

‘I bought you. You are my wife’: ‘Modern Slavery’ and Forced Marriage

Abstract

Forced marriage is identified as a serious global challenge and has recently been linked to modern slavery. In this article we seek to understand how slavery, institutions and practices similar to slavery, and other forms of exploitation are linked to forced marriage. Innovatively, we do this through deductive and close textual analysis of the world’s largest database of survivor narratives.

We found that people who are forced to marry experience a range of forms of exploitation and human rights violations, including institutions and practices similar to slavery and – arguably – slavery itself. This includes forced labour, forced pregnancy, forced sterilisation, sexual exploitation, domestic servitude, trafficking in persons, and significant restrictions on personal liberty and movement. Sometimes this occurs during their marriage; sometimes it occurs before, leading to a forced marriage; on occasion it happens after, because of women’s vulnerability on having exited a forced marriage.

Our findings should prompt further research into the links between forced marriage, modern slavery, and trafficking in persons. Absent any further research, they should already help policymakers and those on the front line to understand the links between these phenomena, and thus aid the achievement of both Sustainable Development Goal 5 (especially 5.3) and 8 (especially 8.7).

Introduction

Forced marriage has been identified as a significant issue of global concern, with Sustainable Development Goal (SDG) Target 5.3 being to ‘[e]liminate all harmful practices, such as child, early and forced marriage and female genital mutilation.’¹² In 2017, the International Labour Organization (ILO) and Walk Free included forced marriage in their Global Estimates of Modern Slavery. According to their admittedly conservative calculations, 15.4 million people were living in a forced marriage on any given day in 2016. They defined forced marriages as situations where people are forced to perform labour ‘under the guise of marriage,’ and where they experience a loss of sexual autonomy, linking forced marriage explicitly to forced labour and sexual violence.³ However, despite the ILO and Walk Free’s assertion of these links, they have received little scholarly attention.

In this article, we expand on the connection between forced marriage, modern slavery, and forms of exploitation including human trafficking, forced labour, and sexual exploitation. Through analysis of survivors’ lived experiences as told in narratives we argue that there is a complex relationship between forced marriage and other forms of exploitation, including types grouped under the ‘umbrella’ term ‘modern slavery.’ Being forced to marry can itself be a form of modern slavery – that is, the non-consensual marriage itself can be a form of treatment like property, (*de facto* slavery), and/or an institution or practice similar to slavery as defined in the

1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, and/or an instance of human trafficking. Forced marriage can also be a form of modern slavery in substance – that is, the situation in which people find themselves *after* being forced to marry can be one of egregious exploitation of a kind usually included under the heading ‘modern slavery’ when that is used as an umbrella term (e.g., forced labour or domestic servitude). Forced marriage can also be a ‘gateway’ to other forms of exploitation. This said, the abuses experienced inside forced marriage as detailed by survivors show that not *every* forced marriage is, or becomes, a form of modern slavery.

Definitions of Key Terms

Following the Universal Declaration of Human Rights (UDHR) and the UN Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages,⁴ a forced marriage is a marriage in which one and/or both parties have not expressed free and informed consent to the union. Sustainable Development Goal 5.3 commits the global community to ending ‘child, early and forced marriage’, and these terms are connected through the issue of non-consent. A child marriage is any formal or informal union where at least one of the parties is under eighteen years of age, or under the relevant age of consent in their country; an ‘early marriage’ is one which involves at least one spouse who is between the age of consent in their country, and 18. All child marriages, therefore, are forced marriages, because at least one spouse cannot give their full and free consent. Early marriages may, or may not, be cases of forced marriage depending on one’s view of whether anyone under the age of 18 can consent to marriage. In this article we solely use the term ‘forced marriage’ because we are concerned with cases where survivors, no matter their age, evidently did not consent to the marriage, and give contextual demographic information for each case study where available and/or relevant.

International declarations and conventions, and domestic law in the fifty-two countries which have criminalised forced marriage,⁵ focus on whether both spouses gave their full and free consent to the marriage, and often on whether coercion was used to pressure them into giving ostensible consent.⁶ But to understand what forced marriages *are*, the harms experienced as part of them, and their causes and consequences, we must look beyond the initial question of consent and analyse life inside forced marriages.

Debate around the crime against humanity of ‘forced marriage’ in conflict situations by Special Courts, the International Criminal Court, and scholars and practitioners in that field, have already noted that forced marriage has been variously understood as encompassing ‘war rape’, ‘forced conjugal association’, ‘sexual slavery’, ‘forced labour’ (including cooking, washing and portering – that is, carrying ammunition and other looted items), and forced child-bearing.⁷ Shifting focus away from the instance of marriage to the prolonged relationship reveals the ongoing forced intimate association and the range of harms (and crimes) that may be experienced under the broad umbrella of ‘forced marriage’, including: enslavement; rape; sexual exploitation; domestic servitude; forced labour; forced pregnancy; and control over physical movement, as well as the violation of the right to freely marry.⁸ Judges from these courts also note that forced marriage may be a ‘gateway’ to these (and other) further crimes. In this article, we extend this approach to consider the forms of exploitation experienced as part of, or in association with, forced marriages in peacetime, via analysis of survivor narratives.

The term ‘modern slavery’ is contested and is frequently used as an ‘umbrella term’ for a range of egregious forms of exploitation, including slavery, institutions and practices similar to slavery, forced labour, debt bondage, child labour, and/or human trafficking.⁹ It can also be a synonym

for *de facto* slavery – that is, slavery which exists in fact, though not in law. In this article, we are interested in carefully laying out what forms of exploitation (including *de facto* slavery) are involved in forced marriages. Thus, we tend not to use the term ‘modern slavery’ very often: our question is the extent to which, and exactly why and when, forced marriage might rightfully come under this ‘umbrella’ because people in forced marriages experience specific forms of exploitation usually grouped under it. Our understanding of these terms (e.g., forced labour, domestic servitude, ‘servile marriage’) comes from relevant international conventions, as does our understanding of human trafficking, where we follow the Palermo Protocol (see Table 2 for more detail).

Extant Literature

There is a significant body of literature on the issue of forced marriage in war, and questions around whether it should be treated as an instance of the already-recognised war crime of rape, or sexual slavery, or be tried as a separate ‘inhumane act’.¹⁰ (This particularly came to a head over the trials at the Special Court for Sierra Leone, and the recent, successful, prosecution of Dominic Ongwen for the crime of forced marriage.¹¹) In this article, we look to expand this analysis into forced marriages which happen in peacetime.

There is a small existing body of literature on forced marriage as a form of human trafficking¹², as well as empirical research on the prevalence and causes of specific forms of trafficking for forced marriage (in particular with an emphasis on this phenomenon in China)¹³. There is also some empirical scholarship on the ‘enslavement of women through forced marriages’ in African states with plural legal systems.¹⁴ Several scholars argue for the recognition of child marriage as a form of human trafficking.¹⁵ We expand on this argument by looking at adult, as well as child, forced marriage, and by considering more forms of exploitation than trafficking. Because of this, we also focus on the exploitation experienced after, and/or within, a forced marriage, and not solely on the circumstances which allow that forced marriage to occur.

In this, we follow Jean Allain’s argument that, when considering forced marriage and slavery, we should focus less on the ‘form’ and more on the ‘substance’ of the relationship¹⁶, complementing his legal analysis by providing a sociological narrative analysis of the relationship between the two phenomena. In this, our research also aligns with Kaye Quek’s feminist analysis of the specific harms and characteristics involved in cases of marriage trafficking, and with her call to recognise exploitation that occurs not only in the public commercial sphere, but also in the more individual, privatised, and non-commercial context of marriage as trafficking.¹⁷ As she rightly argues, doing so reveals the extent of abuses experienced inside forced marriages that are often concealed by the protected institution of marriage in which gendered expectations of sexuality and divisions of labour are naturalised. We build on this work by looking at all cases of forced marriage, not just those which can be described as instances of trafficking, and by using the method of narrative analysis.

