



Child Marriage in the United Kingdom

Representation in policies and debate

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Abstract

Child marriage is a human rights violation that is directly linked to poverty and inequality.

Although, child marriage occurs most frequently in developing countries, it takes place to some extent in developed countries as well. In Europe, child marriages have mostly occurred within different religious and ethnic communities in different countries and the overall child marriage numbers are low. However, in the UK child marriage has gained attention in media and in political debate during the past two decades and the government has taken action to end child marriage domestically and globally. These actions include legislation against forced marriage, the Forced Marriage Unit (FMU) for raising awareness and helping the victims and political debate on raising the minimum marriage age to 18 without exceptions.

This study analyses these different policies for preventing child marriage and the debate on marriage age to answer how child marriage is problematized in the UK and how these policies and debate represent the best interest of a child. Policies are analyzed through Carol Bacchi's "What is the problem represented to be?" approach and the debate through Norman Fairclough's critical discourse analysis tools. These both are structured within a case study. The perspective to the issue is the best interest of a child principle, which is approached from Susan White's perspective on universalization of laws concerning children. Both in policies and debate, child marriage is discussed in relation to four different themes which are forced marriage, the age of consent, culture and consequences. Child marriage is problematized as a form of forced marriage both in policies and debate, but the parental consent clause allowing marriages for 16 and 17 year olds is presented as an exception to this, especially in the debate where it is defended. However, this clause is also attacked as being misused to force older children to marry. The consequences of child marriage are presented to emphasize how the best interests of a child are violated. Child marriage is represented to be a problem of certain ethnic communities throughout the policies and debates. Certain children are presented to be in a risk of a forced child marriage and facing the consequences that violate their best interests. Therefore, the problem is represented to be a problem of certain ethnic communities instead of the majority, but significant enough for majority to take action.

Keywords: child marriage, the United Kingdom, the best interest of the child, forced marriage, policy, debate

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1. Introduction

Child marriage is a global human rights issue, which occurs especially in developing countries. About 40 percent of girls in the developing world marry before the age of 18, especially in South Asia and Africa (Nguyen and Wodon, 2015, p. 7). Child marriage is directly linked to poverty, lack of education, domestic violence and health issues caused by early pregnancy. It has been recognized as a major policy issue globally, and is included in the United Nation's Sustainable Development Goals (Nguyen and Wodon, 2015, p. 1, Girls Not Brides¹ *). Although, child marriage is an issue mostly in developing countries, it takes place in the developed countries, such as in European countries as well.

In Europe child marriage has not been frequently practiced for several decades, even though it is not criminalized by law in every European country. However, since migration from developing countries has grown, child marriage has become debated issue again in media and politics. Married children often suffer from lack of opportunities, lower education compared to others on their age group and different health issues, even though the countries in Europe offer protection for children's rights and equal rights for women. Although, politicians and public in Europe are against child marriage, there are still various drivers for child marriage within some families and in some ethnic or religious communities. Also, in case of conflict child marriage can become more frequent as early marriage can benefit the family of a bride economically and offer protection for the bride when the family is not able to provide it (Equality Now, 2013, p. 48). Therefore, the child marriage in Europe has gained more attention in media and political debate after the most recent refugee influx.

Some politicians have tackled the issue of child marriage in Europe, and some countries, such as Germany and Sweden, have adopted laws criminalizing child marriage. However, the issue is not significant in numbers when compared to developing countries. The overall median age of marriage in Europe remains several years above 18 years regardless of child marriage cases. For politicians though, criminalizing child marriage can serve a certain ideology or agenda. Especially the anti-immigration and feminist movements, parties and politicians have been the key actors in the process of criminalizing forced marriage and child marriage (Ebeturk and Cowart, 2017, p. 173). Therefore,

¹ *Girls Not Brides is a global partnership of more than 900 civil society organizations from over 95 countries committed to ending child marriage and enabling girls to fulfill their potential.

children's rights are not the only driving forces for criminalizing child marriage and bringing the issue in public, but it is also debated as a women's rights and anti-immigration issue in Europe.

Child marriage has gained a lot of attention especially in the United Kingdom, where the problem has been addressed in different policies, political debate and media. The marriage law itself sets up the minimum marriage to 18, but 16 and 17 year old minors can be married with parental consent. In Scotland, anyone above the age of 16 can be married without any exceptions. However, to protect children from forced marriage, it is criminalized in the UK in order to protect victims of all ages. Government has also formed Forced Marriage Unit to help the victims of forced marriage and child marriage, spread knowledge on the issue and ensure the effective legislation. Every year the FMU deals with around 400 cases of forced child marriages (The Home Office, 2017, p. 3). As the number is relatively high, the issue has been addressed and problematized in different ways in policies and debates. Thus, the UK is representing one of the most extreme cases on frequency of child marriage in Europe.

1.2 Aim and research questions

The purpose of this research is to examine how is child marriage represented and problematized in the UK by analyzing existing policies and debates around the issue. The aim is to answer how the best interest of a child principle is represented in policies and in debate, and what is the relation of this principle and child marriage. When it comes to the child marriage research, most of the previous research has been focusing on developing countries, and therefore, there is a gap on research on how child marriage is issued in Europe. This study aims to contribute on the research on child marriage in Europe by having the UK and the representation of the child marriage as the topic. Also, as different actors are advocating against child marriage with different programs and debates, the study aims to examine whether these policies and debate are rather representing certain political agendas, or only the rights of the child. Furthermore, the study aims to give an overview how and why child marriage is being issued in Europe, and how the best interest of a child is represented and protected in the case of child marriage.

The focus will be on those policies and debates that tackle the issue of child marriage, and on how these policies and debates problematize child marriage and present the the best interest of a child in relation to it. Therefore, the main questions are: *How is child marriage problematized in policies*

and debates in the UK? and How the best interest of a child is represented in relation to child marriage? These questions will be answered by analyzing existing policies and the political debate from the best interests perspective. The data for analysis consists of government's policies against the forced marriage and political debate on child marriage and marriage law. As the research questions focus on the representation of the child marriage, the focus of analysis of policies is more on the content of the policies, rather than the actual effects that the policies have produced. The policy analysis is combined with the analysis of the debate within a case study structure, and both of these analyses will focus on those themes, which are problematized in relation to child marriage.

1.3 Methods and theory

The analysis will focus on how the best interest of the child is presented and represented in the data, which consists of policy and debate. This principle will be approached by Susan White's (1998) theory on labelling and universalizing child development in legislation and legal decisions, which is based on Bourdieu's (1986) theory on force of law and universalization of law. The analysis will be conducted within a case study structure following K. Yin's model, including a policy analysis and critical discourse analysis of debates. Policy analysis will follow the framework "What is the problem represented to be?" From Carol Bacchi and the critical discourse analysis will be conducted by using Norman Fairclough's concepts.

1.4 Chapter outline

Chapter two will present the concept of child marriage and the previous research on child marriage. Furthermore, the chapter presents the approach to science, the theoretical framework of the best interest of a child principle, and how this principle is approached. Chapter three will present the data for the analysis and methods. Chapter four will present the analysis in three parts, from which the first one introduces the case, the second policy analysis and the third critical discourse analysis of the political debate. The last chapter, number five, will be present discussions and conclusions.

2. Concepts and theory

2.1 Approach to science

Science is approached from constructivist perspective on this research. This approach is the most suitable option as the analysis is conducted with qualitative methods, such as policy analysis and critical discourse analysis. Constructivism sees the knowledge of the world as socially constructed (Theys, 2017, p. 36). The focus is on how actions, interactions and perceptions shape reality (Theys, 2017, p. 41). In this research, the problem of child marriage is approached through its representation in language and on how the political discourse and language on policies shapes the representation of the issue.

2.2 Child marriage

Child marriage is an informal union or a formal marriage before the age of 18 (UNICEF, 2014). In international agreements child marriage is recognized as a violation of the human rights of children to health, education, equality, non-discrimination, and to live free from violence and exploitation enshrined in the Universal Declaration of Human Rights, the Convention on the Rights of the Child (CRC), and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (Arthur et al., 2017, p. 66). Through the 1962 Convention on Consent to Marriage, Minimum Age for Marriage, and Registration of Marriages, the 1979 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and the 1995 Beijing Platform and Declaration for Action, nearly all of the world's governments have agreed to take measures to eliminate the practice of child marriage (ibid., p. 54). Also, ending child marriage is included to Sustainable Development Goals. Regardless of its international recognition, child marriage still exists around the world and is practiced especially in developing world.

Nearly 70 million girls worldwide have been married before the age of 18 years and globally the incidence of child marriage is at 40.3 percent. (Nguyen and Wodon, 2015, p. 3, Ellsberg et al., p. 1555). The region with the highest overall incidence of child marriage today is South Asia where 45.4 percent of women are married below the age of 18 (Ngueyen and Wodon, 2015, p. 3). Also, in Sub-Saharan Africa, the Middle East, North Africa and Caribbean and Latin America child marriage is frequent.

Child marriage has many negative consequences for both the married child and the society. United Nations recognizes that it reflects gender discrimination as there is disproportionately high rate of child marriage among girls compared to boys (UNICEF 2014). Girls whose education and human capital acquisition are interrupted by marriage are less able to contribute to the development and growth of their countries. National and international indicators regarding education, maternal health, poverty, food security, eradication, HIV/AIDS, and gender equality are all negatively associated with high rates of child marriage (Lee-Rife et al., 2012, p. 288). Therefore, child marriage slows economic development in the nations in which it frequently takes place. There are many reasons for child marriage, and for example a girl may be offered as a means to settle a debt or to redress for a crime, or in situations of extreme poverty, when selling a girl into marriage allows a family to escape the burden of raising a girl, even when the marriage is a guise for sexual abuse, sexual exploitation, forced labor, or human trafficking (Equality Now, 2014, p.13). As assessed on the basis of various physiological and social criteria and data from a large number of Demographic and Health surveys, boys and girls aged 14 and younger are too young for marital, sexual, and reproductive transitions, while 15-17-year-olds may or may not be too young, depending on circumstances (Ngueyen and Wodon, 2015, p. 1). Therefore, child marriage poses a significant threat to health and rights of a child, and to development of a society ,where the practice frequently occurs.

Although, millions of minors are in threat of getting married underaged, child marriage is declining globally. A study by Nguyen and Wodon (2015) shows that in terms of trends over time, when comparing the incidence of child marriage between women born between 1985 and 1989 and women born between 1955 and 1959, the incidence of child marriage was reduced globally from 51.2 percent to 40.3 percent (p. 3). Also, apart from the fact that fewer girls marry early, those that do also tend to marry less early (ibid., p. 5). However, the practice still remains widespread.

Different solutions have been applied globally to prevent child marriage. The problem is though, that many programs have not been well documented and even fewer have been evaluated and therefore, it has been a challenge to find a model solutions for prevention (Lee-Rife et al., 2012, p. 287). Based on a study by Lee-Rife et al. (2012) the legal and policy environment can be instrumental in changing individual behavior and can signal, or even foster, shifts in norms away from child marriage (p. 293). Other studies also address the fact that laws can have significance on

preventing child marriage. The study by Arthur et al. (2017) notes that recent studies indicate that protective legislation may indeed be associated with a lower prevalence of child marriage and lower rates of adolescent fertility (p. 55). The study analyses current and historical data on national-level minimum age of marriage legislation, including analyses of exceptions that permit the minimum age to be lowered in particular circumstances (ibid., p. 55). Research shows that girls are far more likely than boys to be forced into child marriage, which reflects widespread discrimination. To eliminate the practice of child marriage, the study suggests that adoption of laws establishing a minimum age of 18 for girls and boys for marriage is the first step (ibid., p. 66).

When it comes to the international law, Warner (2004) argues that no single law contains all the necessary elements to ban child marriage entirely (p. 267). Therefore, as none of the international legal instruments are providing explicit protection from child marriage domestic laws can have provisions to minimum age of marriage. From all the international human rights treaties, Warner considers The Trafficking Protocol as the most comprehensive approach of any of the existing international conventions when it comes to prosecuting and minimizing the damage caused by child marriages (p. 266). The Trafficking Protocol does not define its subject matter in terms of the victim's sexual morality, but in terms of specific exploitive acts, regardless of whether those acts are otherwise permitted under domestic law (ibid., p. 261) As this protocol can be useful in protection of children from early marriage, it can also be easily applied to cases where children are trafficked to marriage.

