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CHILD MARRIAGE AND MODERN SLAVERY

This position paper explores the connection between child marriage and modern slavery, outlines the key issues and offers recommendations for action.

Tens of millions of children, women and men around the world experience contemporary forms of slavery – or modern slavery – often hidden in plain sight. **Child marriage is a long-hidden form of exploitation that can constitute slavery.**

Every year, 12 million girls marry or enter a union before the age of 18. Their experiences can amount to slavery and child marriage can operate as a guise for slavery with near impunity. One in four of those who experienced modern slavery in 2016 were girls under the age of 18.¹

What is modern slavery?

Modern slavery refers to “situations of exploitation that a person cannot refuse or leave because of threats, violence, coercion, deception, and/or abuse of power.”²

Modern slavery can take many different forms, including forced labour, debt bondage, human trafficking and forced marriage. The International Labour Organization (ILO) and Walk Free Foundation’s “Global estimates of modern slavery” report suggests that there are 40.3 million people around the world experiencing modern slavery, of whom 71 percent are girls and women. This includes 15.4 million girls and women who are in forced marriages, of whom 37% were under the age of 18 when they married.

Forced marriage is where a person might be coerced to marry through physical, emotional or financial duress, deception by family members, the spouse or others, or the use of force, threats or severe pressure.³

When is child marriage slavery?

Determining whether cases of child marriage constitute slavery can be assessed by looking at **how children and adolescents enter marriage, how they are treated**

during marriage and if they are realistically able to leave or dissolve the marriage should they want to.

Anti-slavery organisations, such as Anti-Slavery International and The Freedom Fund, **have outlined indicators for when child marriage is considered slavery under international law, primarily if one or more of the following elements are present:**

- If the child has not given or cannot genuinely give their free and informed consent to enter the marriage
- If the child is subjected to control and a sense of “ownership” in the marriage itself – particularly through abuse and threats – and is exploited by being forced to undertake domestic chores within the marital home or labour outside it, and/or engage in non-consensual sexual relations
- If the child cannot realistically leave or end the marriage, leading potentially to a lifetime of slavery.⁴

However, **not all child marriage is slavery** and adults are also subject to forced and servile marriage. We use the term “child marriage” to refer to all forms of child, early and forced marriage and unions where at least one party is under 18. Understanding the practice in the context of this broader term ensures that all girls affected by the practice are included, regardless of whether they are in a formal or informal union, and that all aspects of the issue – including culturally-specific understandings of childhood and development, and the relationship between age, consent and force – are recognised and expressed.

Solutions should be context-driven and sensitive to the needs of the girl and the complexity of the issue.

Where does it happen?

Child marriage and modern slavery are practices that put girls and women around the world in situations of dependency, limiting their human rights, liberty and ability to act on their decisions (their agency). The exploitation, coercive control and controlling behaviours that are hallmarks of both child marriage and modern slavery can be

found worldwide, and cut across religions, cultures, regions and borders.

- In Indonesia, girls may be exploited in temporary marriages, a form of sex tourism involving short-term marriage (mut'ah) between tourists and Indonesian girls in exchange for payment of bride price. The practice is forbidden under Islamic law, but some families are driven by financial necessity.⁵
- As noted in the Walk Free “Stacked odds” report, a 2019 BBC investigation found that corrupt Shi'a clerics were actively grooming and providing young Iraqi girls for short-term customary marriages for financial gain.⁶
- Stacked odds also notes practices that involve the kidnapping of girls and young women can lead to forced marriages to guard against reputational damage. Variations of the practice occur in countries across the Africa, Asia-Pacific, and Europe and Central Asia regions, and have severe physical and psychological impacts on those experiencing it.⁷
- As noted in the Walk Free “Murky waters” report, “the association between forced and child marriage and domestic servitude has been reported in Papua New Guinea and Fiji. Some girls in Papua New Guinea have reportedly been sold into polygamous marriages to be forced into domestic servitude for the husband's extended families or subjected to sex trafficking. In Fiji, it was reported that parents sometimes marry off daughters aged 16 to 17 years to foreign men who seek traditional marriages with rural and uneducated girls in Fiji, and then return to their home countries with their young wives. Once in the man's home country, girls have reportedly been treated as slaves within the home and have had their travel and communication restricted.”⁸
- In parts of South Asia, the practice of devadasi – in which girls are dedicated to a deity in a ceremony similar to a marriage – places girls at risk of sexual exploitation by devotees. A similar practice – called trokosi – exists in West Africa.⁹
- In Venezuela, [case studies](#) of child marriage being used as a front for trafficking for the purposes of sexual exploitation have been recorded.