We are not the first to take a narrative analysis approach to this question. For instance, Sabbe et al interviewed women in Morocco to understand their perspectives on why, despite the introduction of a new Family Law aimed at ending forced marriage, cases of child marriage were increasing.¹⁸ Similarly, Kakar and Yousaf analyse the lived experience of Afghan women and girls trafficked into forced marriage via in-depth interviews.¹⁹ They argue that ‘if we understand the dimensions of exploitation involved in forced marriage from the perspective of the victims, we cannot separate forced marriage from labor and/or sex trafficking.’ We build on, and expand on,

their work by analysing narratives from a global database, as well as by considering a wider range of forms of exploitation than just labour and/or sex-trafficking.

Method and Methodology

Our purpose in this article is to map survivors’ accounts of forced marriage, charting the forms of exploitation they experienced from *de facto* slavery through all the forms of exploitation usually grouped under the term ‘modern slavery’ when it is used as an ‘umbrella’ (including human trafficking).

As existing scholarship stresses, narratives can play a vital role in the modern antislavery movement, with Kelli Lyon Johnson arguing that they serve as perhaps the ‘most important tool for fighting slavery in the twenty-first century because of the depth and breadth of information they provide, the turning points they identify, the awareness they raise, the empathy they evoke and the action they demand.’²⁰ First-hand accounts are essential to understanding the nuanced contours of modern slavery and human trafficking in its varied forms. Individual experiences from across time and space help delineate common drivers of modern slavery and offer strategies for prevention, abolition, and rehabilitation on local, national, and international scales. Similarly, Coretta Phillips stresses the ‘enormous secondary research potential for social policy’ of a narrative approach that enables ‘an exploration of individual and collective realities of harmful exploitation.’²¹ Analysis of how survivors detail their experiences assists in understanding what, or who, they consider to be the catalyst for their enslavement that provides a framework for the identification of driving factors and locations for intervention. Thus, a narrative analysis approach will deepen our understanding of forced marriage; its connections to slavery, institutions and practices similar to slavery, trafficking, forced labour, and sexual exploitation; and its causes and consequences.

To conduct a wide-scale analysis of the exploitation experienced within forced marriage, we make use of the VOICES: Narratives by Survivors of Modern Slavery archive.²² This was founded in 2017 by the Rights Lab at the University of Nottingham to provide a free resource for the modern antislavery and anti-trafficking movement, including NGOs, governments, researchers, journalists, teachers, and the public, for the prevention and ending human trafficking in all its forms. It contains a total of 1,361 narratives (at the time of writing) from across the globe; collected by NGOs, court testimony, researchers, and charities, and brought together to make up the world’s largest archive of modern slavery survivor narratives.²³ It was built with the ethos that survivors’ voices are essential to understanding the causes of trafficking and modern slavery, as well as to the development of strategies and tactics for combatting it.

At the time of authoring this article, there are over 200 forced marriage narratives in the VOICES archive from Africa, Asia, Europe, and North America. It is not a representative sample from across the world, but the testimonies represent experiences from countries in every continent save Antarctica. It is, therefore, a broad database providing a range of examples.

Country	Total Number	No. of Female	No. of Male	No. of Adults (over 18yrs old where known)	No. of children (under 18 years old where known)
Afghanistan	2	2	0	1	1

Albania and Greece	2	2	0	0	2
Bangladesh	8	8	0	0	8
Belgium and Spain	1	1	0	0	1
Cameroon	2	2	0	0	2
Chad	2	2	0	0	2
China	47	47	0	31	10
The Democratic Republic of Congo	2	2	0	0	2
Egypt	1	1	0	0	1
Ethiopia	5	5	0	0	5
Georgia	1	1	0	0	1
Guatemala	1	1	0	0	1
India	59	59	0	0	56
Iraq	1	1	0	0	1
Italy	5	5	0	0	5
Kenya	6	6	0	0	6
Kyrgyzstan	2	2	0	1	1
Lebanon	3	3	0	0	3
Malawi	4	4	0	0	4
Nepal	10	9	1	1	8
Niger	1	1	0	0	1
Nigeria	4	4	0	0	1
Pakistan	4	4	0	2	2
Sierra Leone	1	1	0	0	1
South Africa	1	1	0	0	1
Tanzania	4	4	0	0	4
Uganda	3	3	0	0	3
United Kingdom	4	4	0	0	3
United States	3	3	0	1	2
Vietnam	1	1	0	0	1
Yemen	17	17	0	0	17
Zimbabwe	1	1	0	0	1

Table 1: demographic data of forced marriage narratives from the VOICES archive.

Narratives deposited in the archive have been done so with the consent of their original creator or under fair use copyright. Ownership of the narrative data remains with the original creators, who often also maintain survivor's ownership of their narratives. Consequently, narratives can be taken down at the request of the survivor at any time. The archive is an open access, free resource. Due to the collective nature of the archive, with data from a multiplicity of stakeholders, researchers, and organisations, it is not always possible to know what questions were asked, how they were asked, or if trafficking and modern slavery were terms explicitly used during the interview process. Moreover, organisational agendas may have influenced this process and the details of their experience that survivors chose to include may have been influenced by leading questions. Most of the narratives in the archive use pseudonyms to ensure anonymity and confidentiality, however there are also narratives from survivor advocates and survivor leaders who have a public profile and are known in the global anti-trafficking movement.

Despite potential limitations in individual interview processes that may have occurred, a narrative analysis method nonetheless privileges the voices of survivors for how they describe their forced marriage. This approach ensures that findings are rooted in survivors' lived experience.

Narratives in the archive were filtered to show only those tagged as accounts of forced marriage and to ascertain demographic characteristics, including location, gender, and age; a deductive

analysis was employed. This analysis, as represented in Table 1, found that most forced marriage narratives in the archive are from Asia; with China, India, Yemen, Nepal, and Bangladesh having the top five highest number of narratives. The over-representation of Asia more broadly, and India and China in-particular in the archive, is indicative of the work done by NGOs in those countries on recording, and publishing, survivor-narratives, as well as the focus of forced marriage research on Asian communities globally.

Table 1 also shows that just one of the narratives, from Nepal, is from a male survivor, and that children make up most forced marriage survivor narratives in all countries except for China, where thirty-one out of forty-seven narratives where the age is known were adults at the time of their forced marriage. As will be seen from close text analysis of narratives from China, many of them are from women from neighbouring countries, including North Korea and Myanmar, who were sold in China as brides.

Our initial research was focused on an analysis of the extent to which further exploitation occurred within forced marriages and as such, we excluded narratives in which the planned forced marriage does not occur. However, after discussion, it was agreed that these narratives offered evidence for the way forced marriage, whether it happens or not, can act as a gateway to further forms of exploitation and subsequently, it was decided that they should be included. As a result, we employed a holistic approach to the narratives and included all 217 forced marriages in the corpus as part of our systematic thematic analysis. Where there were multiple testimonies from the same individual, just one of these was chosen for coding, resulting in a source base of 208 narratives.

After establishing the demographic characteristics of the data, the narratives were then coded against pre-determined nodes: whether it could be determined if there was free and informed consent; if they were trafficked; if a transaction took place; and for the presence of forced labour; sexual exploitation; and restrictions on movement. The data was inputted into a searchable Excel spreadsheet that could be filtered to the different nodes for analysis. We also did a close reading of the 208 narratives and coded keywords and phrases that came out to explore how survivors describe their experiences, and to identify any further themes in the narratives that had not been pre-determined. We employed double-blind coding with discussion surrounding instances of disagreement to ensure inter-reliability.