However, the laws are not the only way to stop child marriage and in some cases are inefficient. A report by Equality Now (2013), an NGO advocating for women's and girl's rights, looks at the legal provisions relating to age of marriage, and to the extent to which the laws have been enforced, reveals that even when a country has a law setting a minimum age of marriage in line with or closer to international standards, it is not always implemented or enforced, or there may be provisions within the law, which, such as consent, allow exceptions around strict enforcement (p. 15). The report suggests that NGOs have the biggest role in presenting the measures against child marriage as they are in the forefront of work and it is frequently only as a consequence of NGO pressure that government agencies get involved (p. 15). Another significant measure for reducing child marriage in areas where it mostly occurs is a high mandatory school age, as girls who are more educated marry later, have children later, and are more likely to earn an income and contribute to their nation's economy (ibid., p.35).

All the data from these previous studies also shows that child marriage is not usually directly linked to religion, but rather to income as child marriage is practiced most frequently in the most developing countries. Most of the studies on child marriage are focused on developing countries and, thus, the countries where the practice is more rare, such as European countries, have not been specifically researched besides on the statistical level.

2.2.1 Child marriage in Europe

As previously mentioned, child marriage has not been a common practice in modern Europe and therefore, there are not many studies about the current situation of child marriage in Europe. However, historically child marriage has been a common norm also in Europe before the 20th century as people's life expectancy has been lower and women's and children's rights had not been as evolved as today. Development that began from 20th century ended the practice of child marriage in Europe as women became independent financially and people's life expectancy grew. Today 4% of child brides worldwide live in Central and Eastern Europe and the Commonwealth of Independent States (CEE/CIS) and 14% of girls are married before the age of 18 in these countries (UNICEF, 2014). Although, the numbers are relatively low, child marriage is still happening in Europe and some countries have legislations allowing marriage for under 18 years old under special conditions.

In Europe child marriage is more common among certain population groups than within the majority. In Serbia, for example, 8 per cent of women overall were married as children; however, the share is more than half (54 per cent) among women in Roma communities (UNICEF, 2014). Religion also matters besides ethnicity as Islamic law, Hindu law, some specific Christian groups and other traditional and religious laws explicitly condone marriages of girls at puberty or even earlier with parental consent (Warner, 2004, p. 244). Also, as in the case of developing countries, there is a substantial gap in the prevalence of child marriage between the poorest and richest. Females in the poorest quintile are 2.5 times more likely to marry in childhood than those living in the wealthiest quintile (UNICEF, 2014). Taken these factors into account, child marriage in Europe is mostly practiced by certain ethnic and religious groups, and lower income has affects within these groups.

When it comes to legislations on the marriage age, the higher income countries are more likely to set 18 as the minimum age of marriage when religious and customary law exceptions are allowed, but no such a difference to developing countries exists for the legal age of marriage with parental consent or the general legal age of marriage (Arthur et al., 2017, p.68). Some of the European countries allow marriage of a person under 18 years old under special circumstances, which often sets the lowest acceptable marriage age to 16. These special circumstances can be for example religion, parental consent or the similarity in the age with the spouse. There has not been need to change these legislations and take measures on preventing child marriage as requests for early marriage have been rare.

However, lately child marriage has been linked to forced marriage in Europe and politicians have brought marriage laws under the debate again after the recent migration and refugee influx. One reason to explain this is that reports have shown that in times of conflict, girl child marriages often increase (Equality Now, 2013, p. 48). This increases the child marriage percentage among refugees, which can be seen threatening to European values by anti-immigration parties and to women's rights by feminist movements. In their study of criminalization of forced marriage in Europe, Ebeturk and Cowart (2017) argue that the criminalization of forced marriage represents a mesh point between political right parties pursuing anti-immigrant and xenophobic platforms and feminist civil society groups pursuing female empowerment (p. 173). This perspective is often presented in debates around the issue, as child marriage is claimed to be issue that has grown due to refugee and migration influx.

2.3 The best interest of a child

The best interest of a child is a children's rights principle, which derives from Article 3 of the UN Convention on the Rights of the Child, which states that "*in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration*" (CRC, 1989). The term best interest broadly describes the well-being of a child, which is determined by variety of individual circumstances, such as the level of maternity of a child, the age of a child, the presence or absence of parents, the child's experiences and environment. Its application and interpretation must conform with CRC and other legal norms, as well as guidance provided by the Committee on the Rights of a Child in its General Comment No.

6 on the treatment of separated and unaccompanied children outside their country of origin (UNCHR, 2008, p. 14). There is no precise definition of the best interest of a child, and therefore it is applied differently in different cases.

The legal protection from child marriage often falls under laws against forced marriage. However, child marriage is an issue concerning the rights of the child and therefore, also CRC offers protection against child marriage. CRC defines *"a child as a human being below the age of 18, unless under the law applicable to the child, majority is attained earlier"* (art. 1, CRC, 1989). The word majority though is not deliberately defined in CRC, and therefore is left to domestic law to determine. Therefore, some domestic laws explicitly provide that a person attains majority upon marriage regardless of her age, thus creating an exception to the general "rule of 18" that eviscerates the CRC mandate (Warner, 2004, p. 251). This allows child's best interest be ignored in cases of child marriage when domestic laws allow marriage for minors.

In the European legislation article 24 of the Charter of Fundamental Rights of the European Union states that *"children have the right to such protection and care as is necessary for their well-being and that their best interests must be a primary consideration in all actions relating to them, whether taken by public authorities or private institutions"* (UNCHR, 2014, p.14). In the European context, child's best interests are based on a culture-specific understanding of children as 'nurtured' by their parents or other adults (Engebriksen, 2003, p. 195). However, spouse cannot often be viewed as a nurturer for a child as child marriage predisposes child to several harms. These harms, defined by CRC can be *"ill-treatment or the impairment of health or development; 'development' meaning the physical, intellectual, emotional, social or behavioural development; 'health' meaning the physical or mental health; and 'ill-treatment' including sexual abuse and forms of treatment that are not physical"* (CRC, art.31(9), 1989). Therefore, when defining the representation of the best interest of a child in policies and debates preventing child marriage, the definition of a harm by CRC will be taken into account as well.

2.3.3 Application of the best interest of a child principle

The analysis of the best interest of a child in policies and debate will mostly rely on the legal definition by CRC and guidelines on it's definition by UNCHR, and on how this principle is applied in the data. Notions of well-being and harm, which have been described in legislation, will be taken

into account as well. However, as the best interest of a child is generally broad term in legislation, the further perspectives will be part of the analysis of how the best interest of a child is presented in policy and debate. Also, although, the law is relevant to solving moral problems, it is not decisive (Kopelman, 2013). Therefore when assessing the best interest of a child in the case of child marriage, several case specific factors must be taken into account and the perspective to the principle itself as a legal text. First, this part on theory will discuss on some of the most important factors that affect the assessment of the best interest of a child in marriage cases, and second, will introduce legal perspective on children's law by Susan White (1998), which is based on theory by Bourdieu (1987). These will define how the principle of the best interest of a child principle is approached in the analysis.

In the case of child marriage, the age of the child is one of the biggest concern when evaluating the best interest of a child. In general, the older the minors are, the better they are at making good decisions for themselves (Kopelman, 2013). In some cases older children close to the age of 18 might already have a consent and be willing to marry. The partners are also not always only older man and the marriage can be based on love instead of parents will. Also, in some cases prevention of child marriage by forced separation can cause more negative consequences for the child than the marriage itself. Therefore, while discussing about the best interest of a child in child marriage cases, the age and consent of an older minor are important factors to take into account. However, what defines the age of development of a child is not similar in every case. The childhood is divided into a number of highly predictable ages and stages, that have had a number of consequences for intervention and decision making (White, 1998, p. 285). In some legislations the lowest age of marriage is 16 with parental consent, but this does not mean that every child would have reached the maturity required for marriage by this age, or that some would have not reached it earlier.

As a legal term the best interests principle falls under the general duty of beneficence, or the duty to do good deeds and to prevent or to remove harms to others (Kopelman, 2013, p, 11). Therefore, a general agreement on which things are seen as good and bad, beneficial and harmful must be agreed upon to use this principle. The more goals and means to fulfilling the interest are agreed upon, and the less these factors conflict with each other, the easier it is to use the best interests standard. (ibid., p.11). In the case of child marriage seen from Western/European perspective, it is approached as being against the best interest of a child as it can cause several harms to a child. However, as mentioned earlier the age and maturity can have a huge impact on what is beneficial for a child in

the case of marriage and also culture specific factors can play a role on making child marriage rather beneficial than harmful. Therefore, laws can set only minimum set of standard for behavior and actual duties using the best interests principle can gain specific content in different situations depending on people's roles, institutions, relationships, expectations, or practices (Kopelman, 2014). The policies and debate will be approached by taking these factors into account.

The laws however, even when only setting the minimum standard for behavior, are the foundation of policies. In this study I will approach the principle of the best interest of a child in law and policy from the perspective of Susan White (1998), who argues that discourses and models of child development are expressions of power relations and certain interests that become obscured when they are presented through the neutrality of the judicial system. When it comes to the laws concerning children, White argues that the forms of thought associated with the developmental psychologies are transported into the juridical field by experts of various kinds, and that once these ideas are given the juridical gloss and become 'policy' they become both more portable and more durable over time and space (p. 287). As discussed earlier, in child marriage legislation the best interest of the child does not always follow the general age settings by law as in some legislations the minimal age is set too low for some children, and in some cases the consent and physical development of a child is reached before the age of 18. White contends that child welfare exists in a paradoxical and contradictory relationship to biological explanatory frameworks as the notion of development as a highly predictable and pre-programmed phenomenon is a materialist concept, which relies on the assumption that 'universal' neurological and organic structures exist (p. 271). Therefore, the best interest of a child presented in the legislation preventing child marriage is rather universalizing the children into one stage of development, although not all the children follow the same phase in development.

White draws her theory on Bourdieu's (1987) claims that the specific codes of the juridical field have a determining power that must be considered if we are to comprehend how the law really functions in society (Terdiman, 1987, p. 807). According to Bourdieu, competition for control of access to the legal resources contributes to establishing a social division between lay people and professionals by fostering a continual process of rationalization (1987, p. 817). The result of this separation is that the system of juridical norms seems completely independent of the power relations which the same system legitimizes and sustains. As Bourdieu identifies a juridical language, through which the law constitutes its statements as 'facts', he recognizes the

universalization effect. By universalization he means the effect that is created by procedures to generalize the law without any individual variation (ibid., p. 820). Furthermore, he discusses specifically about the importance of medical discourse in supporting the law's power to define, which creates the universalization of childhood development. He argues that family law has ratified and validated as 'universal' norms, family practices that developed slowly within a set of institutions selected to regulate the essential relations between the generations (ibid, p. 847). Therefore, also the laws of marriage and laws concerning children's rights are ratified as universal norms based on medical assessment that generalizes the development of a child in legislations.

Based on White's and Bourdieu's theory, the best interest of a child in child marriage legislation is product of universalized understanding of child development, and thus, is not taking individual case specific factors into account. However, these theories are mostly based on medical and psychological language defining the law, and culture as a factor is not taken into account. In the case of child marriage culture plays significant role in assessment of cases and also in legislation, which also has to be taken into account when approaching the issue from the best interest of child perspective.

3. Data and method

3.1 Data

The data for the analysis consists of policies, debates and statements presented in official documents and newspapers in the UK about criminalizing child marriage and forced marriage. These are analyzed through policy analysis and critical discourse analysis within a case study structure.

In the UK policies protecting from child marriage are focusing on forced marriage. The legal minimum age of marriage is 18 years old in England, Wales and Northern Ireland, but there is a provision for marriage with parental consent between the ages of 16 and 18. In Scotland everyone above the age 16 is allowed to marry. The protective legislation against child marriage is the Anti-social Behaviour, Crime and Policing Act, which was set up to protect both children and adults from forced marriage. The primary material for policy analysis consists of the Anti-social Behaviour, Crime and Policing Act and multi-agency guidelines by Forced Marriage Unit to tackle and prevent child marriage. These multi-agency guidelines were created in effort to prevent child marriage and forced marriage and to ensure the effective legislation. They were created as a part of the FMU's outreach on preventing forced marriage. The guidelines offer detailed guidance for all persons and bodies who exercise public function in relation to promoting and safeguarding the welfare of children and vulnerable adults (The Home Office, Forced Marriage Guidance, 2013). Guidelines work as a step-by-step guidance on situations where frontline workers, such as police, health care officials and children's social care are facing cases of forced marriage and child marriage. These guidelines were created in effort to support the FMU's work and expand the knowledge to other experts working in the field. Forced Marriage Unit (FMU) is a joint Foreign and Commonwealth Office and Home Office unit which was set up in 2005 to lead on the UK Government's forced marriage policy, casework and outreach.