Diving deeper: Key points for consideration

Child marriage can amount to modern slavery for both girls and boys but the level of risk of slavery and slavery-like practices in marriage is **greater for girls because of patriarchal norms and systematic gender discrimination that cut across different contexts.**

Where girls and women are considered inferior to men and there is a desire to control female sexuality, child marriage and servile marriages are more likely to disproportionately affect girls and women due to societal expectations around

marriage and motherhood and pressure to conform to gender norms.

Servile marriage

Servile marriage refers to all non-consensual marriage, including the sale, transfer and inheritance of girls and women. For example, the handing over of a woman to another person by her husband or his kin for “value received or otherwise”.¹⁰ It reduces girls and women to commodities over which men can exercise the rights of ownership. It is used to describe the domestic and sexual slavery experienced within marriage, predominantly by girls and women.

The younger a girl is when she marries, the more vulnerable she is to exploitation within her marriage.

The younger the girl, the less likely she is to be able to protect herself from unwanted sex, negotiate safer sex practices or control her own money. The younger the girl, the more likely she is to experience intimate partner violence.¹¹ Younger married girls typically have lower levels of education, fewer connections to social support networks or information, and less access to paid employment or ways of generating an income outside of the home, making it harder for her to know or exercise her rights. When girls marry older men, they are rarely able to negotiate their economic or sexual rights. Where these unequal relationships of power exist, husbands may also actively control or exploit girls via threats. This **level of control or exploitation can amount to slavery.**

Where **bride price or dowry systems** are in place, girls may be at further risk of servile marriage because it is used as another means of control. Although not all marriages that take place within these systems amount to slavery, payment lends a sense of ownership over a girl, making her a commodity that has been purchased. This can be an indicator for future exploitative practices.¹²

Leaving a marriage is rarely simple for girls: they may have no income or home of their own, fear violent repercussions or losing their children, be stateless or without independent citizenship, or face stigma, social exclusion and vilification from their families and communities. Additionally, marriages that are not formally registered cannot formally be dissolved, meaning girls have no legal recourse in terms of shared assets or financial support for children, and can be forced to remain. This can result in a lifetime of servile marriage.¹³

High rates of migration for employment from low-income contexts are also linked to child marriage and the exploitation of girls. In the hills area of Nepal, migrants marry young girls to take care of elderly parents and do unpaid domestic labour so that they can continue to work away from home.¹⁴

Child marriage can be considered a form of trafficking when girls are moved across geographies without

consent, for marriage and exploitation. Globally, many girls are trafficked under the pretext of marriage, being imprisoned, threatened and abused upon reaching their destination, and forced into activities such as prostitution and domestic servitude.

How to talk about child marriage and slavery

The *Girls Not Brides: The Global Partnership to End Child Marriage* secretariat recognises the need to approach the framing of child marriage as slavery in a sensitive and context-specific way, recognising the impact of child marriage and modern slavery on girls and the need for urgent action, while also removing community-level barriers to building shared understanding and collaboration to end these human rights abuses.

The purpose of drawing attention to the relationship between child marriage and slavery at the international level is to encourage further research into the experiences of girls in child marriages, and to increase and direct resources and attention to this hidden issue. Given the colonial and historical associations with slavery, framing child marriage explicitly as slavery risks creating barriers to engagement and blunting advocacy.