Because survivors do not often talk in explicit terms about their experiences of trafficking and modern slavery, a degree of interpretation was needed to determine the presence of forced labour, forced sexual exploitation, *de facto* slavery, or trafficking. Only three survivors use 'slavery' or 'slave' to describe their situation. However, most testimony does use language that details being forced, sold, bought, a lack of choice, and being locked up that indicates slavery, trafficking, and other forms of exploitation in people's experience of forced marriage. Thus, we used a combination of deductive, inductive, and close text analysis to determine the prevalence of slavery, institutions or practices similar to slavery, and/or practices usually grouped under 'modern slavery' when it is used as an umbrella term (e.g., forced labour, sexual exploitation, and trafficking) in the narratives. While there are issues associated with labelling an experience modern slavery and/or human trafficking when survivors may not have explicitly used this language or overtly recognised their experience as such, the nature of the VOICES archive is that these narratives have already been labelled by the organisations, researchers, governments, and individuals who conducted and published the interviews. Consequently, each narrative had already been deemed an instance of forced marriage before our analysis of the further kinds of exploitation experienced inside these forced marriages. While there is a danger of such labelling

rendering the survivors’ voice secondary, by focusing on a close reading of the language used, we endeavoured to ensure that our interpretation centred survivors’ perspectives and experiences in our analysis of their lived experience.

To ensure consistency in coding for the presence of exploitation in the form of forced labour, including domestic servitude, sexual exploitation, restriction of movement, and human trafficking, and to ascertain as to whether the exploitation rose to level of modern slavery and/or institutions or practices similar to slavery, we employed the following definitions:

<i>De facto</i> slavery	The status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised. ²⁴
Human trafficking	‘The recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.’ ²⁵
Institutions and practices similar to slavery	Debt bondage; serfdom; ‘[a]ny institution or practice whereby a child ... is delivered by ... his natural parents or by his guardian to another person ... with a view to the exploitation of the child ... or of his labour;’ and three specific practices associated with marriage: ‘where a woman, without the right to refuse, is promised or given in marriage on payment of a consideration in money or in kind to her parents, guardian, family or any other person or group; the transfer of wives; and the inheritance of widows.’ ²⁶
Control of movement	Following the ruling of the Trial Chamber of the International Criminal Court Tribunal for the Former Yugoslavia in the Kunarac case, we also recognise control of movement, control of physical environment, psychological control, measures taken to prevent or deter escape, and force or threat of force or coercion as indicators of whether powers associated with the right of property are being exercised by one person over another. ²⁷
Forced labour	Any and all work or service that is performed involuntarily and under the menace of penalty’ (with the exceptions as outlined in the 1930 Forced Labour Convention) ²⁸
Domestic Servitude	A form of forced labour where workers (generally but not always women) work inside the home, performing labour which is involuntary and exacted under menace of penalty and where, usually, workers are exposed to at least one form of abuse such as physical and social isolation; restriction of movement; psychological, physical and sexual violence; intimidation and threats; retention of identity documents by their employer; withholding of wages; abusive working and living conditions and excessive overtime. ²⁹
Sexual exploitation	The ‘actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically’ and/or where people are forced, deceived, or coerced into taking part in sexual activity. ³⁰
Sexual abuse	The actual or threatened physical intrusion of a sexual nature, whether by force of under unequal or coercive conditions. ³¹

Table 2: List of Definitions used for coding survivor narratives.

Findings

Narratives in the VOICES archive show that forced marriage takes place, in different forms, around the world. It is not a single, hegemonic, practice – it affects males as well as females, and adults as well as children. In many cases, people who are forced to marry are treated as commodities and experience exploitation, including *de facto* slavery, trafficking, forced labour, forced pregnancy, control of physical movement, and domestic servitude. We will now discuss each of these in more detail.

‘Institutions and Practices Similar to Slavery’ and *De Facto* Slavery

The forced marriage of women is designated as an institution and practice similar to slavery by the 1956 Supplementary Convention, alongside debt-bondage and serfdom. The convention includes any institution of practice whereby:

- (i) a woman, without the right to refuse, is promised or given in marriage on payment of a consideration of money or in kind to her parents, guardian, family, or any other group; or
- (ii) The husband of a woman, his family, or his clan, has the right to transfer her to another person for value received or otherwise; or
- (iii) A woman on the death of her husband is liable to be inherited by another person.³²

Women and girls' experiences of forced marriage recorded in the VOICES database constitute at least two of these practices. Examples of forced marriage in China from the archive demonstrate how women, with no right to refuse, are bought and sold to men for the purpose of marriage; most often in this typology by traffickers unknown to them, but also by members of their own family.

For instance, Seng Moon and her family fled fighting in Myanmar's Kachin State in 2011 and were living in an Internally Displaced Persons (IDP) camp. When she was sixteen years old, her sister-in-law convinced her to travel to China for work, however in the car on the way she was given something to prevent travel sickness and fell asleep immediately: 'When I woke up my hands were tied behind my back. I cried and shouted and asked for help.' Her sister-in-law told her, 'Now you have to get married to a Chinese man.' Seng Moon's forced marriage is an example of an institution or practice similar to slavery: she had no right to refuse the marriage and was given in marriage on payment of money to her sister-in-law, as is evidenced by her forced husband's professions of, 'I bought you. You are my wife— I bought you.'³³

The purchasing of women for marriage in China is a longstanding problem and its connection to trafficking has been acknowledged by scholars.³⁴ The tradition of bride price, in which a prospective groom pays the family of the bride to formally establish engagement, has been in practice since the Zhou Dynasty.³⁵ While the practice does not immediately signal the presence of modern slavery: for example, if the woman is over eighteen years old, has given free and informed consent to the engagement and subsequent marriage, and no exploitation is experienced within the marriage; it is, however, closely related to the gender imbalance in the country which drives the prevalence of bride trafficking.³⁶ China has long had a surplus of males and lack of females which was exacerbated by the implementation of the 'one-child policy' implemented by the Chinese government (1980-2016) and the preference for sons. The lack of Chinese women, and the associated increase in bride price, has led to an increased demand for women from outside China, which in turn has driven the trafficking of women into the country for the purpose of marriage.³⁷

In line with Seng Moon's experience, North Korean woman Mee Yon refers to the man who 'paid for her' when speaking of her forced marriage in China,³⁸ and Park Ji-hyun, also from North Korea, describes being sold at a bride market after arriving in China:

[T]he people we were staying with said to me, if I wanted to ensure my family's wellbeing, I had to marry a Chinese man. My family would live on the money they got from selling me ... I was at this other house for over a month. People would come to take a look at me. All sorts of people came, from children to the elderly. There were disabled people too. They would come and haggle over my price. It was no different from an animal being sold in the marketplace. I was eventually sold for 5000 yuan, which would be around £500 here in the UK. When you get sold off, the person who bought you will say, 'I've paid for you, so now you must do whatever

I tell you to do. If you disobey in the slightest, I could report you. Even if I killed you, no one's going to say anything, and no one will know what happened to you.³⁹

Similarly, Esther Choe (also from North Korea) was trafficked to China and sold to a Chinese man to be his 'wife':

The human traffickers said that they had invested money and 14 hours of their own time to bring me to my destination, so they needed to at least break even financially, and though they could not help me right at the moment, after I was sold, depending on the situation, they would try to send me back home. The place where I was sold to in tears for 16,000 Chinese yuan was to a Chinese man in his 50s who was still not married because he was so poor and had no money.⁴⁰

After she escaped this situation, the broker Esther Choe approached (whom she describes as the person 'who sold me') to try to get back to her family in North Korea 'looked at me as a way to make a profit and instead sold me to another old, unmarried farmer in the countryside.'⁴¹

These narratives reveal how, through being bought and sold, forced marriage can constitute an institution or practice similar to slavery: these women, with no right to refuse, were given in marriage on payment of a consideration of money.