The parental consent clause on the age between 16 and 18 has been debated, as in 2016 Marriage and Civil Partnership (Minimum Age) Bill was passed through the House of Lords in 2016 in effort to raise the minimum age to 18 (services.parliament.uk). The debate that is analyzed for critical discourse analysis is a parliament debate on this Marriage and Civil Partnership (Minimum Age) Bill, which aimed to raise the minimum marriage age to 18 in the UK and remove the parental

consent law. The law proposal did not pass, but the debate presents the different views of parliament members on how the child marriage is approached in the UK and how the best interest of a child is represented when it comes to marriage issues. Besides the debate, short interviews of two politicians in two newspapers, the Guardian and Daily Express are analyzed to give a wider perspective to how some of the elements of child marriage are tackled.

3.2 Methods

The research will be conducted by two different qualitative methods within a case study structure. Case study structure will follow K. Yin's model of a case study research and include background information of the case before the more detailed analysis of policies and debates around the issue of child marriage in the UK. Policies will be analyzed through Carol Bacchi's "what is the problem represented to be?" framework and debates and statements will be analyzed through Norman Fairclough's critical discourse analysis approach. By using these two methods within the case study structure, both case specific factors and the content on the policies and debates will be analyzed to answer how the child's best interest is represented when problematizing child marriage in the UK. These methods will be further discussed in the following chapters.

3.2.1 Case study

Child marriage in Europe is analyzed through a case study of the UK. The choice of this country is based on that the UK have had recent changes in its legislation and policies to prevent forced marriage and child marriage, and it is the leading country in the Europe on preventing forced marriage and child marriage domestically. Also, the number of child marriage cases in the UK has been relatively high in past years compared to many other European countries. As this case represents the one of the most extreme case in the European context, the analysis presents an overview on how child marriage policies are currently developing in Europe and what are the leading causes for changes in policies and legislations.

Case study will be approached from Robert K. Yin's perspective, on which he defines case as a contemporary phenomenon within its real life context (2002, p. 13). K. Yin argues that case study research should rest upon multiple sources of evidence, which are both quantitative and qualitative. In this research, the data and the methods are qualitative, but statistics are used as a secondary material

to support the case. Case study also addresses the “how” or “why” questions concerning the phenomenon of interest, and therefore helps to answer how and why certain policies have been applied and what is the desired effect of these policies.

For K. Yin, data analysis consists of examining, categorizing, tabulating, testing, or otherwise recombining both quantitative and qualitative evidence to address the initial propositions of a study (2002, p. 109). In these two cases, the propositions are that child marriage policies have changed during recent years and certain actors might have special interests on changing these policies. The case study works as a structure for the analysis, and consists analysis of debates and policies to answer the question on how the best interest of a child is represented and problematized in child marriage policies and debates. Furthermore, the analysis will aim to answer why certain policies have been formed and why the best interest of a child is represented in a specific way. Therefore, within this case study structure, policies are analyzed through a specific policy analysis approach and debates are analyzed through critical discourse analysis.

3.2.2 Policy analysis

The primary material partly consists of legislations and a policy about forced marriage and child marriage. Therefore, these materials are approached through policy analysis to answer how child marriage is presented and represented in these. In general, policy analysis tends to emphasize particular aspects of policy problems and specific policy impacts (Vining & Weimer, 2015, p. 273) In the analysis these policy specific problems will be specified and analyzed with Carol Bacchi’s policy analysis framework.

More specifically, this policy analysis framework by Carol Bacchi is called “what is the problem represented to be?” In this framework, policies produce ‘problems’ with particular meanings that affect what gets done or not done, and how people live their lives (Bacchi, 2012, p.22). Bacchi argues that people are governed through problematisations, rather than through policies, and therefore the critical focus should be directed to problematisations and the problem representations that policies contain (2010, p. 4). The problematization of child marriage policies will be identified and analyzed through Bacchi’s approach. Certain representations of the problem will be further analyzed within a six question framework. By using this approach, the research aims to answer the

question on how the best interest of child is presented in legislations and policies, and how these policies problematize child marriage.

The framework of analysis is divided in to six main questions:

1. What's the 'problem' represented to be in a specific policy?
2. What presuppositions or assumptions underpin this representation of the 'problem'?
3. How has this representation of the 'problem' come about?
4. What is left unproblematic in this problem representation? Where are the silences? Can the 'problem' be thought about differently?
5. What effects are produced by this representation of the 'problem'?
6. How/where has this representation of the 'problem' been produced, disseminated and defended? How has it been (or could it be) questioned, disrupted and replaced? (2010, p. 7).

The aim of Bacchi's method is to understand policy better than policy makers by probing the unexamined assumptions and deep-seated conceptual logics within implicit problem representations (2012., p. 22). Besides political agendas affecting these policies, assumptions and conceptual logics can also be other factors. This focus means paying attention to the forms of knowledge that underpin public policies, such as psychological or biomedical premises, producing a broad conception of governing that encompasses the place of experts and professionals (ibid., p. 22). Therefore, as analyzing the problematisations that policies produce, the analysis focuses on how certain premises, such as the definition of a childhood and age of consent, impact on the representation of the best interest.

Furthermore, when combined to a case study structure and critical discourse analysis, underlying ideologies and agendas behind certain groups affecting the legislation will be examined as well. Bacchi's framework directs attention to the ways in which particular representations of 'problems' play a central role in how we are governed, in how we are ruled (2010, p. 4). This gives an answer on how different actors present the best interest of a child and how these particular representations are presented in policies.

3.2.3 Critical discourse analysis

The material, besides policies, consists of debate and statements around the issue of child marriage in the UK. The analysis of the debate and statements will focus more on how certain groups, or persons, advocate against child marriage, and what is their perspective to the best interest of a child. Therefore, this data will be analyzed through critical discourse analysis. As the primary material is a political debate, the ideological discursive formations and inter-textual links to broader discourses that affect on how speeches are presented in a certain setting are analyzed. Furthermore, the analysis aims to answer on what is the relation between political discourse on child marriage and the policies on child marriage.

Concerning the research question, data and the focus on representations, critical discourse analysis is the most suitable analytical tool when focusing on debates and statements. Critical discourse analysis is an analysis of the dialectical relationships between language and other elements of social practices (Fairclough, 2001, p. 123). It is not a discrete academic discipline with a relatively fixed set of research methods, and instead it is seen as a problem-oriented interdisciplinary research movement (Fairclough, Mulderrig & Vodak, 2011, p. 394). In this research, the main focus will be on the political discourse on the child marriage and on different representations on what is the best interest of the child in relation to child marriage.

Representation is the production of the meaning through language (Hall, 1997, p.17). Therefore, the discourse analysis, as well as the policy analysis, will focus on a different representations of a certain problem. These representations in the discourse are analyzed through Fairclough's approach. The starting point of this approach is a social problem, in this case child marriage, which has a semiotic aspect that must be focused on (Fairclough, 2001, p. 125). For Fairclough, representation is a process of social construction of practices, including reflexive self-construction, which means that representations shape and enter social processes and practices (ibid, p. 123). The debates and statements which are analyzed include certain representations of the best interest of a child and childhood in general, which all serve a certain political agenda.

The debate for the analysis takes place at House of Lords hearing and the statements are from newspaper interviews, but all of these are given by politicians. Fairclough recognizes that people

who differ in gender, in social class, in nationality, in cultural or ethnic membership, and in life experience, produce different ‘performances’ of a particular position (2001, p. 123). Therefore, the ideological agendas and the politician’s position in power are important aspects to take into account in the analysis of the language of debates and statement. The political language has calculated design, which is one crucial factor for success in political struggle (Fairclough, Mulderrig & Vodak, 2011, p. 396). Underlying ideologies of politicians are reflected in their representation of the problem and presented in a designed way that serves the agenda of a politician.

Fairclough describes certain ways of representation as ‘ideological-discursive formations’, which are within social institutions and are associated with different groups within the institutions (1985, p. 738). To define discursive formation, Fairclough uses the definition by Pecheux, who defines a discursive formation as “that which in a given ideological formation determines ‘what can and should he said’” (Pecheux, 1982, p. 111 in Fairclough, 1985, p. 751). Ideology is defined as the representation of ‘the world’ from the perspective of a particular interest and institutions impose discursal and ideological constraints upon their subjects, and in this way construct their discourse and ideological subjects (ibid., p. 754 & 750). One ideological discursive formation is usually dominant in relation to others within an institution. Each ideological discursive formation is a sort of ‘speech community’ with its own discourse norms but also, with its own ‘ideological norms’ (ibid., p. 738). In the analysis, this concept is being used to analyze how discourses are shaped within certain institutions, in this case in newspaper setting and the House of Lords hearing.

Another analytical tool by Fairclough, which is used in the analysis is intertextuality. In Fairclough’s definition of inter-textuality, the concept draws attention to the potential heterogeneity of texts in terms of the diverse discourse conventions, types of discourse, which can be drawn upon in their production (1992, p. 284). Intertextuality links certain representations from analyzed speech act to broader discourse on these same representations. Intertextuality has important implications for the constitution of subjects through texts, and the contribution of changing discursive practices to changes in social identity (ibid., p. 290). As a concept intertextuality helps to identify how politicians represent different discourses and agendas in their speeches.

Both the critical discourse analysis and policy analysis will approach similar issues concerning the child marriage as the both are targeting the same question of representation of the problem with the

best interest principle as an approach. These both will be included within a case study structure and the differences of these two will be compared throughout the analysis.

4. Analysis

4.1 Child marriage in the UK

Compared to other European countries, the UK has dealt with a significant number of child marriage cases, which has led to the government taking action against forced marriage and child marriage. The UK Home Office estimates that between 5,000 and 8,000 people are at risk of being forced into marriage every year, and many of them are minors (Girlsnotbrides). This risk has been identified and, for example in comparison to United States, the UK is ahead in acknowledging this threat to the well-being of minors, in collecting data, and in initiating legal protections. (Kopelman, 2014). In the UK, the Forced Marriage Unit, a joint initiative of the Foreign and Commonwealth Office (FCO) and the Home Office, is leading the Government's forced marriage policy, outreach and casework. In 2016, the FMU gave advice or support related to a possible forced marriage in 1,428 cases, and from these cases 371 cases (26%) involved victims below the age 18 (The Home Office, 2017, p. 3). From these, 15% of cases involved victims below 15 years of age, and 11% involved victims between 16 and 18 year olds (ibid., p. 7). However, the cases involving young children often involve the promise of a future marriage rather than an imminent marriage (ibid., p. 7). In 2017, the overall number of cases dropped 19%, but the percentage of the child marriage cases increased to 29,7% from all the cases (The Home Office, 2018, p. 3). However, the FMU stated that the overall decrease does not represent a decrease in prevalence of forced marriage in the UK and the number of forced marriage has stayed flat during past years.

The FMU works within a legal framework the Anti-social behavior, Crime and Policing Act, which criminalizes forced marriage. This law as been the the first legal effort to end forced marriage and child marriage in the UK. Originally the act was created to give simpler and more effective powers to tackle anti-social behaviour that provide better protection for victims and communities (Home Office, Anti-social Behaviour, Crime and Policing act, 2013). As an addition, the act also strengthens the protection afforded to the victims of forced marriage (ibid.). The legislation to protect from forced marriage was originally announced in 2012 by former Prime Minister David Cameron (The Guardian, 2014). The legislation ensures that victims of forced marriage are protected by the law and the law includes forced marriage overseas.

The Forced Marriage Unit recognizes that forced marriage and child marriage are not a specific problem to one country or culture. Since the FMU was established in 2005, the unit has handled cases relating to over 90 countries across Asia, the Middle East, Africa, Europe and North America (Home Office, 2017, p. 3). However, the FMU has listed high risk countries, such as Pakistan, India and Bangladesh, which have a higher percentage of being related to forced marriage and child marriage cases. In most of the cases of forced marriage and child marriage, the marriage takes place overseas as in 2016 only 157 (11%) of the cases that were handled by the FMU had no overseas element, with the potential or actual forced marriage taking place entirely within the UK (ibid., p. 3). Therefore, child marriage is in many cases easier to arrange overseas as in some countries laws are not criminalizing, or effectively protecting victims from child marriage. Marriages overseas are in some cases also arranged as a way to provide residence in the UK for future spouses.

Besides, the FMU working with the child marriage cases concerning the UK nationals, the UK government has taken action to prevent child marriage in developing countries. In 2014, the British government organized its first Girl Summit to mobilize international and domestic efforts to end child, early and forced marriage and female genital mutilation within a generation (Girlsnotbrides). In the Girl Summit, the UK besides several other countries signed a Charter and made commitments to end child marriage, female genital mutilation and forced marriage.

