

October 2021

The Faith and VAWG Coalition is a partnership of organisations lead by the Safety Across Faith and Ethnic (SAFE) Communities project at Standing Together. The Coalition brings together a range of organisations (Standing Together- SAFE Communities Project, Restored, Muslim Youth Helpline, Jewish Women's Aid, Black Churches Domestic Abuse Forum, FORWARD UK, Muslim Women's Network, Welsh Women's Aid and Latin American Women's Rights Service, Juno Women's Aid, Back in Control Consultancy) and activists (Sara Hyde, Huda Jawad, Natalie Collins, and Nikki Dhillon-Keane) supporting survivors from faith communities to reflect on how survivors and communities of faith can be better supported.

**TW: Please note, this paper discusses sensitive themes such as forced marriage that may be triggering for some readers<sup>1</sup>.**

### Introduction

"1 in 5 girls in the world are married before 18"<sup>1</sup>. Since 1929, marriage law in the UK allows 16-year-olds to marry with parental consent<sup>2</sup>. In the past few years, with persistent effort from activist groups, individuals, and organisations, the UK government has committed to raising the legal age of marriage from 16 to 18 with the intention of safeguarding children who are at risk<sup>3</sup>. This change may not be significant for the majority of British society; however, it can leave women and girls from faith, Black and Minoritised Communities at more risk of harm, abuse, and violence. Criminalising through law enactment without consulting communities and religious leaders, can usually create a gap in safeguarding women and girls in the community. This briefing will explore the facts, statistics and feminist views of some individuals and community organisations.

**"A child means every human being below the age of eighteen years"**

(United Nations Convention on the Rights of a Child)

### Defining Child Marriage

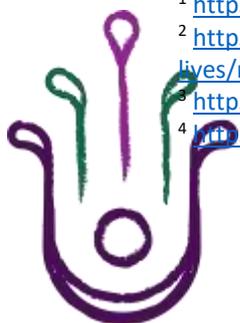
According to the United Nations Convention on the Rights of a Child (UNCRC), "A child means every human being below the age of eighteen years unless, under the law applicable to the child, majority is attained earlier"<sup>4</sup>. This implies that a marriage where at least one of the parties is under 18 years of age, is a child marriage. Article 28 and 29 of the Convention also states that "children have the right and goals to education...". Children who are married off under 18 may not have the chance to pursue their education due to marital responsibilities, such as bearing children.

<sup>1</sup> <https://www.unicef.org/stories/child-marriage-around-world>

<sup>2</sup> <https://www.parliament.uk/about/living-heritage/transformingsociety/private-lives/relationships/overview/lawofmarriage-/>

<sup>3</sup> <https://www.se-law.co.uk/legal-age-for-marriage-to-be-raised-to-18-in-united-kingdom/>

<sup>4</sup> <https://www.ohchr.org/en/hrbodies/crc/pages/crcindex.aspx>



Child marriage is considered a form of forced marriage, given that one and/or both parties have not expressed full, free, and informed consent<sup>5</sup>. Forced marriage is a marriage in which one and/or both parties have not personally expressed their full and free consent to the union. Coercion may include emotional pressure, physical force or the threat of it, and financial pressure<sup>6</sup>. It is a criminal offence to force someone into a marriage in the UK or to take them overseas for this purpose. By contrast, in an arranged marriage, both parties have consented to the union but can still refuse to marry if they choose<sup>7</sup>.

### Universal Statistics of Child Marriage

Child marriage, marriage before 18, can be considered a human rights violation under the UN Convention<sup>8</sup>. Despite laws against it in many countries such as Croatia, France, Ghana and the United Arab Emirates, the harmful practice remains widespread. Child marriage can lead to a lifetime of suffering for women and girls. Girls who marry before they turn 18 are less likely to remain in school and more likely to experience domestic abuse. Young teenage girls are more likely to die due to complications in pregnancy and childbirth than women in their 20s, and their children are more likely to be stillborn or die in the first month of life. It is also known that these figures are significantly higher when looking at Black and Minoritised women<sup>9</sup>.

- **23 girls every minute and nearly 1 every second are married before they are 18**<sup>10</sup>.
- **Every year, at least 12 million girls are married before they reach the age of 18.**
- **Worldwide, more than 650 million women alive today were married as children.**

***1 in every 5 girls are married or in a union before reaching age 18.***

(UNICEF)

In the least developed countries, that number doubles. The practice is particularly widespread in conflict-affected countries and humanitarian settings. It is reported that girls in South Asia are disproportionately impacted by the risk of increased child marriage this year (191,000) followed by West and Central Africa (90,000)<sup>11</sup>.