In the examples described above, it can also be argued that forced marriage can rise to the level of *de facto* slavery as defined by the 1926 Slavery Convention: 'The status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised.'⁴²

Allain argues that the powers attaching to ownership in respect of a person include, but are not limited to, 'buying or selling a person; transferring a person to an heir or successor; using a person; managing the use of a person profiting from the use of a person; disposal, mistreatment or neglect of a person.' He adds, '[c]ontrol tantamount to possession is a minimum condition for their exercise, but given such control, the exercise of any or all these powers speaks to the condition of slavery, and thus possession, as a basic feature of ownership, serves to identify slavery in practice.'⁴³ Seng Moon, Mee Yon, Park Ji-hyun and Esther Chose were all were traded as property: they were 'bought' and 'sold' into marriage in China.

Park Ji-hyun's narrative also indicates how the powers associated with right to property can extend beyond the initial marriage or 'transaction' and are brought to bear on women's lived experiences inside forced marriages, upholding Allain's call to move 'beyond the form of slavery and look to the substance' of the situation by asking whether there has been 'de facto exercise of any or all of the powers attaching to the right of ownership.'⁴⁴ Ji-hyun describes how the man who bought her believed that she had to do whatever he told her to do and threatened to kill her if she disobeyed. This is an example of 'the power to dispose of one's property' that is associated with the concept of 'use' that demarcates powers of ownership. Her husband treats her as a possession over which he has control, including the right to destroy (kill) that possession altogether.

Ji-hyun's narrative is also evidence of the way women in forced marriages can experience the totality of control that Schwarz and Nicholson rightly argue is necessary for exploitation to rise to the level of *de facto* slavery. As the Bellagio-Harvard Guidelines on the Legal Parameters of Slavery recognise, the starting-point for understanding slavery is Article 1(1) of the 1926 Slavery Convention, which states '[s]lavery is the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised,' they rightly note that '[w]here there is a right of ownership in respect of a thing, ownership implies a background relation of control ... known as possession,' and further argue that '[p]ossession is [therefore] foundational to an understanding of ... slavery,' including *de facto* slavery.⁴⁵ Thus, Schwarz and Nicholson are right

to argue that it is ‘not only the exercise of any or all of the specific powers associated with ownership, but [...] the necessary underlying relationship of control tantamount to possession in which these are exercised’ that demarcates the presence of slavery.⁴⁶

This means that determining the presence of *de facto* slavery in the context of forced marriage requires not only identifying evidence of ‘powers attaching to the right of ownership’ being exercised (e.g., buying and selling, management, use, usufruct etc.), but also an assessment of whether that person was ‘possessed’ as ‘things’ are possessed when owned by someone else. The authors of the Bellagio-Harvard Guidelines note that such ‘possession’ might be manifested ‘in attempts to withhold identity documents; or otherwise, to restrict free movement or access to state authorities or legal processes; or equally in attempts to forge a new identity through compelling a new religion, language, place or residence, or forcing marriage.’ They add, ‘[f]undamentally, where such control operates, it will significantly deprive that person of his or her individual liberty for a period which is, for that person, indeterminate.’⁴⁷ As Schwarz and Nicholson parse this, this means a person is ‘enslaved as a whole and in absolute terms, and not merely the claim over some part of their life or action for a limited period.’ That is, determining whether someone has been subject to slavery involves determining if the person has been reduced to a thing, enabling the ‘disposal, gift, or exchange of the person themselves, and not only their labour.’⁴⁸ If we can see evidence of this ‘control,’ then we can say that the exploitation experienced (e.g., forced marriage) ‘rises to the level’ of slavery.

Analysis of how survivors describe life inside the marriages, and not just their lack of consent to that marriage in the first instance, indicates the presence this totality of the powers associated with right of ownership, and that some experiences of, and within, forced marriage ‘rise to the level’ of slavery. As noted above, Ji-hyun recalled being told ‘I’ve paid for you, so now you must do whatever I tell you to do.’ She also received threats to her life and with being reported to the Chinese authorities (which would have led to her being deported back to North Korea, to face serious punishment for ‘defection’, including torture, imprisonment, sexual violence, forced labour and even death).⁴⁹ This is echoed in the narrative of Jang Mi Kyung, who fled North Korea for China in 2008 and described how ‘I found that the man had paid 15,000 for me. Now I have no choice but to live as his sexual play mate. I can’t go out. This is like Hell to me.’⁵⁰ In both these cases, we see evidence of ‘control’ as defined in the Bellagio-Harvard Guidelines, because (as well as being forcibly married) the women’s free movement was restricted and this was, as far as the women themselves were concerned, for an indeterminate period, perhaps for as long as they lived. Additionally, we can see evidence of the whole person being ‘controlled,’ not just one aspect of their labour, especially in Ji-hyun’s narrative. Thus, their experiences should be considered *de facto* slavery.

Similarly, Kang Sun-Mi escaped North Korea to China where she was ‘bought’ by a Chinese man and forced to marry him. She remembered how ‘for fear I might run away, they lock me up inside the house and that is how I spend countless days, without seeing the world outside.’⁵¹ Seng Moon was left at the home of a Chinese family and taken to a room where ‘the man tied me up. They locked the door—for one or two months.’⁵² Each time he brought her meals she was raped, and she remembers ‘the window was black so I didn’t know if it was day or night.’⁵³ Through the restriction of her movement, her forced husband and his family exerted control over all aspects of her life, including when she ate; and she was used—an analogue of the function of ownership—for the sexual gratification of her husband. She was also received as a ‘gift,’ evidenced by her being tied up with a red ribbon when she was trafficked. In such a case, forced marriages can rise to the level of slavery when a person is used by their partner or in-laws

as a thing, or possession, for their personal benefit, and their movement is severely restricted, for a period which, to them, is indeterminate.

Likewise, although Kyi Kyi managed to refuse a forced marriage, she was ‘bought’ by a man (and his family) for this purpose, and upon realising they could not use her in this way, they exploited her in other ways including forced labour and restricting her movement to the extent of imprisoning her in a room:

They said that they would abuse me until I would marry this Chinese man. Every day for 4,5, or 6 months, they came at night around 8pm. They came in disguise and locked me in a room. They beat me with sticks, pulled my hair and banged my head against the wall. It usually lasted for 2 hours, then they left me, locked me up. I was in such pain I couldn’t move.⁵⁴

Kyi Kyi was told ‘if I didn’t marry him I would be abused and would have to pay back all the money’ for transportation and ‘brokerage’ fees (making her case also one of debt-bondage). She continued to refuse and eventually:

His uncles said, ‘if she doesn’t want to marry him, so be it. Let her work and then one day she may change her mind.’ The family worked in the fields at the bottom of a hill from 6am to 7pm each day. They made me work because I had cost them money. They never considered giving me a salary or even pocket money.⁵⁵

Kyi Kyi’s forced labour can be said to rise to the level of slavery because not only was there a lack of consent and a lack of payment, but there was also total control of other areas of her life (including control of her movement). While Kyi Kyi was able to resist her forced marriage (in form, if not in substance), she still experienced *de facto* slavery at the hands of the family who considered they had bought her for the purposes of marriage.