When it comes to the law and legislations, marriage is allowed for everyone above the age of 18, but with parental consent for also those above the age of 16 in England, Wales and Northern Ireland. In 2014, the number of 16 and 17 years old persons getting married in these areas was 240, and from which 200 were women (Office for National Statistics, 2017). In Scotland marriage is allowed to everyone above the age 16, also without the parental consent. The exception with parental consent allows that in some cases parents use these legislations to force the marriages of their children who are aged 16 or 17 (Girlsnotbrides). Although, children are protected from forced marriage in England and Wales by the Anti-social Behaviour, Crime and Policing Act, the parental consent allowing the marriage of a 16 or 17 year old can in some cases mean coercion (Otoo-Oyrtsey et al., 2017). As an effort to raise the minimum marriage age to 18 and remove the parental consent clause, the Marriage and Civil Partnership (Minimum Age) Bill was passed through the House of Lords in 2016 (services.parliament.uk) However, the bill did not make further progress and the marriage law remains the same. One possible reason why the legislation was not changed is that it is conflict with interests of those who advocate for lowering the voting age to 16 (girlsnotbrides,

2016). However, child marriage without parental consent is not allowed for under 18-year old and everyone regardless of the age are protected from the forced marriage by law.

4.2 Child marriage policies in the UK

This part of the analysis focuses on the Anti-Social Behavior, Crime and Policing Act and multi-agency guidelines set by the FMU for protecting victims of forced marriage and child marriage. The analysis is structured within the main themes that the material addresses and follows Bacchi's framework of policy analysis.

4.2.1 The problem represented to be

By following Bacchi's framework, the analysis of policies begins from questioning what is the problem represented to be in these policies. In these two policies, as the approach for the issue is the best interest of a child, the problem is that child marriage violates the best interest of a child and, that laws and policies should provide protection from this.

The Anti-social Behaviour, Crime and Policing act problematizes forced marriage, a marriage without consent, as a criminal offence. By following the second question in Bacchi's framework, which questions assumptions that underpin this representation of the problem, the assumption in this policy is that forced marriage has become more frequent, and therefore, it needs to be criminalized by law. This includes both children and adults, and therefore, there is no need for child specific definitions. The overall perspective in the policy is that forced marriage and child marriage are indisputably wrong and that it would be ethically wrong to disagree on preventing it.

In the multi-agency guidelines, the overall problem representation follows the Anti-social Behaviour, Crime and Policing act as the guidelines problematize forced marriage as such a severe and at the same time frequent violation, that all the agencies need to be specifically instructed to deal with these cases. The guidelines also problematize child marriage specifically as a violation of children's rights, and therefore, instruct all agencies facing child marriage to take action to protect the children. Although, the problem represented to be is the forced marriage itself, the guidelines give separate instructions for child and adult social care, and therefore, describe the problem also as specific for children.

The guidelines instruct agencies to take child specific actions, which follow the best interest principle when a minor is the victim. For example, when guiding the health professionals it is instructed that, if a person is under 18, or has children under 18, and does not want any referral to be made, e.g. to children's social care, the health professional will need to consider what is in the best interests of the children and whether the adult's wishes should be respected or whether their safety, or that of their children, requires further action to be taken (HM Government, p. 27). In child marriage cases the best interest of a child is the main concern when acting on behalf of the children. The guidelines state that the personal safety of the child or young person must be put first when suspecting a case of forced marriage (p. 45). Also, the guidelines specifically define forced marriage as a child abuse when minors are being as victims. Therefore, the guidelines offer much wider description of a child and child marriage than the Anti-social Behaviour, Crime and Policing act and present child marriage as a violation of the best interest of the child.

4.2.2 Forced marriage

Both of the policies were created in effort to primarily prevent forced marriage in the UK. Therefore, a prominent theme in these policies is the forced marriage and how the child marriage is included as a form of forced marriage. Although, in the Anti-social Behaviour, Crime and Policing act children are not specifically defined, the protection from child marriage in the UK falls under this legislation. The law criminalizes forced marriage and although, neither the word child or minor is mentioned, the law protects people of all ages from the forced marriage. This law adopted in 2005 offers underaged girls in the UK a variety of protections from forced marriages both at home or in other countries, and in 2010 these laws were used to deal with 1,700 cases (Kopelman, 2014). As nearly 40% of all the cases that have been dealt by the FMU have involved minors as victims, child marriage is a problem that this law represents besides forced marriage in general, although children are not directly mentioned.

By following the third question on Bacchi's framework to answer how forced marriage became a problem addressed in policies, the main reason is the significance of the problem. Forced marriage represents a human rights violation, that causes harm not only for the victims, but also for their children, and for the whole society. Therefore, the issue has been brought up to attention in the media and debate, which has led to formation of policies. Child marriage has not been separated to

its own policies, but included as a form of forced marriage. The significance of the forced marriage as an offense has been stated in the Anti-Social Behavior, Crime and Policing Act as perpetrators can be convicted to imprisonment as a punishment (art. 9(a)(b)). Imprisonment can take up from 6 months to 7 years. To ensure the effective legislation and to identify the cases of forced marriage, the FMU created the multi-agency guidelines for different public authorities. Unlike the Anti-Social Behavior, Crime and Policing act, these guidelines offer a specific definition of a child. In this way different professionals have the knowledge on how to identify the children who are in the risk of forced marriage and have the knowledge on how to act in these cases.

The guidelines work as a support for the regulations offered by the law by offering detailed descriptions on what are the impacts of forced marriage and child marriage and how they can be prevented. However, the guidelines present specifically which child are in risk of forced marriage. Guidelines state that: "It (forced marriage) can happen to both women and men, although many of the reported cases involve young women and girls aged between 16 and 25" and that "The majority of cases reported to the Forced Marriage Unit to date have involved South Asian countries" (p. 10). The guidelines remind that there is no typical victim of a forced marriage, and people with different ages and backgrounds have reported to the FMU. Also, there is a number of cases without any overseas element, meaning that the entire forced marriage takes place in the UK. One explaining factor for identifying risk groups is also that the South Asian countries have a large diaspora in the UK, which might explain why most victims come from this background. This relates to Bacchi's fifth question on the framework questioning what effects are produced by this representation of the 'problem'. The effect of the problem representation is that certain children (and adults) appear to be in bigger risk of forced marriage than others. Although, the guidelines point out that anyone can be in danger of forced marriage, the risk group are girls with South Asian background between the age 16 and 25. The instructions for child care social workers support this categorization by stating: "Although children's social care needs to be sensitive to cultural and racial differences, they also have a clear overriding duty to identify children who are likely to suffer significant harm, and to invoke the necessary safeguarding children procedures" (p. 45). Therefore, the child social care workers are instructed to identify the children in the risk group while assessing whether the children are in risk. Certain children are categorized as being "likely to suffer significant harm", which in this case is the marriage with all its consequences, or the consequences of refusing the marriage.

Although a child marriage is usually defined as a forced marriage, it is unclear what defines a forced marriage in the case of the child marriage of a minor who turns 18 within two years. This relates to the fourth question of the framework on what is left unproblematic in this problem representation, and can the problem be thought differently. The representation of the child marriage being against the best interest of a child is not fully unproblematic as child marriage is not always a young girl married to much older man against her will, and in some cases other factors than coercion can be behind the early marriage. However, the child marriage is almost in every case labelled as forced marriage as a child cannot legally be married, and marriage is a form of child abuse. Many children and teenagers are also not physically or emotionally capable for marriage. Therefore, the child marriage is a problem always when a victim is below the age of 16, but otherwise only if coercion is an element of the marriage. The major question when addressing the forced marriage cases for older than a 16 year old is what defines consent and in which cases the consent becomes coercion.

4.2.3 The age of consent

In the United Nations Convention on the Rights of the Child, the best interest of a child principle requires that states act according to this principle in every case concerning a person under 18-years old, unless under the law applicable to the child, majority is attained earlier (CRC art.1). When it comes to preventing child marriage, World Health Organization, several NGOs and authors argue that minimum marriage age should be 18 without exceptions (Arthur., et al, p. 66, Equality Now, 2014. p. 15). Also, UNICEF defines child marriage as a formal union of a person before the age of 18 (UNICEF, 2014). As the UK law permits a marriage for 16 and 17 year old with parental consent, although there has been some efforts to raise the minimum age to 18 such as at the bill in 2016, the current law contradicts with international definition of a child marriage. Therefore, as the Anti-Social Behavior, Crime and Policing act and the multi-agency guidelines are the main tools for preventing the child marriage, it is important to analyze how these define, which age constitutes a child and how the age of consent is represented.

In the Anti-Social Behavior, Crime and Policing act neither children or the minimum marriage age are not specifically mentioned. There is no reference to the age and the marriage becomes forced only when it happens without the full consent as the law states that *"A person commits an offence under the law of England and Wales if he or she — believes, or ought reasonably to believe, that the*

conduct may cause the other person to enter into the marriage without free and full consent. (art. 121. 1 (b))". Although, the age of consent is not defined, the protection from child marriage falls under this law as minors can be recognized as persons lacking the full consent. Some agencies, such as report by Equality Now (2014), argue that the consent of a child should never be accepted as a rationale for continuing to permit the marriage (p. 13). In this specific case, the age of consent is 18, but the parental consent allows exception for those who are in the age of 16 or 17. Therefore, children achieve the consent in the age of 18, but in the age of 16 and 17 their parents can act on behalf of their consent.

The Anti-Social Behaviour, Crime and Policing act is formed in a way that is children do not need to be specifically defined in order to protect them from forced marriage. Therefore, the age of consent is based on the current marriage law. The assumption that consent is reached in a certain age, which underpins the current marriage law, is based on the way that laws divide childhood into a number of highly predictable ages and stages, and that the law assumes that every child reaches these same developments around the same age. Therefore, as White argues, laws concerning children are influenced, but not reductively determined, by the discursive formation of medical and psychological experts (1998, p. 289). The age of consent for marriage and the parental consent clause reflects to in which age children reach the consent for sex, which is 16 in the UK. As the age of consent is not stated in the Anti-social Behaviour, Crime and Policing act, the consent for marriage within this legislation is defined as an act of free will of two persons, who have both reached full capacity. However, this can come problematic in the cases, where the parental consent clause is used as a way to force marriages of 16 and 17 year old.

The multi-agency guidelines have a specific definition of a child, on which child is defined as "any person who has not reached his/her 18th birthday. This also includes young people aged 16 and 17 who are living independently" (HM Government, 2014, p. 3.). The guidelines recognize that the child's best interest is violated in the marriage and marriage with under 18 year old is in most cases considered as a violation, although the law states that 16 and 17 year old children are allowed to marry with parental consent. In the part of instructing child social care officials, guidelines point out several times how children are often facing the marriage, because of their parents and relatives coercion. Therefore, the marriage of a 16 or 17 year old with parental consent can be viewed as a forced marriage, if it meets the other characteristics of forced marriage, such as minor seeking help from the officials.

The multi-agency Guidelines state that "many of the reported cases involve young women and girls aged between 16 and 25" (p. 10). Therefore, the guidelines estimate that children between the age 16-18 are the ones in the highest risk of facing child marriage. This assumption that underpins the instructions that child victims are most frequently between the age 16 and 18 might relate to the fact that the marriage in this age is legal with the parental consent. However, from all issued forced marriage cases in 2016, 15% of cases involved victims below 15 years of age, and 11% involved victims between 16 and 18 year olds (The Home Office, 2017, p. 7). The percentage of victims below the age 15 is actually higher, but young children as victims are often in risk of a promised forced marriage rather than an imminent marriage.

The multi-agency guidelines instruct different agencies to take action when suspecting a marriage of an underage person, but also take into account the parental consent clause. In general, the guidelines tackle child marriage as a form of forced marriage, which it necessarily is not in every case when marriage is legally formed with a person of age 16 or 17. However, when guiding child care officials, the guidelines state that "Indeed children under the age of 16 cannot legally in the UK consent to marriage and those aged 16-18 can only do so with permission from some with Parental Responsibility. Others may have capacity but be easily coerced or tricked into marriage" (p. 53). Parental responsibility here refers to legal parents duties that parents have towards their children. However, in other parts of the guidelines parents are often presented as the ones who arrange the forced marriage. Therefore, although parental responsibility is set up to ensure that the child's best interest is taken into account, it can also be used as a coercion to marry a 16 or a 17 year old.

4.2.4 Culturalization of forced marriage and child marriage

When it comes to what effects policies produce and the assumptions that underpin these policies, it appears that the children with foreign background are categorized as having a higher risk of forced marriage than the others. The problem of child marriage and forced marriage is presented as culturalized in the data, because of many of the forced marriages and child marriages involve people with foreign backgrounds and the overseas element. The term culturalization in this case means a process in which forced marriage and child marriage are defined in terms of adherence to norms, values and cultural practices (Duyventak & Tonkens, 2016, p. 2). The statistics by the FMU reveal that more than 50% of the victims reaching the FMU come from Pakistani, Bangladeshi and

Indian background and 89% of forced marriage cases had overseas element, meaning that the marriage was not completely planned or arranged in the UK (Home Office, 2017, p. 3). The analyzed policies make it clear though, that forced marriage and child marriage is not approved by any culture, religion or a community. However, various references to cultural norms, practices and values are presented in the policies, and therefore, culture is represented as one of the main elements of the problem.

