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Forced marriage as a modern form of slavery

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ABSTRACT:

Forced marriage is an extremely controversial topic deeply rooted in Human Rights. It goes to the heart of debates on cultural relevancy acting as a visible fracture line in multicultural societies. This study explores how forced marriage should no longer be considered merely as a harmful tradition violating fundamental human rights, but increasingly as a disguise for human profiteering and exploitation, in particular in the sex industry. It will examine the current legal framework and theory on forced marriage and consider alterations which should be made to address this problem in the light of human trafficking. The overarching aim is to examine which human rights are violated by the practice in question and which positive obligations should be imposed on states to combat this phenomenon. The analysis will have a legal base, and will focus on both national and international legal frameworks, particularly newly passed British legislation.

Due to the lack of public research on this issue, the study will have a qualitative approach. Literature on this topic is very limited; therefore research is framed mainly as an analysis of different national and international documents relevant to the area of investigation. The materials come largely from legislation, international conferences, interviews, and the internet. The study will propose solutions to focus attention on the problem and comprehensively address it.

Abbreviations

CEDAW	Convention on the Elimination of All Forms of Discrimination against Women; Also abbreviations for the Committee on the Elimination of All Forms of Discrimination against Women
CoE	Council of Europe
CRC	Convention on the Rights of the Child
ECHR	European Convention on Human Rights and Fundamental Freedoms
ECtHR	European Court of Human Rights
FCO	British Foreign Commonwealth Office
FMU	Forced Marriage Unit at the British Foreign and Commonwealth Office,
GAATW	Global Alliance Against Traffic in Women
HIV/AIDS	Human immunodeficiency virus / acquired immunodeficiency syndrome
HRC	Human Rights Committee
ILO	International Labour Organization
IOM	International Organisation for Migration
ICCPR	International Convent on Civil and Political Rights
MCA	British Matrimonial Causes Act
National Convention	Convention on Certain Questions relating to the Conflict of Nationality Laws
NGO	Non-governmental organization
OHCHR	Office of the United Nations High Commissioner for Human Rights
OSCE	Organization for Security and Co-operation in Europe
PACE	Parliamentary Assembly of the Council of Europe
Palermo Protocol	Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (General Assembly resolution 55/25, annex II)
SAARC	South Asian Association for Regional Cooperation
UDHR	Universal Declaration of Human Rights
UK	United Kingdom
UN	United Nation
UNDOC	United Nation Office on Drug and Crimes
UNESCO	United Nation Educational, Scientific and Cultural Organisation
UN.GIFT	Global Initiative to Fight Human Trafficking
UNICEF	United Nations Children's Fund
UNODC	United Nations Office on Drugs and Crime

TABLE OF CONTENT

CHAPTER 1: Introduction	7
1.1 Definition of forced marriage	8
1.2 Victims of forced marriage	13
1.3 Factors contributing to forced marriage	15
CHAPTER 2: Key Concepts	18
2.1 Distinction between forced and arranged marriage	18
2.2 Fake marriage and marriage of convenience	22
2.3 Child marriage	24
2.4 Catalogue brides	27
CHAPTER 3: Human Rights and Forced Marriage	29
3.1 Right to marry and the right to respect family life	29
3.2 Slavery-like practice	32
3.3 Torture, inhuman and degrading treatment	35
3.4 The right to life	36
3.5 Right to personal liberty and body integrity (gender –based violence)	37
CHAPTER 4: Possible Options	41
4.1 Pro and contra criminalisation	41
4.2 Civil Law Framework	45
4.2.1 Which law should be applicable?	49
4.2.2 Double nationality obstacle for diplomatic and consular protection (in British-Asian perspective)	51

4.2.3 Exit: divorce or nullity	54
4.2.4 Rising the age of marriage as a preventive measure (pro and contra)	56
CHAPTER 5: Forced marriage in a context of trafficking in human beings	59
5.1 Theoretical Framework, substance of the problem	59
5.2 Legal Framework of trafficking in a context of forced marriage	61
5.2.1 Forced marriage as a form of trafficking in human beings	61
5.2.2 Forced marriage and human smuggling	64
5.2.3 Forced marriage and forced prostitution	65
5.2.4 Child Trafficking for Forced Marriage	67
5.3 Possible solution	69
CONCLUSION	73
BIBLIOGRAPHY	75