Indeed, restrictions on movement and control of actions and behaviours was by far the most common indicator of *de facto* slavery reported by survivors in the archive. 132 (63%) explained how their movement was restricted/and or they did not have the ability to leave. Often control of movement was indicated by survivors through their recollections of having to ‘escape’ their husbands and in-laws, rather than being able to leave of their free will. The exercise of control tantamount to possession is present in narratives beyond those involving trafficking for forced marriage into China, demonstrating the pervasiveness of *de facto* slavery in forced marriage globally. For instance, Pili Lavanya, from India, resisted marriage until Class X (15-16 years old), at which point she says ‘there was so much pressure from my parents, sisters and relatives that I agreed to get married.’⁵⁶ After her marriage, her daily life was tightly controlled, including what and when she could eat, her access to education, her ability to see her own family, and her medical care, suggesting that the powers attached to ownership were being exercised within a background relationship of possession in her case, and that she experienced *de facto* slavery.

Considering other ‘institutions and practices similar to slavery,’ the 1956 Supplementary Convention includes a ‘practice whereby a child or young person under the age of 18 years, is delivered by either or both of his [or her] natural parents or by his [or her] guardian to another person, whether for reward or not, with a view to the exploitation of the child or young person or of his [or her] labour.’⁵⁷ We argue that many child marriages are instances of children being ‘delivered by either or both’ of their parents or guardians ‘to another person ... with a view to the exploitation of the child ... or of his [or her] labour’. (We say ‘many’ rather than *all*, because some child marriages may be the result of kidnap or orphans without official guardians, and thus

not involve the child being ‘given’ by their parents or guardians, and there may be cases, for instance where children do not leave their family home on marriage, where the purpose is not their exploitation but, for instance, cementing familial ties or property deals.) As well as being an institution or practice similar to slavery, child marriage can, as the experience of survivors shows, also rise to the level of *de facto* slavery. Children forced into marriage are also often bought, sold, delivered, received, and subsequently used as a ‘thing’ over which their husbands had total control.

For instance, Muneera, from India, was sold into marriage at twelve years old to a seventy-year-old man and subjected to physical and sexual abuse. She recalls how ‘he forced himself on me,’ and when she began crying, similar to Park Ji-hyun, she was threatened: ‘I’ve bought you. I can do whatever I want. I’ve given your parents money, and I’ve bought you. I can use you for as long as I like. Keep your mouth shut.’⁵⁸ In this instance the perpetrator of Muneera’s forced marriage states explicitly that he has paid money to ‘use’ her for whatever and for however long he wishes, which speaks directly to not only the 1956 Supplementary Convention, but also to powers attaching to the right of ownership being exercised against a background relationship of ‘control’ and ‘possession,’ which would last, from Muneera’s perspective, for an indeterminate amount of time. Thus, we can say that her experience, as well as being one of forced marriage, was one of *de facto* slavery.

Shailaja, from India, studied up to Class IX (13–14-year-olds) before her parents fixed her marriage with her cousin without informing her:

I ... did not want to live alone with him. I felt uncomfortable when he came home in the evening and hesitated to go near him. I was scared of him as he was very aggressive and rude. Within two months, I conceived and was anxious about how I would manage my pregnancy. Due to over work, carrying heavy loads, lack of food and my husband’s abuses, I had a miscarriage ... Within two months I was pregnant again. This time my mother took over my work and I successfully gave birth to a baby girl. The family including my mother-in-law was unhappy and hurled abuse at me ... Six months later, I was pregnant again. My husband and his mother insisted that I get my foetus scanned to find out if it was a girl or a boy. They found out that it was a girl and forced me to have an abortion. I resisted but they would not listen and got the doctor to induce an abortion. Four months later, I got pregnant again. This is my fourth pregnancy ... My mother-in-law is abusing me in anticipation that I would give birth to another girl.⁵⁹

Shailaja was ‘delivered’ to her husband (and in-laws) by her parents. Her manual labour was exploited in the form of forced labour in the house, but her reproductive labour was also exploited through trying to ensure she gave birth to a male child (with the associated social kudos, and potential future financial benefits, this would bring to her husband and his family). Thus, we can say that her forced (child) marriage is an instance of an institution or practice similar to slavery as defined in the 1956 Supplementary Convention. To the extent that Shailaja was unable to leave the marriage, which – as far as she was concerned was of indeterminate length and might well last forever – we might also say that her experiences amount to *de facto* slavery.

However, that is not to say that all forced marriages, even of children, are necessarily examples of institutions or practices similar to slavery, or (*de facto*) slavery. For instance, Narendra Chamar, the only male forced marriage narrative in the archive at the time of writing, was one and a half years old at the time of his wedding, and his ‘wife’ was six months old, which he suggested is ‘a tradition’ in his caste).⁶⁰ (Human Rights Watch, in the report from which Narendra’s narrative originated, found that some children in Nepal are married when they are still small, and that this ‘may be motivated by a desire to avoid dowry, a fear that it might be difficult to find a husband for a daughter later on, or by social pressures in communities where this practice is common’.⁶¹)

He did not see his ‘wife’ again until he was sixteen years old, and she came to live with him. When he and his bride were expected to assume life as a married couple, he remembers ‘I was scared. The bride came in and I ran away to Delhi for three or four months. But then family and friends said, “You are married. You can’t get another wife. You have to come back.”’⁶²

In this instance, while a marriage ceremony occurred in which neither spouse had the capacity to give full and free consent (and thus it was forced), in substance they were not required to live together or expected to perform the conjugal duties of spouses, and no further exploitation was experienced (e.g., there was no forced labour). Arguably, then, this was neither an instance of an institution or practice similar to slavery, nor of slavery itself. This example therefore brings into question the labelling of *all* forced marriages as forms of modern slavery. A harm was certainly done (the two children’s human rights were violated), but it is not clear that a slavery-like form of exploitation occurred.

Narendra’s case demonstrates the complexity of exploring the relationship between forced marriage and slavery when considering different marriage practices in different locales. While initially he and his ‘wife’ may have been able to live out their childhoods, freedom of choice about when to marry and to whom, and their ability to form their own romantic relationships, had been removed from childhood. This is a harm (as Human Rights Watch rightly point out⁶³), and a human right’s abuse, but we do not think it constitutes slavery, or the kind of practice which ought to be included under modern slavery when used as an umbrella term.

Upon adolescence, expectations resulting from the forced marriage came into effect and it is interesting to consider that at this point, once Narendra and his bride were forced into a conjugal relationship, life inside the marriage had the potential to rise to the level of modern slavery, dependant on the level of control exerted and the kind of exploitation experienced by both parties. It did not, because Narendra left, and then sought the help of an NGO meaning he and his forced bride did not live together, and neither could be said to be being used as a ‘possession’ by someone else. We argue that this is the case, even though their parents saw both children as something which could be ‘given’ in marriage to another person or family, because although that one choice was made for them, the rest of their lives were not controlled in a way which amounts to *de facto* slavery. (Or, at least, it cannot be said that Narendra’s was – we have no narrative evidence from his forced bride.)

To summarise: there is evidence in the corpus of survivor narratives of forced marriages being both institutions and practices similar to slavery as outlined in the 1956 Supplementary Convention, and of being instances of *de facto* slavery. This said, evidence from the corpus also shows that not *all* forced marriages are examples of either.

Trafficking

The forced marriage of women and girls almost always involves trafficking. Many narratives detail the act (the recruitment, transportation, transfer, harbouring, or receipt of persons), the means (the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person) and the purpose (exploitation).

Women and girls in the narratives are trafficked through different acts and means. They are deceived through false promises of jobs in different countries, transported and then received by

the men who bought them; they are abducted and harboured by their ‘husbands’; and they are threatened and coerced by their parents, family members or members of their community and transferred to their husbands and in-laws.⁶⁴ This is all done with the intention of exploitation through forced marriage for forced labour (including domestic servitude), sexual exploitation, sexual abuse, forced criminality and financial exploitation.