One major assumption in both policies is that the child marriage and forced marriage often takes place overseas. The Anti-Social Behaviour, Crime and Policing Act law states that *"A person commits an offence under the law of England and Wales if he or she—(a) practises any form of deception with the intention of causing another person to leave the United Kingdom and (b) intends the other person to be subjected to conduct outside the United Kingdom (art. 123(3))*. Therefore, the law gives protection for those who are trafficked outside of the UK for marriage. The law takes into account the assumption that a number of the forced marriages involving the UK nationals take place outside of the country, and therefore, the law needs to protect nationals from the forced marriage and child marriage that happens outside the country. Also, it relates to the assumption that victims have connections or background outside the UK in the countries where forced marriage and child marriage are more frequent and less regulated.

The assumption that child marriage often takes place overseas is also presented in the multi-agency guidelines. When guiding child welfare professionals on how to issue child marriage cases, the guidelines offer specific instructions on how to act when child is taken overseas for marriage, both in the case when child is the one who suspects possible marriage, and when a third party reports on marriage. However, as the statistics by the FMU reveal, almost 90% of forced marriages of the UK nationals take place overseas (Home Office, 2017, p. 3). With the support of statistics, the assumption that underpins the laws and guidelines on child marriage is that, it takes place more frequently on foreign countries than inside the UK. The guidelines also take into account other assumptions that point out that victims of forced marriage and child marriage often have a foreign background, or relatives outside the UK.

The multi-agency guidelines work as an extension to the Anti-Social Behavior, Crime and Policing Act by offering detailed instructions for officials who might face forced marriage and child marriage victims at their work. As having more detailed content, the guidelines point out the cultural element

of forced child marriages in the UK, as they state that "majority of the cases that the FMU handled involved South Asian countries, however this in part reflective of the largely established South Asian diaspora in the UK" (p.10) The guidelines do however, also mention that cases that have been handled have involved nationals of other countries around the world, but the issue is definitely something that involves people with foreign background, as the overseas element is included in the vast majority of the cases. Also, as the guidelines list the drivers of the forced and child marriages, the list includes "controlling unwanted behaviour, such as behaving in, what is perceived to be, a "westernised manner", preventing "unsuitable" relationships outside the ethnic, cultural, religious or caste group, protecting perceived cultural ideals and assisting claims for UK residence and citizenship" (p. 11). In this way, guidelines address the cultural and overseas element of forced marriages and child marriages explicitly and present it as an issue that occurs within families with foreign background.

The guidelines offer specific instructions for children's social care workers with five specific scenarios, where a child is facing a forced marriage. These scenarios are when a child fears that she or he will be forced into marriage overseas (e.g. family holidays), when a child has already been taken to overseas for marriage, if a child has already been forced into marriage, when a child is repatriated and when a child has come from overseas to the UK as a spouse. All of the five scenarios include the foreign element as they refer to situations where either the marriage takes place overseas, or the spouse or the child come from overseas.

The scenario where a child has already been forced to marry starts by stating: "There may be occasions when a child or young person approaches children's social care or the police because they are concerned that they may need to act as a sponsor for their spouse's immigration to the UK (p. 47)". As well as in the other scenarios, it is assumed that victims and spouses have a foreign background, and that the forced marriage does not take place between two British individuals without any foreign element. The instructions present migration as a reason for forced marriage in some cases as marriage can provide residence for a spouse. Furthermore, migration is presented as a negative consequence as it is a result of forced marriage. The residence claim is mentioned in the other part in guidelines as well as "Assisting claims for UK residence and citizenship" is listed as one of the drivers for forced marriage and child marriage (p. 11). This driver is directly linked to overseas element and foreign countries as the underlying assumption behind this driver is that the spouse is foreign, who has no residence in the UK before the marriage. In this way, victims of

forced marriage and child marriage are presented as tools for migration, which strengthens the image of people involved in forced marriages having a foreign background.

Throughout the instructions for these scenarios for child care officials, the main "do not" instruction, written with red font, is to involve the family or the community of the victim in any way. The perpetrators in forced marriages and child marriages are presented to be the family of the victim or the communities in most parts of the guidelines. Therefore, the guidelines instruct authorities to not involve these people as it would be disadvantageous for the victims. Involving parents and community is linked to the risk of honor based violence, which the guidelines define as "being punished for actually, or allegedly, undermining what the family or community believes to be the correct code of behaviour" (p. 3). Therefore, the honor based violence is presented as a conduct of the family or the community and as a way for families and communities to control their children. The guidelines continue the description by "In addition, leaving their family (or accusing them of a crime or simply approaching statutory agencies for help) may be seen as bringing shame on their 'honour' and on the 'honour of their family' in the eyes of the community. This may lead to social ostracism and harassment from the family and community" (p.13). In this way, the guidelines encourage authorities to keep sensitive towards contacting the family or community at any point as the honor based violence is presented as a consequence of such actions. The cultural element in the description of honor-based violence is that honor is stated in quotations marks meaning that it represents something that the word itself does not. Thus, the meaning of honor is something else for the perpetrators than for the majority. Also, honor-based violence is often defined in media and other publications as a product of communities within certain cultural groups. In Europe the extreme forms of sexualized honor are generally associated with the immigrant population and their descendants from the Middle East and South Asia ((Eshareturi, Lyle and Morgan, 2014, p. 371) Therefore, I argue that the multi-agency guidelines present honor-based violence as a conduct of families and communities within certain cultures.

The underlying assumption that the perpetrators come from certain cultures, as in the case of honor-based violence, is presented in other parts of the guidelines as well. When listing the drivers of forced marriage and child marriage, the guidelines state "Perpetrators who force their children or other family members into marriage often try to justify their behaviour as protecting their children, building stronger families and preserving 'so-called' cultural or religious beliefs" (p. 10). Stating that cultural and religious beliefs are "so-called", refers to the fact that not any major religion or a

culture in general is accepting the forced marriage, but that within some communities beliefs are different. However, preserving a cultural or religious belief would not be a driver in the case where the majority would belong to same culture or a religion, which again, refers that the communities are ethnic communities that are distinct from the majority.

Also, the Anti-social Behaviour, Crime and Policing act addresses the honor-based violence and the threat that is related to forced marriage and child marriage. Although, the law recognizes that the marriage can be forced even without the violence and threat, the law states that "*A person commits an offence... if he or she uses violence, threats or any other form of coercion for the purpose of causing another person to enter into a marriage* (art. 121:1(a)). The violence and thereat are not a necessity for a marriage to be forced and the forced marriage is defined as a marriage without the consent of another or both spouses. However, the honor-based violence is problematized as being linked to forced marriages and therefore, the violence and threat have been included to the law as a form of coercion to marriage.

4.2.5 Consequences of child marriage

The multi-agency guidelines are listing the negative consequences of the child marriage such as "lack of education and freedom, mental and physical health problems, domestic violence and sexual abuse, which all contribute to impaired social development, limited educational and career opportunities, financial dependence and lifestyle restrictions" (ibid., p. 12). These are all factors that determine why and how the child marriage is against the best interest of a child. Therefore, the assumption behind the guidelines is that addressing these negative consequences is important in order for agencies to understand how severe violation child marriage is and what does it cause for the victim.

The consequences that are listed are mostly related to violence and the lack of education. The guidelines state that "Women forced to marry may find it very difficult to initiate any action to end the marriage and may be subjected to repeated rape (sometimes until they become pregnant) and ongoing domestic abuse within the marriage" (p. 12). Although, the guidelines say that these may be the consequences, the purpose is to point out how severe effects forced marriage and child marriage has. The problem of ongoing violence and rape is not only that victims are violated, but also that their children grow up in this environment. The guideslines state that "Victims frequently

end up trapped in a relationship marred by physical and sexual abuse. The impact this has on children within the marriage is immense” (p. 12). The assumption is that forced marriage and child marriage leads to children learning that violence is acceptable behavior and having traumas that affect their mental health. The effect produced by violence in the forced marriage is that the children grow up to have violent and traumatized life, and therefore, becoming unproductive and problematic members of society. In this way the guidelines problematize the long-lasting effect of the forced marriage and child marriage that does not end to the victims, but continues to future generations. The problem is not only the violence, but also forced pregnancy as guidelines state that ”Women trapped in a forced marriage often suffer violence, rape, forced pregnancy and forced childbearing” (p.13). The problem of rape, forced pregnancy and forced childbearing is a gender specific problem and relates to the fact that most of the victims are women. Also, the children of the girls and women in these marriages are more or less unwanted by this definition, and therefore, the effects on the children are major consequences of the marriage.

One of the consequences of child marriage is that children who are marrying while studying often end up quitting their education. Globally, besides raising the minimum age, education is seen as one of the most important measurements to prevent child marriage (Equality Now, 2014, p. 35) In the UK however, both girls and boys are provided with primary education, and therefore, the problem is not necessarily the lack of primary education, but rather completing the secondary education. The guidelines state that ”when guiding school professionals, that young people, especially girls who are forced to marry, are frequently withdrawn from education, restricting their educational and personal development” (p. 32). The problem that the child marriage produces is the lack of education, which is problematized as something that limits opportunities for the future and leads to violation of different rights.

The lack of education is not referring only to the fact that married children are often withdrawn from school and not completing their degrees, but also, to that child marriage can lead to lower grades and constant absence from the school. The guidelines state that ”Students may present with a sudden decline in their performance, aspirations or motivation” and ”There may be occasions when a student comes to school or college but then absents themselves from lessons” (p. 32). In these cases, the child might be already living in the marriage, or the child knows that she or he has to marry soon. The guidelines point out that child marriage violates the education whether or not the child is withdrawn from the school, as the constant absence and low grades have impacts to future

career opportunities. Also, these are referring to the fact that child's right to personal freedom is violated as the control of parents and spouse leads to these changes in education. The guidelines state that "Often young people at risk of forced marriage are living in virtual imprisonment. They may be subject to excessive restrictions and control at home" (p. 32). These consequences are not caused by lack of education, but by child marriage and forced marriage, and it is up to school professionals to recognize the victims in order to help them. Also, the guidelines state that "Staff may become aware of a student because they appear anxious, depressed and emotionally withdrawn with low self-esteem" (p. 32). All these mental issues are listed as consequences of forced marriage and child marriage, which may also result as withdrawing from school or lower performance. The guidelines are reminding the school staff to be responsible of their students when their families are forcing them to marry.

By addressing both violence and lack of education as a consequence of child marriage and forced marriage, these consequences are problematized as well. Although, forced marriage and child marriage in itself are problematized, emphasizing consequences broadens this problematization and presents it more severe with many elements within it. Also, by emphasizing the consequences, the negative consequences to society are addressed as well, which presents the problem not only for the victims, but also for everyone in the same country.

4.3. Child marriage debate in the UK

This part of the analysis presents the critical discourse analysis of a debate that took place for the second reading of Marriage and Civil Partnership (Minimum Age) Bill, which aimed to raise the minimum age of marriage to 18 and remove the parental consent in the UK. The bill was moved by Baroness Tonge, who is an independent member of the House of Lords. The bill did not pass and the law accepting parental consent is still in force. However, the debate presents the discourse on child marriage in the UK politics and different perspectives to the issue. As the debate mostly tackles only certain elements of the child marriage and culture is not discussed due to the formal setting and agendas, two other statements from other politicians in newspaper interviews are analyzed as well. As in the policy analysis, the best interest of the child is and its representation are the approach to the analysis. The analysis is divided to different themes as Fairclough suggests identifying the main 'themes' and the perspectives that these themes are represented from, for identifying and characterizing discourses (2003, p. 129) The themes are the same as in the policy

analysis as those were prominent in the debate as well. Also, the similar structure is used as a tool to compare how policies and politicians have similarities and differences on how they problematize child marriage and the best interest of the child.

4.3.1 Forced marriage

Unlike in the policy analysis, forced marriage has not such a huge emphasis in this debate as the whole debate is targeting the issue of child marriage and the current marriage laws. However, forced marriages and child marriage as a form of forced marriage are brought up as arguments to support the change in the marriage law. The perspective to the issue by Baroness Tonge, who started the debate, is that most child marriages are forced marriages (House of Lords Hansard, 2016). As her overall agenda is to pass the bill and raise the minimum marriage age to 18 by removing the parental consent, stating that most of the child marriages are forced marriages emphasizes how severe violations child marriages are. Her argument continues by saying that not all the forced marriages involve children, and therefore by stating this, her point is that adults too can be forced into marriage, but for adults marriage is not always forced unlike for children.