### Overview and Facts in the UK

Until the mid-1700s, marriages were permitted to occur anywhere, provided they were conducted before an ordained clergyman of the Church of England. However, 1753 saw the introduction of the Marriage Act. This declared that all marriage ceremonies must be led by a minister in a parish church or chapel of the Church of England and from then on be a legally binding contract. The 1753 Marriage Act from which Jews and Quakers were exempt, also

<sup>5</sup> <https://www.ohchr.org/en/issues/women/wrgs/pages/childmarriage.aspx>

<sup>6</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/894428/Forced\\_Marriage\\_Unit\\_statistics\\_2019.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/894428/Forced_Marriage_Unit_statistics_2019.pdf)

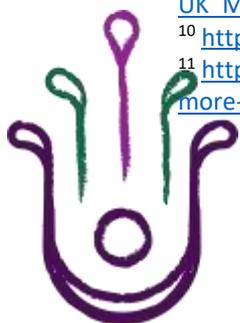
<sup>7</sup> <https://rightsofwomen.org.uk/get-information/family-law/forced-marriage-law/>

<sup>8</sup> <https://data.unicef.org/topic/child-protection/child-marriage/>

<sup>9</sup> [https://www.npeu.ox.ac.uk/assets/downloads/mbrance-uk/reports/maternal-report-2020/MBRRACE-UK\\_Maternal\\_Report\\_2020\\_-\\_Lay\\_Summary\\_v10.pdf](https://www.npeu.ox.ac.uk/assets/downloads/mbrance-uk/reports/maternal-report-2020/MBRRACE-UK_Maternal_Report_2020_-_Lay_Summary_v10.pdf)

<sup>10</sup> <https://www.girlsnotbrides.org/about-child-marriage/>

<sup>11</sup> <https://www.savethechildren.org.uk/news/media-centre/press-releases/covid-19-places-half-a-million-more-girls-at-risk-of-child-marriage>



prohibited marriage for under 21s without the consent of parents or guardians. After this law was implemented, the practice of illegal and secret marriages without parental consent, which were often bigamous, saw an increase. In 1929, Parliament changed the age limit to 16 and has remained the minimum age since.

Data from the Office of National Statistics (ONS) shows that in the last ten years for which information is available (2006-2016), 3354 marriages involving children aged 16 and 17 were registered in England and Wales<sup>12</sup>. In 2016, the number of married people aged 17 and under fell significantly (to 179).

Although the figure is low and shows that most people are no longer taking part in marriages under the age of 18, there is still a staggering number of girls at risk of child marriage. In 2019, the Forced Marriage Unit saw 27% of cases where they provided advice and support involve victims below the age of 18<sup>13</sup>.

### Voices of Faith-based, VAWG and Community Groups

In September 2021, we, the Faith and VAWG Coalition ran an online survey and held one-to-one meetings with some of our members and those who work with faith-based, Black and Minortised communities to highlight their views about raising the age of marriage from 16 to 18 years old. This section includes the opinions and thoughts of some of our members and activists and community organisations.

***“Within some areas of the church, there can be a huge pressure for young people to marry young and then for marriage to be for life, even where there is abuse.***

*where there is abuse. This situation might not look like a forced marriage in the first instance, but it creates a culture where women get trapped. Raising the legal age alone will not change this, but it gives girls a chance to think more about what they want to do and who they want to tie themselves to when they are ready.” – Restored*

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<sup>12</sup> <http://ikwro.org.uk/child-marriage-abuse/>

<sup>13</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/894428/Forced\\_Marriage\\_Unit\\_statistics\\_2019.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/894428/Forced_Marriage_Unit_statistics_2019.pdf)



