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Child marriage in Britain is not illegal - I'm fighting to end it

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Banaz Mahmood was murdered by her family after being forced to marry an older man. CREDIT: PA

We often read about our Government taking the lead internationally in ending child marriage. But the truth is that our laws are failing to prevent it happening on our own doorstep. In modern Britain, child marriage is not a criminal offence.

According to UK law, children between the ages of 16 and 18 can marry with parental consent. Marriage under the age of 18 is not illegal.

As a family law barrister, I have seen the harm that child marriages have caused to girls, in the short term, and years later. That's why I am working with Girls Not Brides UK, a partnership of NGOs, to help draft a Bill to make child marriage under the age of 18 illegal. Under the

proposed new law, both religious and civil marriages for children would be a crime, if carried out in the UK or abroad.

Both fashion stylist Payzee Mahmood and her sister, Banaz, were child brides. But while Payzee is no longer in her marriage, Banaz was murdered by their family, in a so-called “honour killing” case that made headlines.

At 17, she had been married-off at 17 to an abusive man. At 20, she paid the ultimate price for leaving her husband against her family’s wishes: her own life. Banaz’s father, uncle and a third man were given life sentences in 2007 for organising her murder.

At the age of just 16, Payzee’s family also married her to a man almost double her age. “I was just a child when my parents arranged my marriage,” she says. “I had never met him before, he was much older than me and wanted a traditional wife who would cook, clean and have babies. All I wanted from my life was my education”.



'Child marriage is a form of forced marriage, because children are not able to give free and full consent' (posed by model) CREDIT: ANNA GOWTHORPE

“I wish child marriage had been illegal. I wish I could have said no and had control over marrying when I wanted to. I lost my childhood and was forced to live a life I did not choose”.

Official UK figures show that the numbers of 16 and 17-year-old girls marrying is decreasing, with 348 in 2006 and 141 in 2016. But these statistics do not include religious marriages, which are unregistered and marriages that take place abroad.

In 2017 more than a quarter of cases dealt with by the Government's Forced Marriage Unit involved children aged 17 and under. Charity Karma Nirvana’s helpline for honour-based abuse received reports in 2018 of 245 cases of child marriage under the age of 17, some involving Romanian children.

Child marriage is a form of forced marriage, because children are not able to give free and full consent. But forced marriage law in Britain can only be used if there is evidence of psychological or physical force. Children who are groomed to marry young, might do so out of love for their family, which makes it difficult to prove that the marriage was “forced”.

Currently, the law expects children to raise the alarm, but this can put them in danger. Diana Nammi, executive director of the Iranian and Kurdish Women’s Right’s Organisation, is spearheading Girl’s not Brides UK campaign having seen the horrifying results of child marriage. She believes, “the law is holding back the police and social services from protecting children. It’s not fit for purpose to protect children from child marriage in the UK or to stop men from the UK taking child brides from abroad”.

Making it clear that children cannot wed until they are 18 would ensure that professionals - including social services, teachers and the police - have a duty to safeguard children from marriage.

Unsurprisingly, child marriage has a detrimental impact on their education, health and safety. Globally, 44 per cent of girls aged 15-19 believe that a man is justified in hitting or beating his wife and only 30 per cent of girls aged 15-24 are aware of HIV transmission and prevention techniques.

Natasha Rattu, executive director of Karma Nirvana says, "child marriage can be devastating. The current law is out of step with modern day society. It's an odd conundrum that children are able to marry when they're 16 or 17 but they have to stay in education until they are adults and don't even have a right to vote".

At present, the UK is in breach of the UN Convention on the Rights of the Child, which defines a child as "a person under the age of 18". Naana Otoo-Oyortey, Executive Director of FORWARD, a women's rights organisation and co-chair of Girls not Brides UK says, "the Government should lead by example by changing the current UK minimum age of marriage to 18. The Government's position effectively undermines their international agenda on ending child marriage. Child marriage is a human rights violation and should be criminalised in the UK."

Ending child marriage might appear common sense, but the Government has yet to get behind the campaign. For Payzee Mahmood, every day is a living hell since her sister was murdered 13 years ago. How many more girls will be robbed of their childhood before the law is changed?