This perspective that child marriages are usually forced marriages is supported by Baroness Uddin who states that current parental consent law "continues to aid practices such as forced marriage in many communities across the UK" (House of Lords Hansard, 2016). Her argument is acknowledging the use of the parental consent as a loophole to force older children into marriage. In her argument, the problem of forced marriage is maintained by having the parental consent law allowing the marriage for 16 and 17 year old children, although there are laws such as the Anti-Social Behaviour, Crime and Policing Act that are criminalizing the forced marriage. Also, the problem of forced child marriages occurs in "many communities", which is referring to communities control and pressure to force child marriages, but is unclear who are the members of these communities. However, this type of reference to communities is presented in the debate and in multi-agency guidelines several times. Although, these "communities" are not specifically defined, a community is represented as a group of people who live in the UK, but practice things such as forced marriage and child marriage. These groups of people also have something in common, such as religion or ethnicity, which makes them a community. Based on the representations in the material, I argue that communities in multi-agency guidelines and in debate are referring to ethnic communities, which practice forced marriage in order to control the children in the communities.

Otherwise, child marriage is not presented as a forced marriage in the debate, but the forced marriage and the work of the FMU is discussed by Baroness Goldie as she states that "there can be no doubt that it is the gravest matter when someone is prevented from making a free and informed decision about their future" (House of Lords Hansard, 2016). In this view, forced marriage is one of the most severe crimes and violates the personal freedom of the victims in a way that affects their future. The argument continues with pointing out that this also leads to consequences that can be "abusive, brutal and even fatal". Therefore, the forced marriage is viewed as being a terrible crime by emphasizing the consequences and the severity of the issue. However, Baroness Goldie does not argue that it would be especially child marriages that are forced marriages, but points out that child marriage is a problem in general. She also supports the work of the FMU by stating that its work is "an integral part of our cross-government strategy on violence against women and girls" (House of Lords Hansard, 2016). In her agenda, by the end of the parliament the work of the FMU will be improved and all of the victims will receive the support that they need. Also, the gender aspect of forced marriage is acknowledged as stopping forced marriage is viewed as a way to end violence against women. In her statements about forced marriage and the work of the FMU, Baroness Goldie also points out that it is unlike that families and communities will force same-sex couples into civil partnerships (House of Lords Hansard, 2016), and therefore, the problem of forced marriages does not touch upon LGBT community. She argues that this is because of social and cultural pressures behind forced marriage. Social and cultural pressures refers to different communities that allow forced marriage, but condemn same-sex relations. Pressure can be pressure to have children, which is not possible in the same-sex relationships. Also, same-sex relations are often condemned for religious reasons.

4.3.2 The age of consent

As the purpose of the debate is to discuss about the bill to raise the minimum age and remove the parental consent from the marriage law, the age of consent is the most discussed topic during the debate. In the debate, Baroness Tonge and Baroness Uddin are presenting arguments for raising the minimum age and Lord Collins of Highbury and Baroness Goldie are arguing against the bill. Therefore, this part of the analysis is divided between the arguments supporting the raise on the minimum age and the arguments against it.

Baroness Tonge starts her speech by telling that her team had gathered a great deal of evidence and heard many stories about "horrendous child marriages and their consequences as well as taking testimonies from British women who had been married against their will between the ages of 16 and 18" (House of Lords Hansard, 2016). Although, this argument is tackling forced child marriage, child marriage is described as horrendous to make emphasize that these terrible actions are happening in the UK. Also, in her argument she wants to prove that there is a great amount of evidence to support her argument. The same argument is followed by her stating that "We also learned during those hearings that young girls in the 16 to 18 age group are often badly treated and abused within their new families". By this kind of argumentation, the marriage between the age 16 and 18 is made sound worse than forced marriage for those who are over the age 18.

Baroness Tonge is also referring to UN Convention on the Rights of the Child to support her argument as the convention defines child as everyone below the age 18 (House of Lords Hansard, 2016). However, she does not take into account the fact that the same article on the Convention continues by stating that "*unless under the law applicable to the child, majority is attained earlier*" (CRC art. 1) . This allows provisions to different domestic laws to lower the minimum age under 18 in different rights and duties and still having the law supporting the best interest of the child principle. In the UK, besides being able to marry at 16 with parental consent, a person can join the army in the age of 16. Baroness Tonge takes this into account in her argument, but uses it as an argument against the marriage law as a young person can opt out from the army anytime after the first three weeks, but opting out from marriage is not possible by her words (ibid.,). Although, there is a right to divorce, Baroness Tonge's perspective to marriage that takes place between the age of 16 to 18, is that it is a forced marriage in most of the cases and the married children cannot easily divorce from their spouses.

Important part of Baroness Tonge's argumentation for raising the minimum age is that parental consent can mean coercion. She argues that "many such young marriages (between the age 16 and 18) may not appear to be forced because of the compliance of the young person concerned with their parents" (House of Lords Hansard, 2016). The parents will is driving the children to comply with the forced marriage and the law is not adequate enough in this case to recognize the best interest of the child. By the end of the debate, Tonge refers to this as well by saying that people may say that they have parental consent, but they have been forced into a particular liaison (ibid.,). In her

argument, parental consent can be used as a way for parents to force their children into the marriage by making it acceptable for the children and authorities with legislation.

Also, Baroness Tonge refers to the immaturity of a 16 year old. She states that:

”Is it really wise in any case to be married at 16, with or without consent? At 16, I would have married Richard Burton given half the chance, but fortunately for me the offer never came. At 16, young people can be sexually active, but that no longer means that they must commit to the first person they have sex with”

By referring to herself in the age of 16 and giving an example of a teenager willing to marry a celebrity, she is pointing out that children in this age are mature enough to have a crush on celebrities, but this does not mean consent, or maturity for a long-lasting relationship. By this, she is stating that 16 is a certain stage of childhood, which should be similar to everyone in the same age and laws should recognize this level of development too. This relates to the division of childhood into a number of highly predictable ages and stages, that have had a number of consequences for intervention and decision making (White, 1998, p. 285). Part of the level of maturity in the age of 16 in Baroness Tonge’s argument is that in this age the children can already have the consent for sex, but because the world has developed, no one has to marry their first partner. By stating this, child marriage is represented as old-fashioned and undeveloped habit that does not belong to the modern UK, where people have a freedom to be sexually active outside of the marriage.

Baroness Uddin, who also supports raising the minimum age to 18, also makes an argument about the maturity reached in the age of 16, by saying that ”there are many 16 and 17 year-olds in the UK who feel they are ready and mature enough to enter into marriage” (House of Lords Hansard, 2016). However, she continues that these 16 and 17 year olds are still children by definition. In her argumentation the children are able to feel that they are ready, but the feeling does not represent the reality. She thinks that the definition of a child being under 18-year old should reflect on the marriage law by making it criminal for children of 16 and 17 year old to marry. She also argues that ”all Governments responsible for the well-being and safeguarding of children have clear and consistent legislation that establishes 18 as the minimum age of marriage, with no exception for parental or judicial consent” (House of Lords Hansard, 2016). By this statement, the UK government is presented as not taking responsibility of child’s best interest in the cases where

parental consent is used for allowing the marriages. The argument encourages the current government to take example of those governments, which have 18 as a minimum age without exception as this ensures the well-being and safeguarding of the children. Therefore, for Baroness Uddin the best interest principle is applied when the minimum age is raised, and by using this as an argument, is referring to the responsibility that the UK should take to ensure the well-being of the children.

She also continues by arguing that "setting the minimum age of marriage at 18 provides an objective rather than a subjective standard of maturity, which protects a child from being married when they are not physically, mentally or emotionally ready" (House of Lords Hansard, 2016). As in Baroness Tonge's argumentation, childhood is divided into predictable stages which should impact on policy making. She argues that the objective standard is more important in the legislation than the subjective, if the child's best interest is taken into account. In her argument most of the 16 and 17 year old are not physically, mentally or emotionally ready to marry, and therefore, the legislation should follow this objective standard of stages of childhood and the level of the maturity.

However, baroness Uddin has been married at 16 herself, which she also mentions in her speech (House of Lords Hansard, 2016). She says that she followed her parents model, but does not recommend anyone to marry before the age of 18, although her marriage has been happy and did not end up to divorce. She also mentions that she considers her own daughter, who is at the age of 23 to be too young to marry. It is reasonable that she brings up this fact while arguing for raising the minimum age of the marriage, in order that the opposite side of the argument cannot use this against her arguments. Although, not being her point about telling this personal experience, she gives an example that not all the marriages of the 16 year olds are forced and some of them might also end up to be a happy and long-lasting marriage.

When it comes to the arguments against raising the minimum age, Lord Collins of Highbury starts his arguments by telling that he is expecting more evidence to link the case to the UN convention and to that the Government should take the lead by increasing the minimum age (House of Lords Hansard, 2016). By his opinion the evidence provided for the hearing is not enough to back up the arguments of Baroness Tonge, and therefore is not enough to convince him to support the bill. The evidence given to support the bill is a report called Child Marriage in the UK and the Developing World from the UK All-Party Parliamentary Group on Population, Development and Reproductive

Health, which was conducted by group led by Baroness Tonge. However, the Lord Collins recognizes child marriage as a severe violation for the children's rights and praises the report, but as he is arguing against the bill, he does not recognize the report being enough of an evidence for passing the bill.

For supporting his arguments against the bill, he also refers to Minister in the coalition Government, Lord McNally in the previous hearing of the bill, who said that "Government did not consider that it is necessary to amend the age at which people can enter into marriage, and that the existing provisions that require parental consent for people under the age of 18 to marry provide adequate protection".—[Official Report, 15/10/13; col. WA 74.] (House of Lords Hansard, 2016). Therefore, this previous argument is used as confirming that the bill won't pass as government does not consider it to be necessary and that the current law offers adequate protection for the best interest of the child. Also, by stating this, Lord Collins represents himself to be in favor of the arguments given in previous hearing and representing this certain agenda on keeping the marriage law as it currently is.

Lord Collins of Highbury brings up the argument of child marriage of 16 or 17 year old to be acceptable in the case where the child is pregnant, as he states that "we need to think extremely carefully about the idea that someone aged 17 who has a baby could be legally barred from marrying, entering into a partnership that has legal protection, in order to bring up a child if they so wish".(House of Lords Hansard, 2016). Although, there are arguments by the opposing side saying that nowadays people do not need to be married in order to have children, Lord Collins describes the marriage as a choice that teenage parents should not be restricted from. When analyzing the statement through Fairclough's concept of intertextuality, this kind of discourse relates to the discourse on having children outside of marriage, which historically has been seen as stigmatizing. The argument describes legal protection offered by marriage as something that parents wish for their child and that raising a child in the marriage is a better option than not being able to marry before 18. The pregnancy and having a child argument represents a perspective that marriage is beneficial for having children.

Other arguments against the bill are presented by the Baroness Goldie, who recognizes that the statute generally defines child being under the age of 18, but that "sometimes it is necessary to make different provision for children at different ages" (House of Lords Hansard, 2016). By this she

is referring to several laws that make provisions for children under the age of 18, meaning that also marriage law has been considered carefully to be in respect of the best interest of a child, such as these other provisions in the law. Other provisions contain the permission to join the army, to pay taxes, to sexual consent and living without a caretaker at the age of 16 (Brocklehurst, 2013). The argument is referring that if these other provisions are allowed, then the marriage provision should be allowed too.

Baroness Goldie is also arguing that "raising the minimum age would also introduce a disparity with the age of sexual consent across the United Kingdom" (House of Lords Hansard, 2016). The minimum age for sexual consent in the UK is 16. Disparity is represented as something negative in this case, and that in this argumentation disparity between the age of sexual consent and marriage might lead to further problems. Goldie continues her argument by stating that the implications of both these disparities require very careful consideration. By this she also refers to disparity of legislation in Scotland, where the minimum marriage age is 16 without the parental consent. Therefore, her assumption is that these disparities would create some sort of problematisations or confusions, and would be rather problematic than helpful.

Unlike Baroness Uddin, who argues that governments who protect the best interest of the child set their minimum marriage age to 18, Baroness Goldie points out that "many Council of Europe member states allow marriage at 16 on condition of either parental consent, or judicial consent in certain circumstances" and that "where member states have raised the minimum age, expressly to prevent child marriage, Governments have not reached consensus about the appropriate age to achieve this" (House of Lords Hansard, 2016). She argues that the government is protective towards minors even when laws are allowing marriage with parental consent and that when the minimum age is raised, everyone is not agreeing. Her argument is reflecting on the unity of European states and the unity of governments to reach consensus on decisions. For her, the UK is similar to the other European states and should follow the model of other European countries in this issue. By referring to other European countries as being similar, Europe is constructed as a unite geographical area in the discourse. In this type of discourse Europe consists of countries with same perspectives towards child marriage, and thus, the UK being part of this unite area, it would have the same results with changing the legislations as the others. The governments consensus is given emphasis to address how in Europe the minimum age of marriage can be lower than 18, and even in those countries where the law has been changed, it has not been everyone's decision.