***“The Criminalisation is problematic. Priests need to be brought along to help drive this forward properly”***

*“The Criminalisation is problematic. Priests need to be brought along to help drive this forward properly. In many Irish Traveller and Romany Gypsy communities, it is usual for people to get married young; this could be because of premarital sex and avoidance of shame, dishonour, and scandal. Still, it also can be important to people of faith to be married before having sex and raising the legal age of marriage is to the detriment of faithful teens in this case. However, we are aware that currently, some priests feel uncomfortable and obliged to marry 16–17-year-olds from the families and communities they serve, and the law will help take the pressure off them. Raising the legal age may lead to an increase of religious marriages for people of faith as that is what is most important to them, being married in the eyes of God rather than officiating it with the state. Another important question is 'will the law put women and girls of faith at a greater risk of not having legal rights/benefits, etc., if they choose to get religiously married before the age of 18.' - The Traveller Movement*

***“... it also can be important to people of faith to be married before having sex and raising the legal age of marriage is to the detriment of faithful teens in this case”***

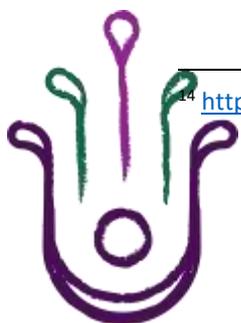
***The law must raise the minimum age to 18 because it's all about safeguarding girls in the UK***

*“The law must raise the minimum age to 18 because it's all about safeguarding girls in the UK. Once the law is in place, it helps religious and community leaders to act on it. If there is an issue of capacity building, the decision-makers need to include a means to enable and empower religious leaders. We realise that the national statistics number of marriages for under 18 is meagre because many marriages/unions occur in faith institutions or people's houses. Since there is no law to report them, nobody knows the exact figure, which creates a gap to safeguard all girls in the UK.” - FORWARD*

### Food for Thought

Another common theme that arose during these important discussions was the contradictions in UK law regarding the rights and responsibilities of 16-year-olds. The law in England requires young people to continue in education, employment, or training until the age of 18 to improve their career and life prospects for the future<sup>14</sup>.

<sup>14</sup> <https://www.gov.uk/know-when-you-can-leave-school>



*“So, if a girl is allowed to marry with her parents' consent when she is 16, there is an implication that she is not adult enough to make those decisions on her own and where is the guarantee to make sure she can pursue her dreams?”*

**- FORWARD**

This also brings into question whether why, it is permissible for 16-year-olds (with parental consent) to enter legally binding marriages when it is prohibited for a minor (anyone aged 18 and under) to enter legally binding contracts. In addition to this, there will need to be careful consideration taken by policy makers, given the fact that 16-year-olds are legally entitled to consent to sex. It is important to note, for individuals who hold religious, cultural, or social views/values that dictate ‘no sex before marriage’, this may be a source of tension or conflict. With harmful practices, neglect and abuse being inflicted on children, young people and in particular girls, by some parents and guardians, it is imperative to address these inconsistencies in English law to protect and safeguard those at risk.

### **Conclusion and Recommendations**

The minimum age of marriage in the UK has not changed since 1929 despite the world around it drastically shifting. Women’s rights activists and campaigners have been lobbying for the minimum age of marriage to be raised to 18 years old as the UN convention states that any human below the age of 18 is a child and is entitled to education and the right to make free choices. This should not just be labelled “a cultural issue” and side lined. The fundamentals of all religions are rooted in wisdom and the promotion of justice. The change of law to 18 plays an important role in safeguarding the rights and wellbeing of girls in the UK. However, the lack of full participation in the consulting community members, religious and community leaders is concerning. Should the change come into power, what is stopping people from obtaining religious marriages and blessings as evidenced in the mid-18<sup>th</sup> century? **Criminalising through law enactment without working with communities and religious leaders, often creates a gap in safeguarding women and girls in the community.** We must learn from the past and take note of the recommendations provided from faith-based, community and VAWG organisations which include the following:



1. The criminalisation alone will not help.
2. All religious marriages should be reported to the state in an attempt to deter an increase in religious marriages before 18.
3. Healthy relationship and conflict resolution workshops should be made compulsory for all 16 to 18-year-olds.
4. Educate and empower religious leaders to act against marriages under 18 and to ensure they are both aware and making others aware of the potential harms it can bring.
5. Policymakers need to address the inconsistencies in English law regarding the contradictory scopes of what a child can and cannot do.
6. Decision-makers and policymakers need to allocate resources to educate faith and community leaders.
7. Religious and community leaders need to be heavily engaged as they play a vital role in safeguarding women and girls and protecting them against marriage under 18 years old.
8. Collaborative work with representative by-and-for organisations.

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<sup>1</sup> For a range of support services available please visit: <https://www.faithandvawg.org/membership/>

