelle.COM. 2019. *Child marriages in Germany present a challenge for authorities | DW | 23.09.2019*. [online] Available at: <<https://www.dw.com/en/child-marriages-in-germany-present-a-challenge-for-authorities/a-50540043>>
 - Europarl.europa.eu. 2000. *Charter of Fundamental Rights of the European Union*. [online] Available at: <https://www.europarl.europa.eu/charter/pdf/text_en.pdf>
 - European Union Agency for Fundamental Rights. 2018. *Marriage with consent of a public authority and/or public figure*. [online] Available at: <<https://fra.europa.eu/en/publication/2017/mapping-minimum-age-requirements/marriage-age#:~:text=The%20European%20Convention%20on%20Human,for%20both%20girls%20and%20boys.>>>
 - International Women's Health Coalition. 2020. *The Facts on Child Marriage - International Women's Health Coalition*. [online] Available at: <<https://iwhc.org/resources/facts-child-marriage/>>>
 - Ohchr.org. 2021. *OHCHR | Child, early and forced marriage, including in humanitarian settings*. [online] Available at: <<https://www.ohchr.org/en/issues/women/wrgs/pages/childmarriage.aspx>>
 - Ohchr.org. 1979. *Convention on the Elimination of All Forms of Discrimination against Women*. [online] Available at: <<https://www.ohchr.org/documents/professionalinterest/cedaw.pdf>>
 - Rm.coe.int. 2011. *Council of Europe Convention on preventing and combating violence against women and domestic violence*. [online] Available at: <<https://rm.coe.int/168046031c>>
 - Sanghera, J., 2013. *Fighting forced marriages and honour based abuse| TEDxGöteborg*. [online] Youtube.com. Available at: <https://www.youtube.com/watch?v=h_Xh5MXA7yY>
 - Save the Children. 2020. *COVID 19 Places Half a Million More Girls at Risk of Child Marriage in 2020*. [online] Available at: <<https://www.savethechildren.org/us/about-us/media-and-news/2020-press-releases/covid19-half-a-million-more-girls-risk-of-child-marriage>>
 - Sdgs.un.org. 2015. *THE 17 GOALS | Sustainable Development*. [online] Available at: <<https://sdgs.un.org/goals>>
-

- Statista. 2021. *Countries with highest numbers of child marriage* | Statista. [online] Available at: <<https://www.statista.com/statistics/1228332/highest-absolute-number-of-girl-brides-by-country/>>
- The Guardian. 2020. *'She won't be the last': why not enough has changed since the murder of Banaz Mahmud*. [online] Available at: <<https://www.theguardian.com/global-development/2020/sep/21/uk-policing-why-not-enough-has-changed-since-the-murder-of-banaz-mahmod>>
- Unicef.org. 2019. *115 million boys and men around the world married as children - UNICEF*. [online] Available at: <<https://www.unicef.org/press-releases/115-million-boys-and-men-around-world-married-children-unicef>>

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