Baroness Goldie also refers to the freedom of choice and presents the parental consent as representing the free will to marry. In her argument; it would be "disproportionate to prevent people" from marrying, which she describes as an act of "exercising the freedom" (House of Lords Hansard, 2016). Therefore, those who prevent marriage for a 16 and 17 year old with parental consent are described as disproportionate and people who deprive others from their freedom. She also states that this is the case when those who marry are marrying from their "full, free and informed consent". In her words, the full consent for marriage can be reached by the age of 16, and no one should be deprived from the freedom to marry. She continues this argumentation by mentioning, that the numbers of those who marry in the age of 16 and 17 are already declining (House of Lords Hansard, 2016). By this, she argues that the law change would not be necessary as the child marriages are declining anyways, and therefore, the bill is not significant enough. She also presents some numbers from the 2014 to back her argument by stating that "out of these 480,000 people (married that year), 210 were aged 16 or 17, of whom 33 were boys and 177 girls, amounting to less than 1/20th of 1% of the total" (House of Lords Hansard, 2016) By presenting how small the percentage is, she is aiming to convince the audience that the problem is not significant.

4.3.3 Culturalization of child marriage

As in the policies, cultural aspect of forced marriage and child marriage is taken into account in the debate as well. The problem of child marriage is culturalized in the discourse as it is linked to certain cultures, ethnic communities and cultural practices. However, politicians are less explicit about it and ethnic minorities are not targeted as much as victims as in the policies. This might be explained by the fact that politicians have calculated design in their language, which is one crucial factor for success in political struggle (Fairclough, Mulderrig & Vodak, 2011, p. 396) Therefore, they have to keep sensitive with triggering issues such as ethnicity to stick to their agendas. This sensitivity and representation of issues in respective manner relates to a certain ideological-discursive formation that dominates the discourse in the House of Lords. Also, none of these politicians represents anti-immigration parties and therefore, arguing against ethnic minorities and stating that the child marriage is not beneficial for their agenda. However, in a less formal setting politicians with different agenda have been more explicit about the cultural element of child marriage and forced marriage. Therefore, in order to analyze this type of representation of the

problem, two interviews presented in the newspapers by two politicians MEP Jane Collins from the right-wing party UKIP and former Labor Party member of the parliament Ann Cryer are analyzed as well.

In the debate the calculated discourse of being sensitive towards ethnic minorities is represented in the speech by Baroness Tonge as she states that "I am well aware of the sensitivities around not wanting to offend different cultural groups in this country, but the Bill will benefit their children's future and that of children who are indigenous here" (House of Lords Hansard, 2016). In the beginning, she wants to appear as permissive and acknowledging how pointing out to different cultures can be seen as hate speech, but then she continues by explicitly stating that the Bill would benefit certain cultural groups as well as those who are originally British. By separating "their children" and those who are "indigenous" she makes a division to us and them, where others are different cultural groups in the country. This division is made to emphasize how different cultural groups would benefit from the bill, but also to be sensitive towards these groups by including those who are indigenous.

Baroness Tonge continues by saying that it has been pointed out to her that a problem could arise with refugees and immigrants and that it was suggested to her that she was trying to make immigration difficult for young people who had married as children, or prevent refugees coming to the UK by erecting another barrier (House of Lords Hansard, 2016). She continues the same statement by arguing that it is not true. By stating that these are false accusations, she wants to present herself as non-racist and permissive, and that preventing refugees from coming is not part of her political agenda. However, by stating this she is pointing out that there are people in the UK, who consider that refugees possibly belong to the risk group of being married as children. When analyzing this statement through the concept of intertextuality, the statement relates to discourse on debating about child marriage as a refugee issue. This discourse has become more prominent after the most recent refugee influx as some of the refugees have arrived as child brides, which the media has brought into public attention. This can be explained by that in times of conflict, girl child marriages often increase, which several reports have shown (Equality Now, 2014, p. 48). A study by UNFPA reveals that among Syrian refugee girls currently between ages 15 and 17, some 24 percent are married (UNFPA.org, 2017). Therefore, Baroness Tonge is able to point out in her argument that the problem of child marriage could arise among refugees, but that it is others, who have presented this issue and that refugees are not her motive for preventing child marriage.

In the other speeches, ethnic minorities are not addressed in any way, but the overseas element of the child marriage is tackled to some extent. Lord Collins of Highbury states that:

”One thing that would slightly worry me is if the focus were simply on a law that said, “Marriage will be barred below 18”. That would ignore the potential that often, in countries we are dealing with, laws are ignored anyway and the real change comes from the empowerment of women” (House of Lords Hansard, 2016)

By the ”countries that we are dealing with” he is pointing out to the overseas element of child marriages, but also, to the developing countries that the UK is helping to stop the child marriage. In his argument, the laws are not effective measure to stop child marriage, but the key to prevent child marriage is the female empowerment. However, he is not claiming that it is the UK where females are not empowered, but that females lack power and rights in the other countries where the child marriage takes place more frequently. His argument is relating only to the situation in other countries, where child marriage is more frequent, but he uses the argument in his speech to tackle the bill. In this way, the problem of child marriage is displaced to abroad, and the effective measure for prevention in his representation of the problem would be to tackle the issue where it takes place rather than in the UK. This discourse also divides countries to ”us” and ”them”, as it is ”countries” that ”we” are dealing with, translating to that other countries are the ones where the problem occurs. The UK is represented as ”we” and as a country, that helps the others to fight against the child marriage.

Lord Collins continues his argument on promoting empowerment rather than legislations stating that ”as she (Baroness Tonge) said, the exploitation of women does not start or stop at 18 or 16. In many countries, it is ongoing”. In this statement, the countries that ignore the laws against child marriage also practice exploitation of women. By this statement he aims to argue that child marriage is not the source of exploitation of the women as women can be oppressed in all ages, and where the problem occurs, the oppression is ongoing. However, the statement does not directly point out to any ethnic minority in the UK, but rather to different countries where the women are traditionally exploited. These countries though, can be the countries where girls are taken from the UK for the child marriage. However, again the problem of exploitation is dislocated to other countries and the problem is presented as something that does not occur in the UK.

Baroness Goldie also mentions the overseas element, as she points out that "in many cases, parents will seek to circumvent the law by taking their children to marry abroad" (House of Lords Hansard, 2016). She uses "many cases" to emphasize the frequency of the overseas element of the child marriage. As her purpose is to argue against the bill, by this statement she is arguing that no matter how the laws will change, the problem does not disappear as it continues to take place abroad by those who want to marry their children. As well as in the argument by Lord Collins, in her argument the problem of child marriage is displaced from the UK, although the UK nationals are still the victims. The statement continues by her saying that children can also be married at home in an unregistered ceremony (ibid.,) Therefore, for her the problem is ongoing regardless of the UK laws and legislation on the minimum age.

In a less formal setting than the House of Lords debate, more explicit views are presented about the culture in relation to child marriage. In a tabloid article about forced marriage in Daily Express newspaper, Ukip Home Affairs spokeswoman MEP Jane Collins says that "women fought hard for rights in the west and should be protected" (McFadyen, 2017). In her argument women in the west have deserved a certain privilege of being excluded from practices such as forced marriage and child marriage. By referring to women in west, she is referring to a certain culture of "western women". This has inter-textual relation to the discourse of "western culture" as an unite culture, which usually includes Europe and Northern America. In this representation of the western culture women are empowered unlike in the other countries that are not counted as part of the west. However, as her argument is targeting the child marriage as well as forced marriage, the reference to the western culture as unite slightly contradicts with the fact that in the US child marriage numbers are relatively high (Baynes, 2017). She adds this same argumentation that "It is this refusal to put our culture first and ensure that everyone lives under one law that is causing this problem and we are letting down women" (ibid.,). It is not specified in the article which law she is referring in this statement, but possibly it is either the marriage law or the Anti-Social Behaviour, Crime and Policing act. However, stating that "it is refusal to put our culture first", she is arguing how current system is failing to protect victims by putting majority's culture first. Cultures are divided to us and the others, as she uses expressions such as "our culture". This way the division of "us and them" is presented in discourse, and again the problem of child marriage occurs within other cultures. Therefore, her point is that those other cultures should be specifically considered when forming laws and policies against the forced marriage as the victims come from these backgrounds.

Her last argument on the article is that:

"Yesterday was International Women's Day. How about so-called feminists speak out for women? Where are the protests by those who took to the streets against democratically elected Trump protesting outside the Iranian or Saudi embassies in London?" (Jane Collins in McFadyen, 2017)

In this argument she is explicitly arguing against feminists by calling them "so-called", which as a term gives an implication that feminists do not actually serve the agenda that they are suppose to. She is explicitly pointing out Iran and Saudi-Arabia as countries where the problem of forced marriage occurs, and that feminists should protest against these countries in order to tackle the issue of forced marriage and child marriage. Also, she is defending the US president Trump by noting how he was democratically elected and accusing feminists of protesting against him instead of protesting against countries where forced marriage takes place.

Another newspaper article in the Guardian from 2004, presents arguments by former member of the parliament Ann Cryer, who presents the problem of child marriage as a culture specific. Although, the article is from the year 2004, when the discussions on the laws and guidelines for forced marriage were only at the beginning stage, the approach to the issue by Cryer has its relevance in todays discussions as she wanted to create similar guidelines for underage community marriages as the government created for the forced marriages (Hall, 2004). Her argument is that:

"Entire communities are complicit in this, and unless the Government does something about it, a rapidly increasing number of underage girls will be forced into situations where they are subjected to statutory rape in the name of culture and tradition" (Hall, 2004)

In her argument harmful violations of child marriage such as statutory rape happen "in the name of culture and tradition". Therefore, she is being explicit about referring to child marriage as a practice of certain cultures and traditions. Her prediction that the number of underage girls who will be forced to marry will increase rapidly did not happen as the number of cases that the FMU is dealing every year has been flat. However, by making this kind of prediction, she sends a warning to the Government that more and more girls are in danger of this harmful practice, which takes place within certain cultures. Also, as entire communities are complicit in her argument, the communities

are presented as the perpetrators of the crime, which refers to her personal agenda on preventing the informal community marriages.

4.3.4 Consequences of child marriage

As well as in the policies, consequences of the child marriage are brought up in the debate to emphasize how severely child marriage is against the best interest of the child. All of the participants of the debate recognize child marriage as a human rights violation, but their perspective on what are the consequences and what is the frequency of the consequences differ from each other. As in the policies, consequences are presented to be the part of the problem of the child marriage. The problematization of consequences is created in discourse in effort to emphasize the severity of child marriage, and also to emphasize the impact on societal level. However, the reason why consequences are problematized in the debate is possibly that the evidence provided for the debate, a report Child Marriage in the UK and the Developing World, is presenting various consequences of child marriage. By bringing up the consequences politicians can present their reflections and knowledge on the evidence.

Baroness Tonge describes the consequences as "enormous", emphasizing how large the effects are for the victims (House of Lords Hansard, 2016). She specifies the consequences to be lifelong injuries followed by childbirth and loss of education and opportunity, because of having children to look after (ibid.). In her description consequences are both physical and emotional, and also long-lasting. By describing consequences as being serious her approach is that child marriage is a severe violation against the best interest of the child.

Baroness Uddin also recognizes same harmful consequences as she states that child marriage "all too frequently signals the end of their education, it risks early pregnancy and childbirth and it certainly seriously curtails their personal development and potential life chances" (House of Lords Hansard, 2016). Also, in her description, the end of education, physical harm caused by childbirth and the lack opportunities caused by these are the main consequences as in Baroness Tonge's speech and in the Multi-Agency guidelines. By stating that these consequences take place "too frequently" she is emphasizing the high frequency of these consequences and that, because of the the frequency, the child marriage should be stopped. Baroness Uddin continues the same argument by stating that "Child marriage looks the same no matter where in the world it happens and in the

UK, like elsewhere, it perpetuates cycles of poverty, oppression and inequality” (ibid.,). By this she is arguing that the consequences of the child marriage are not only personal for the victims, but also reflect on the whole society. She is emphasizing that when it comes to consequences of the child marriage, the UK is no different from those countries where child marriage frequently takes place. When considering this argument through the concept of inter-textuality, the argument relates to the discourse on child marriage being a problem of developing countries and creating more poverty in those places where poverty already exists. It has been researched that the child marriage slows economic development in the nations in which it frequently takes place (Lee-Rife et al., 2012, p. 288). Furthermore, Baroness Uddin argues that, although the UK is economically developed, the child marriage can increase poverty, oppression and inequality, if it becomes more frequent and the practice will not be prevented.