It is important to recognise that the experience of forced child marriage is complex and varied, and as such a range of responses are required to provide effective solutions. The framing outlined here will – we hope – build solidarity and collective action in support of girls and women from Manchester to Manila to Mexico to know and be able to exercise their rights.

Recommendations

- **Governments should ensure a minimum age of marriage of 18 years, and outlaw all forms of forced and servile marriage.** Laws to address child marriage must be part of a comprehensive legal and policy framework which addresses its root causes, including gender inequality.
- **Governments must provide accessible and free/low-cost legal aid** for girls at risk of child marriage, forced or servile marriage, and those that are already married – including allowing forced marriages to be made void. They should provide safe spaces and refuges for girls and women who have experienced slavery.
- **Governments must remedy inconsistencies between national laws and customary or religious laws on child marriage.** Legislative reforms should be aligned with international standards and best practice.
- **Governments must ensure that justice services – including police, judiciary and civil registration officials – have proper training** to ensure that complaints filed by girls at risk of child marriage or who are already married or in a union are taken seriously and results in the necessary legal action. International

cooperation must be strengthened, particularly where girls are trafficked across borders.

- **Governments must ensure national responses to end forced and child marriage include comprehensive approaches to child protection** which put in place strong legal frameworks and include interventions at the individual, family and community level to prevent and mitigate forced and child marriage.
- **Programmatic approaches to forced, child and servile marriage, must include gender-sensitive approaches,** to allow for the highly gendered aspects of forced and child marriage. The voices of those who have experienced these types of marriages and unions are integral to shaping these programmes.
- **Programmes should be put in place to support those who have experienced forced, child and servile marriages,** and ensure they are able to exercise their rights and agency.
- **Education is critical** to support girls, families and communities to recognise and understand the exploitative practices and implications of forced and servile marriage, and routes out.

To find out more

The International Labour Organization and the Walk Free Foundation: publish joint statistics in the [Global estimates of modern slavery](#) report. In 2017, this included statistics on forced marriage for the first time.

Walk Free: an international human rights group focussed on ending modern slavery, in all its forms, in our lifetime. Their 2020 [Stacked odds](#) report examines why women and girls are more vulnerable to modern slavery throughout their lives.

Freedom Fund: identify and invest in frontline efforts to end modern slavery. It has published research on the gendered aspects of slavery in [Her freedom, her voice](#).

Anti-Slavery International: Works to address modern slavery around the world and has reported on child marriage and slavery. Reports include [Behind closed doors: Child and early marriage as slavery](#).

Special Rapporteur on Contemporary Forms of Slavery. Situations of forced and child marriage have been included in reports to the Human Rights Council, and country trips have included evidence on servile marriage in Lebanon, Mauritania and Zambia.

[The 1956 UN Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery](#) (1956 Supplementary Convention) includes women given in marriage for payment in its definition of slavery.¹⁵

References

1. ILO and Walk Free Foundation, 2017, [*Global estimates of modern slavery: Forced labour and forced marriage*](#).
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3. Ibid.
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5. Walk Free, 2020a, [*Stacked odds: How lifelong inequality shapes women and girls' experience of modern slavery*](#).
6. Ibid.
7. Ibid.
8. Walk Free, 2020b, [*Murky Waters: A qualitative assessment of modern slavery in the Pacific region*](#).
9. Black, M., 2007, [*Women in ritual slavery: Devadasi, Jogini and Mathamma in Karnataka and Andhra Pradesh, Southern India*](#), Modern Slavery International.
10. Turner, C., 2013b, op. cit.
11. Kidman, R., 2016, "Child marriage and intimate partner violence: A comparative study of 34 countries", [*International Journal of Epidemiology*](#), Vol 46(2), pp. 663.
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13. Ibid.
14. Indu Pant, n.d., Nepal scoping study carried out for *Girls Not Brides*.
15. OHCHR, 1956, [*Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery*](#), Article 1, C, ii, p.1.