For instance, Mee Yon, Park Ji-hyun and Esther Choe all refer to their ‘traffickers’ and were recruited, transported, transferred, and received, by means of the threat or use of force or other forms of coercion for the purpose of exploitation (where exploitation includes sexual exploitation by the men who forcibly married them) and forced labour or services.

In the cases of Muneera and Shailaja, as they were under eighteen years old, only the act and the purpose are required for trafficking to have taken place. Being sold into marriage, Muneera’s narrative describes her transfer and receipt, and details the physical and sexual abuse she faced. Similarly, Shailaja was received by her husband and in-laws for the purpose of exploiting her domestic and reproductive labour.

As well as being trafficked for the purpose of marriage, forced marriage can be the means through which women and girls are trafficked for other forms of exploitation. In the case of ‘I,’ a forced marriage was the mode by which she was trafficked into prostitution by her husband. After the failure of one forced marriage, I’s parents organised for her to marry another man who ‘made me a passport and arranged that another person take me to Italy’ where she was forced into prostitution.⁶⁵ And for Odeta, it was on the promise of a consensual marriage to escape her forced marriage that she was deceived and trafficked for CSE across Europe. She recalls that ‘a neighbor of mine [...] proposed to me and asked me to marry him. I accepted and ran away secretly from home.’ However, after hiding out in a house with a Russian girl while she thought her neighbour arranged their new life together, she was taken by speedboat to Italy and ‘obliged to work as a prostitute,’ after being ‘beaten all day and night.’⁶⁶ Women and girls who escape forced marriages are at an increased risk of being trafficked for other forms of exploitation, with CSE being the primary form cited by survivors in the VOICES archive which is considered in more detail later in this article.

Forced Labour and Domestic Servitude

Forty-four narratives in the corpus detail experiences of forced labour inside marriage, representing twenty-one percent of the forced marriage narratives. The narratives in the VOICES archive detail how in forced marriages, women and girls can be used to carry out free, non-consensual domestic and agricultural labour to the financial and personal benefit of the husband and his family, with no remunerative benefit for themselves.

The gendered division of labour is, of course, common across the world, with ‘wives’ being expected to provide domestic labour such as cooking, cleaning, and care (for children and other relatives) and sometimes perform certain kinds of labour outside the home, with other forms of labour being reserved for men. For instance, a recent report found that women in the UK provided 23.2 billion hours of unpaid childcare work (an average of 45 hours a week).⁶⁷ Similarly, it is recognised that family farming, which ‘represents the backbone of the world’s agriculture’ often involves a gendered division of labour with some tasks being solely the purview of women, and others of men.⁶⁸ To the extent to which this is consensual, and accepted by women as part of what it means to be ‘a wife’ or ‘a mother’, and to the extent to which women are not penalised

for not providing this labour if they chose not to do it, this is not a case of forced labour. What we are concerned with is not this consensual provision of labour, but the provision of labour which is non-voluntary, and exacted under the menace (and more than menace) of penalty within a forced marriage.

As the ILO and Walk Free rightly note, *all* labour performed within a forced marriage is likely to be non-consensual, because the marriage itself is non-consensual, and the labour is a result of, and inherently linked to, that marriage.⁶⁹ In addition, to count as forced labour, labour must be exacted under the menace of penalty (or the actual infliction of penalties), and we see many examples of this in the narratives.

Given the gendered division of labour, it is not surprising that the most common type of forced labour reported by survivors was in a domestic context, with women and girls recollecting having to perform all household chores including cooking, cleaning, and childcare duties. For instance, Ja Htoi Tsawm recalls 'I had to do lots of housework. I had to wash their clothes, cook for them, give a bath to his parents.'⁷⁰

Indeed, we argue that in some cases at least, survivors experienced domestic servitude. For instance, Asseel (whose family fled Syria to Lebanon to escape the war there), was thirteen years old when she was forced to marry a twenty-one-year-old man whom she did not previously know. Although she refused her father insisted. She recalls:

I had to go and live with my mother-in-law. In front of my parents, she was very kind but to me she was very mean. She would force me to wake up early at five am to do all the housework. There were lots of people I had to clean up after, my husband, his parents, his two sisters, and their five children. Then my mother-in law would make me go clean other people's houses and she would take all the money. I was exhausted and it was a big load for me that I could not afford to carry.

She would often beat me and would always say, 'the daughter-in-law will never be like my daughter.' Many times, she hit me in front of my husband, he would laugh with his mother and would also beat me using a belt.⁷¹

She adds, 'Sometimes I wasn't able to change my clothes for two weeks. I wasn't able to get peaceful sleep, and they left me without food for many days.'⁷²

Thus, although she was performing domestic work as a 'wife' and not as an employee, Asseel was forced to work inside the home, and this was exacted under the menace (and imposition) of penalty (which makes it forced labour), and, in addition, she was subject to psychological, physical and (probably also) sexual abuse (though this is not recalled in her narrative, forced wives are generally subject to sexual assault – i.e. non-consensual sex – by their forced husbands); intimidation and threats; and abusive working and living conditions. She may also have been subject to physical and social isolation, and the work she did, for no pay, inside and outside the home may amount to 'excessive overtime.'

Our findings speak to Quek's call for the trafficking framework to be extended beyond the commercial, into the non-commercial, private context of forced marriage. She suggests that in many present-day practices, forced (domestic) labour is an 'end-purpose' of marriage trafficking: 'in marriage trafficking, men seek to gain the labour that is otherwise accessible through the industry of trafficking for domestic servitude, that is, 'labour that is domestic in nature (and therefore undervalued but necessary) and unpaid (other than in subsistence), and in which women in these situations are unable to refuse or escape.'⁷³ Rajita T recalls that, when she was

twelve or thirteen, she was forced into marriage in Nepal. She explains that her mother-in-law ‘wanted someone to work in the house’ and so spread rumours about her after she refused her son’s advances because she thought ‘I’d be forced to marry him.’ After having her life threatened Rajita T was married but remembers how her mother-in-law ‘started beating me after two weeks of marriage because she said I was not working hard enough.’⁷⁴ Rajita T’s narrative reveals the motive for her forced marriage, that is, the purpose, was exploitation of her labour, and she was forced to labour once married. This was non-consensual labour, exacted under the menace (and imposition) of penalty, and given her mother-in-law’s physical assaults, we can also argue it was domestic servitude: she was subjected to physical abuse (and possibly, as with Asseel, sexual abuse by her forced husband); intimidation and threats; and abusive living conditions. (Only one kind of abuse needs to be evidenced to prove domestic servitude.)

Other narratives also provide evidence of domestic labour being provided non-consensually and under the menace (and imposition) of penalty, alongside physical and social isolation; restriction of movement; psychological, physical, and sexual violence; intimidation and threats; retention of identity documents by their employer; withholding of wages; abusive working and living conditions and excessive overtime.⁷⁵

While women and girls’ responsibility for domestic work in the home does not automatically signal the presence of domestic servitude (or forced labour), the context in which it is being performed is important. As noted, within a forced marriage, the labour is (by definition) non-consensual (because the marriage itself is non-consensual). Indeed, the lack of choice is reflected in key words and phrases identified in the survivor narratives including, ‘I have no choice,’ ‘I didn’t want to get married,’ ‘sold,’ ‘paid for me,’ and ‘I had to.’ Furthermore, Yvon Danduran argues that domestic servitude ‘is not just the result of the services that the workers are forced to provide, but also the overall working and living conditions.’⁷⁶ As we see in Asseel’s case, she was forced to perform domestic work under the menace of penalty, and her in-laws controlled her sleep schedule; when and what she ate; and when she could wash or change her clothes. It is worth noting that forced marriage results in an inherently significant power differential in favour of the husband and in-laws, increasing the vulnerability of women and girls in forced marriages to further exploitation, meaning it is impossible for them to refuse to perform the labour demanded, and giving husbands and in-laws a great deal of control (in some cases, total control) over living and working conditions, which are often abusive.