Although, Baroness Uddin’s agenda is to argue for the Bill and support Baroness Tonge’s arguments, she disagrees with Tonge on one point, which is that ”child marriage is not necessarily the be-all and end-all” (House of Lords Hansard, 2016). She argues that ”Although there are emotional and family pressures when a marriage comes to an end, we should not indicate to women that they cannot get out of a bad marriage” (ibid.,). Therefore, in her argumentation the on-going domestic violence and lack of freedom to end the marriage are not necessarily the consequences of the child marriage. This possibly reflects on the fact that she herself was married in the age of 16, and therefore, knows from the personal experience that not all the child marriages are binding the girl bride to bear the consequences for the rest of their lives.

Lord Collins of Highbury describes child marriage as a ”a shocking infringement of human rights and the rights of the child” (House of Lords Hansard, 2016). As the other members of the debate, he recognizes how the child marriage is against the best interest of the child by all means. Also, as well as others in the debate, he states that child marriage has ”significant health and well-being consequences, which can be lifelong” (ibid.,) Although, these consequences are not specified, the impact is emphasized by pointing out how long-lasting and significant the consequences are. He also continues by adding that ”Those can scar people all their lives” to further emphasize the significance and impact of the consequences.

Baroness Goldie, who agrees on the severity of the consequences with others in the debate, also argues against the Bill by stating that:

”The Bill would not reach those vulnerable people whom others have shielded from social change and who have been denied the opportunities that are rightly theirs, and it would not achieve a just, proportionate or effective means of enabling us to prevent or remedy the harmful impact on people’s lives that both the Government and your Lordships will not hesitate to condemn. (House of Lords Hansard, 2016)”

In her argument the consequences are the lack of rights and opportunities, but the victims are described as vulnerable reflecting on that these victims would have suffered the consequences of the child marriage whether the minimum age would have been raised or not. Also, when focusing on the emphasis on consequences in this argument, child marriage is described as having ”harmful impact on people’s lives”. By this argument Baroness Goldie is stating that although everyone is willing to condemn the child marriage and its consequences, the Bill would not make a change as vulnerable victims are anyways suffering the consequences.

5. Conclusions and discussions

The purpose of the study was to study how the child marriage is problematized in policies and debates in Europe through a case study of the UK. The approach to the study was the best interest of the child principle, which was approached from Susan White's theory on laws concerning children. In both policies and debates, child marriage was problematized as being inevitably against the best interest principle, but this problematization included few exceptions. These exceptions were arguments and rules concerning the legal marriage age of 16 with parental consent. Another main finding of the study was that the policies and the debate in the UK were gathered around four different themes which characterize child marriage in the UK. These themes were forced marriage, the age of consent, culturalization of the child marriage and the consequences of the child marriage.

Forced marriage was connected to the child marriage in both policies and the debate. The approach was mainly that the child marriage is a form of forced marriage. This view derives from the fact that the child marriage is protected in the UK within the legislation against the forced marriage, which is the Anti-Social Behavior, Crime and Policing act. In the policies, forced marriage is the main problem that the policies address, and child marriage is included as a form of forced marriage. As forced marriage is not an issue only for minors, the multi-agency guidelines include instructions for both cases where the victim is adult and for the cases where the victim is a minor. This distinction was made in effort to take the child specific factors into account when assessing how to treat and protect the victims. The fact that the forced marriage victims are not only minors, but also adults was addressed in the debate as well. However, the supporters of the raise on the minimum age Baroness Tonge and Baroness Uddin supported the view that the child marriage is often a form of forced marriage by arguing that the parental consent claim can be used as a way to force children to marriage. Baroness Goldie, who opposed the Bill was pointing out the effectiveness of the FMU in the work against the forced marriage for arguing that child marriages can be controlled within the existing legislation and by the work of the FMU. Therefore, the conclusion drawn from these findings is that the overall perspective to child marriage in the UK is that it is often a form of forced marriage, and therefore, a child abuse which should be protected by the current forced marriage legislation. However, what became problematic in this approach to child marriage as a form of forced marriage is the age of consent and the current marriage law allowing marriages for the 16 and 17 year olds with the parental consent.

The age of consent was one of the main issues especially in the debate as the purpose of the debate was to discuss about the bill for increasing the minimum age and removing the parental consent from the marriage law. Parental consent clause can be in some cases viewed as problematic in relation to child marriage as the law allows children over the age of 16 to get married with parental consent. Some agencies and politicians, such as Baroness Tonge, Baroness Uddin and the NGO Girls Not Brides argue that the parental consent is being used as a way to coerce older minors into marriage in the UK (House of Lords Hansard, 2016, GirlsNotBrides). In the policies, the parental consent law was not contested. The only reference to this law was that, in the multi-agency guidelines children were defined as anyone under the age of 18 and that children under the age of 18 should be protected from forced marriage. Parents were presented as perpetrators in the policy, which leaves an option for interpretation that in some cases parental consent can be used as a form of coercion. In the debate, those who defended the raise of the minimum age used parental consent as a coercion as their arguments for the Bill. Other arguments for raising the minimum age were claims that 16 or 17 year old person has not reached the maturity for marriage. The arguments against the bill were referring to the fact that the issue is not significant enough, that pregnant girls of the age 16 and 17 should have an option to marry and that the current law has been carefully considered. Although, technically parental consent can indeed be used as way to coerce children of the age 16 and 17 to marriage, the numbers prove that this is not how child marriage usually takes place with the UK nationals (Home Office, 2017, p. 3). It appears that, although the UK laws allow the marriage with parental consent, the numbers remain low and keep declining, but the child marriages of the UK nationals are rather taking place outside the country.

Culture was also tackled as an element of the child marriage, as the statistics by the FMU reveal that most of the child marriage cases include victims with foreign background and overseas element. In both of the policies, victims are protected from the forced marriage that takes place overseas. In the multi-agency guidelines culture as an element was tackled in more detailed way by listing certain cultural habits and migration as drivers of the forced marriage, describing different forms of the overseas forced marriage and presenting the honor-based violence. In the multi-agency guidelines, the approach to child marriage was that children, and also adults, from ethnic minorities such as Pakistani, Indian and Bangladesh are in higher risk of forced marriage. Both in the guidelines and in the debate, communities were addressed as perpetrators and although the communities were not defined, the context showed that a community is a reference to an ethnic community. In the debate culture was not tackled in the same extent, most likely due to the

sensitivity of the issue and to the fact that none of the participants represented the anti-immigration parties. However, due to this, two other statements by politicians outside the debate were added to the analysis. In the debate Baroness Tonge pointed out the cultural element in order to present how ethnic minorities would be protected by the law change and to address that preventing migration and refugees seeking for asylum is not in her agenda. The opponents of the bill, Lord Collins and Baroness Goldie brought up the overseas element to point out that in the countries where child marriage frequently takes place, laws against child marriage are not effective and that the real change would happen through female empowerment. In these opposing views, the problem of child marriage was dislocated to abroad to support the argument on how the law change is not necessary in the UK and thus, presenting the problem cultural. Outside the debate, the view of the MEP Jane Collins was that child marriage occurs in cultures that are not "ours" and that feminists are the ones to blame for not fighting for rights of the child marriage victims. Another view by former MP Ann Cryer was that child marriage is a cultural action. The dominating discourse throughout all the statements regarding the culture was the division on us and them, regardless of what political agenda the politicians were representing.

With the support of statistics by the FMU showing that the overseas element is inevitable part of most of the forced marriages, forced marriage and child marriage are problematized as an issue that touches upon certain ethnicities rather than the majority. Different countries or cultures are not pointed out explicitly, except in the multi-agency guidelines which refers to victims with South-Asian background, but references to communities and foreign countries are presenting that the problem of child marriage does not occur within the majority. However, although it is not the majority of the children who are in the risk group of facing the child marriage, the issue has been recognized as significant enough to be addressed in policies and in political debate.

Consequences of the child marriage were mostly presented for emphasizing how child marriage is against the best interest of the child and to address which rights of the child are violated the most. Two main consequences that the policies and the debate tackled were the end of the education and domestic violence for the victims, and the other consequences followed by these two. The consequences were mostly focusing on the victims, but in the debate the consequences for the society were brought up as well. In the multi-agency guidelines the consequences that were presented were mostly related to the violence and the lack of education to emphasize why and how agencies should take action to save the victims. Violence was problematized as an issue for the

victims and also for their children whose best interests are violated when they grow up in the violent environment. The consequences for the education were quitting the school, or lower performance and constant absence, which all affect on future career options for the victims. In the debate all the participants were pointing out the severe consequences of the child marriage and presenting the child marriage as a violation of the best interest of the child. Baroness Tonge and Baroness Uddin brought up consequences to argue how the Bill would prevent these from taking place. Baroness Uddin also emphasized how the child marriage has negative consequences also for the society where it frequently takes place. The opponents of the bill also brought up the negative consequences and Baroness Goldie used these for arguing how the bill would not help the victims as they are in the vulnerable position anyways. Throughout the policies and the debate the consequences were presenting how and why the child marriage is against the best interest of the child. These consequences also affect on the society as a whole, if the child marriage takes place frequently. Therefore, the consequences are problematized in the policies and debate to emphasize the severity of child marriage as a violation. I argue, that although the child marriage itself is a human rights violation, presenting the consequences for the victims and society brings more attention to the issue as it broadens the harmfulness of the issue.

However, the study was limited by a short timeframe, which is the reason why only one case was chosen to represent how the child marriage occurs in Europe. In the case of the UK, especially the number of child marriages and forced marriages and the large South-Asian diaspora are partly explaining the results of the study. In other European countries, the measures for preventing the child marriage have been different as for example in Sweden and Germany, the legal age for marriage has been raised to 18 without any exceptions (FRA, 2017). Also, which children are in the risk group vary, as in some countries such as in Serbia for example, the share of married children in the whole country is more than half (54 per cent) among women in Roma communities (UNICEF, 2014). Therefore, I argue that different variables, such as what are the reasons behind the increase of the child marriages and who are the victims, affect on how governments act to prevent the child marriage. However, the UK represents one of the most extreme cases as the frequency of the child marriage and forced marriage is higher than in many other European countries. The actions taken by the government to end child marriage and the forced marriage domestically and outside the UK have also been significant compared to many other European countries. The UK government has began to work against the child marriage since the beginning of the century and countries such as Germany and Sweden have followed by taking measures to end child marriage domestically. These

efforts to end child marriage in Europe have taken place during the past two decades, indicating that the increase in frequency has happened during these past 20 years. Therefore, the UK represents an example on the development in child marriage policies and the debate, and reflects the situation in those European countries, where child marriage have been brought into debate during the recent years.

As a suggestion for further research in relation to limitations of the study, would be a more large-scale comparative study of measures for preventing child marriage different European countries. This study could target more on why child marriage has become more and more debatable issue in different countries and why different measures have been taken. Especially the cultural element could be taken as a perspective, as in different countries different groups have the higher child marriage numbers. The study would have its significance as there is a gap on research about child marriage in Europe. Another case of study, also in comparison to Europe and the UK in relation to child marriage could be the US, where more than 200,000 children were married in past 15 years (Baynes, 2017). Some of the states in the US allow child marriage for a minors up to 12 years old. However, there is already some existing study about child marriage in the US, but not in comparison to other Western countries such as European countries. The case of the US would give an interesting contrast to the issue, as child marriage is presented as a problem of non-Western minorities in the UK, but in the US the child marriage is accepted and practiced more broadly .

Another possible topic for further study which arose from the data, is how the lack of capacity and disabilities affect on forced marriage and how these victims with disabilities could be protected in the UK, and also around the world. The FMU offers specific guidelines for handling cases where the victim lacks capacity, for example have learning disabilities. The multi-agency guidelines note that victims with disabilities are subjected to more abuse and less likely to be protected by safeguarding systems than their peers who do not have learning disabilities (HM Government, 2014, p. 6). Therefore, as well as researching how the best interest of the child is presented and protected in forced marriage cases, a similar research could be done about how the best interests of those who lack capacity is presented and protected.

To conclude, child marriage in the UK is often presented as a form of forced marriage, which happens mostly within certain ethnic communities rather than within the majority. The representation of certain groups being in higher risk of child marriage is supported by the fact that

most of the child marriages of the UK nationals take place overseas, or have an overseas element. Although, some studies argue that establishing the minimum age at the 18 is a the most important step to end child marriage (Arthur et al., 2017, p 66, Lee-Rife et al., 2012, p. 293), in the UK parental consent clause is problematized to some extent, but not as significant enough to be removed from the law. Child marriage is represented to be a problem of those with foreign background or a problem in foreign countries, and therefore, and I argue that the problem is representing distinction between cultures in the UK. Thus, the best interests of the child in relation to child marriage are represented as violated interests of the children of minorities.

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