Survivors in the archive from China, India, Vietnam, and Kenya also reported forced labour in agricultural work, (often alongside domestic servitude), with survivors recounting being compelled by their husbands and in-laws to work on family farms for subsistence. Anita B was ten years old when she was forcibly circumcised by elders in her village and married to a fifty-five-year-old man in Kenya. She recalls that ‘he already had two wives, and as his third I was expected to look after his goats and cows. A new hut was built for me [...] I got the first beating after losing one of his goats. The second was when he found me resting instead of grazing the cows.’⁷⁷ In China, North Korean woman Ho Kyung-Soon was ‘taken to a trafficking establishment’ and forcibly married to a Chinese man who ‘bought’ her. She explains ‘they buy us for very little money and then make us work as slaves on their farms. My husband makes me work all by myself, the entire summer [...] I tried escaping twice; I was caught and beaten senseless.’⁷⁸

Not only are women and girls forced to perform agricultural labour on their in-laws’ farms, but some are also forced to labour in the fields on farms for wage work. The wife, having first been forced under threats of violence to perform the work, has her wages taken by her husband and

in-laws. For instance, Rajyamma in India, recalled how, after giving birth, she was forced to return to ‘work on cotton sees and chilli farms. I migrate for seasonal work carrying my son everywhere. My husband ... grabs all the wages I earn.’⁷⁹

Exploring how people describe their lives and labour within forced marriages reveals how the exploitation of women and girls goes beyond the initial incident of marriage and includes forced labour and domestic servitude. Non-consensual labour is exacted ‘under the guise of marriage’ by husbands and in-laws, under menace of penalty, and where husbands and in-laws control survivors’ living and working conditions (usually, but not always, the same thing as the labour is domestic labour) and subject them to physical, psychological, and sexual abuse; physical and social isolation; threats and intimidation; and abusive living and working conditions.

Reproductive Labour, Sexual Abuse, and Sexual Exploitation

The gendered contours of forced marriage shape the inherently gendered forms of harm that are experienced. Patriarchal views on women and girls, such as viewing them as economic burdens and thus the devaluation of women’s education, as well as the policing of women’s behaviour, drive the prevalence of forced marriage practices. And just as ideas about a woman’s place in the home and the gendered division of labour can drive the prevalence and type of forced labour within a forced marriage; forced marriage can also lead to the exploitation of women and girls’ reproductive labour and the exploitation and abuse of their bodies for sex.

China and some regions of India featured in the VOICES database, in particular, have a skewed sex ratio due to a preference for sons which has led to sex-selective abortive practices (exacerbated, in the case of China, by the one-child policy), which has resulted in fewer women in relation to men in these areas. Because of this, we find evidence in the narratives of women being forced into marriage for the purpose of providing a specific service: producing (male) children.

For instance, after Seng Moon gave birth to a baby boy to her forced husband, she asked to go home. He replied: ‘No one plans to stop you. If you want to go back home, you can. But you can’t take my baby.’⁸⁰ Similarly, Seng Ja Ban, also from Myanmar, was working in China when she was kidnapped by two Chinese men and forced to marry another to give birth to his child. She describes how she was ‘locked in the room for one year. Before I had a baby, the family members— especially the mother-in-law— treated me badly. Her face was furious. Sometimes they didn’t feed me because I didn’t get pregnant as soon as possible.’⁸¹

That Seng Ja Ban was abducted into ‘marriage’ for the exploitation of her reproductive labour is evident when she details how ‘they gave me many medicines. I did not know what they were... Once a week I was injected. Sometimes I had a big drip [of intravenous fluid]. Every week they took me to the clinic [...] I assume it was to make me pregnant.’ She adds:

After we give birth, no one cares about us anymore.

I did not give birth natural, I had to have an operation. When I did this, the Chinese family told the doctor to cut a part of my womb so that I could not have any more children. I didn’t know this at the time. When I came back to Myanmar I went to the hospital and got news and was told that a part of my womb doesn’t work, so I cannot have a baby.⁸²

Human Rights Watch have also highlighted the phenomenon of bride-trafficking in China for the express purpose of providing children.⁸³ The VOICES narratives show that, in at least some cases, women are forced to marry solely for their reproductive labour. This is an under-studied

and under-theorised outcome of forced marriage that requires increased academic focus, perhaps because while being acknowledged as a human rights abuse by international instruments, women's reproductive rights have been less considered in the context of human trafficking.⁸⁴

Sixty-seven (thirty-two per cent) survivors in the archive described instances of sexual abuse and/or sexual exploitation inside their marriage. Women and girls forced into marriage against their will are subjected to severe power imbalances that affect their ability to consent and increase the risk of sexual abuse, violence, and exploitation. For example, Ja Htoi Tsawm was trafficked in 2013 by a woman she worked with in China who sold her for marriage: 'I discovered that I was in the house of a Chinese man. I had to have sex with the man every night. If I denied him, he would threaten me with knives.'⁸⁵ Similarly, Seng Moon recalls '[e]ach time when the Chinese man brought me meals, he raped me.'⁸⁶

As well as sexually abusing women for their own benefit, some survivors also reported how their 'husbands' acted as perpetrators of their commercial sexual exploitation (CSE). For instance, 'T' from Albania was forcibly married by her parents to a man called 'G,' who persuaded her to travel to Italy on a fake passport:

There in Italy, G. paid 450 euros for a house and told me that I had to work to pay for the rent and also to help my parents. He told me he would find a job for me and soon brought home a girl to teach me. When I realized what kind of job he was talking about, I refused, saying to G. that when someone loves his wife it would not be acceptable for him to allow her to do this kind of work. He promised me we would buy a house in Tirana, and we would live together in Tirana. I accepted and started working with that girl, giving all the profits to him. After a week or so I found a picture of G. and his wife and started quarrelling with him.⁸⁷

Women are also often trafficked into CSE when trying to escape their forced marriages. Some survivors in the corpus detail how they were trafficked by someone, most often another man, whom they saw as a way out of their situation of exploitation, but instead were duped and forced into prostitution. For example, Mirela was forced into marriage at 20 years old:

It was a disaster. So, I used to meet friends on the beach. One man, Edon, took an interest in me. He suggested we eloped to Italy. We did but I grew uneasy. Plans kept changing. I was given a false Italian ID card. I trafficked alone through France to the UK. When I arrived, a couple me and took me to their house. Edon and other men were there. They ridiculed and humiliated me. I was then gang raped while all present looked on and laughed. Edon told me that I was now his slave. I was held captive for nearly a year. I had to service up to ten men a day.⁸⁸

A similar experience was detailed by Odeta whose neighbour promised to find her a job in Italy so that she could escape her abusive husband whom she had been forced to marry. The neighbour asked her to marry him and took her to hide in another house. From there, she was taken illegally to Italy, and given to 'a woman who used to teach us how to work in the streets.' Odeta recalls '[a]t the beginning I refused to do this type of work, but I was beaten all day and night. They threatened to kill me as well. So, I was obliged to work as a prostitute.'⁸⁹

Relatedly, women may enter survival sex work after being abandoned by men who forced them into marriage, or after running away from them. Janet B from Uganda married a 36-year-old man when she was 15-years old. She was subjected to sexual abuse inside the marriage when he forced her to have sex with him and infected her with HIV. Janet B ran away from her

exploitative situation but was ostracised by her family and unable to return home. As a result, she turned to sex work to survive.⁹⁰

Conversely, escaping from CSE associated with one forced marriage can lead to another. For instance, Sanije, from Albania, was forced to marry a man living in Greece by her family. She stayed with him for one year in which he was ‘emotionally abusive of me and physically violent towards me.’ After he ‘threatened me by saying that he was going to put me to work on the streets as a prostitute,’ she ‘denounced him for his abusive treatment of me, the physical violence even while I was pregnant.’ Sanije was deported back to Albania and returned to her parent’s house five months pregnant. After the birth of her child, her family ‘arranged for me another marriage with an old Italian man. He was 60 years old. He wouldn’t allow me to leave the house, and he abused me sexually.’⁹¹

Discussion.

Through analysis of over 200 forced marriage narratives featured in the VOICES archive, we have found that people who have been forced into marriage experience a range of harms including practices similar to slavery and, at least sometimes, *de facto* slavery itself. In the latter case, they experience ‘the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised’; in the former, they identifiably experience one of the three practices outlined in the 1956 Supplementary Convention.

In analysing how people describe their experiences of life inside forced marriages, we found a myriad of forms of exploitation and abuse (sometimes experienced alongside and rising to the level of *de facto* slavery, sometimes not). 94% of the narratives detail experiences of exploitation in addition to the right-violation of being forced to marry against their will. They described experiences of forced labour, including domestic servitude; trafficking; sexual exploitation; violations of reproductive rights, forced pregnancy, forced sterilisation; sexual, physical, emotional, and psychological abuse; physical violence; and restriction of movement and personal liberty. Several of these count as ‘modern slavery’ when it is used as an umbrella term. Although some of the authors of the narratives did not experience modern slavery, for some the presence of physical, emotional, psychological, sexual and financial abuse is also evidence that they were subject to *de facto* slavery, as these are outward signs of the control tantamount to possession which perpetrators exercised over them. These forms of exploitation and abuse are often experienced concurrently and reveal the complexity of forced marriage and its relationship to modern slavery where it is used as an “umbrella term” for a wide range of exploitative practices (e.g. as by the ILO). Similarly, some describe instances of treatment like property, loss of liberty, and control tantamount to possession which make their experience arguably one of *de facto* slavery (as defined by the Bellagio-Harvard Guidelines).

Marriage can act as a guise for the perpetration of these abuses. As a non-commercial and private institution, it is not necessarily considered in existing trafficking frameworks and abuses can be hidden by notions of gendered divisions of labour and gender roles in marriage. Our research has shown that the context within which sexual, reproductive, domestic, and agricultural labour is performed, is essential to understanding the relationship between forced marriage and modern slavery. Exploitation such as forced domestic labour is not, in itself, enough to prove *de facto* slavery – but it is enough to show why forced marriage should be included under the phrase “modern slavery” when that is used as an “umbrella” term.

In most cases it is ‘under the guise of marriage’ that a husband or his family assume powers attaching to the right of ownership because a woman has entered their household as a ‘wife.’ But we found, in at least one case, these powers were exercised over someone who had been trafficked for the purpose of forced marriage. Though they resisted the marriage and powers were exercised in the context of trafficking and forced labour, forced marriage was the reason she had been ‘bought’ by the man’s family in the first place. Our research has also shown that experiencing forced marriage increases vulnerability and risk to other forms of exploitation, particularly commercial sexual exploitation. This should be considered by both anti-slavery scholars and activists, and those working to end forced marriage, and points to a potentially rich vein of research in the cooperation between these two fields.

Current policy and research on the relationship between forced marriage and modern slavery focuses on the instance of marriage, and the ceremony. This focus on the ‘form,’ and not the ‘substance’ neglects and disguises the many types of exploitation and practices similar to slavery – and even slavery itself – that occur during a forced marriage, which are revealed by analysing the narratives of survivors. This should be further researched, and better understood by policymakers, with the ILO and Walk Free’s highlighting of the forced labour and loss of sexual autonomy inherent in so many forced marriages a welcome start.

Analysis of narratives in the VOICES archive also confirms the highly gendered nature of forced marriage. Only one narrative in the archive is from a boy (and there are none from adult men). This chimes with existing estimates⁹² that one in five girls across the world are married before they are eighteen (twelve million girls every year),⁹³ while the global prevalence of child marriage among boys is just one sixth of this figure.⁹⁴ This said, we should recognise there may be a bias in collecting these narratives, with less work done by NGOs and researchers to collect forced marriage narratives from men and boys, perhaps in the belief that it does not affect them, or does not affect them as much. Our findings also suggest that forced marriage most often affects children under eighteen-years-old, but that adults are subjected to forced marriage, especially in cases of marriage trafficking into China. Although recognised (for instance, by the ILO and Walk Free) adult forced marriage can be overlooked, and is an under-studied area, with most research overwhelmingly focused on child marriage.

We should – as noted – be wary of exaggeration: of the 208 narratives analysed, fourteen (or six percent) do not detail experience of any form of exploitation or abuse inside their marriage aside from the initial rights-violation of being forced to marry. While this includes examples where narratives simply do not provide details of life inside the marriage, it also highlights instances of forced marriages in which there is no experience of further abuse or exploitation. This does not take away from the human rights violation at the instance of marriage, but does suggest that not *all* forced marriages are necessarily rightly thought of as instances of *de facto* slavery, institutions or practices similar to slavery, forced labour, domestic servitude, forced sexual exploitation or trafficking – only those which involve the requisite further elements, e.g., treatment like property or extraction of involuntary labour or services under menace of penalty.

Our research supports the contention of the ILO and Walk Free that forced marriages may, and indeed are highly likely to, involve a loss of sexual autonomy (particularly, though not necessarily exclusively, for women and girls) and forced non-commercial labour ‘under the guise of marriage.’ But our findings show that not necessarily *all* forced marriages result in this sort of exploitative relationship. This has implications for global estimates of the kind of forced marriage which may be termed ‘modern slavery’ (where that term is used, as by the ILO and Walk Free, as an ‘umbrella’ term for egregious forms of exploitation). Estimates should not *just*

estimate the number of non-consensual marriages, or should be adjusted to account for some non-consensual unions which do *not* also entail a loss of sexual autonomy and forced non-commercial labour.

The background circumstances of forced marriages are also revealed as being important for better understanding the phenomenon and how to end it. In some cases, being forced to marry left women (and particularly girls, and/or women who had migrated without official paperwork and/or been trafficked across borders) with very little power in their relationship, and at elevated risk of exploitation and abuse. In others, instances of exploitation and abuse (again, including trafficking), led to women and girls being more vulnerable to a forced marriage.

Limitations

There are some limitations to this study. Firstly, geographic. India and China are disproportionately represented in the corpus of narratives on which our analysis is based. This reflects broader trends in forced marriage research and activist work, with several NGOs in these countries working to end child and forced marriage. The trafficking route from North Korea to China, and Chinese single-child policies, have also resulted in NGO and research focus on forced marriage in the country. Forced marriage narratives from Latin America and South America are underrepresented in the archive, despite several reports that highlight child, early and forced marriage as an issue in the region, and UNICEF reporting Latin America and the Caribbean as the only region in the world where the forced marriage rate was not decreasing.⁹⁵

There is also a large focus on children in the collection. This may reflect the commitment in SDG 8.7 to '[t]ake immediate and effective measures to ... secure the prohibition and elimination of the worst forms of child labour ... by 2025 and end child labour in all its forms' by 2030⁹⁶, as well as global concern over the particular issue of child marriage. 158 of the narratives are from people under eighteen years of age. Of these, eighty-two are under the age of fifteen, while just thirty-seven are from adults and fourteen do not indicate their ages. For comparison, the ILO and Walk Free estimate that 37% of people living in a forced marriage in 2016 were under the age of 18 (though more may have been at the time they were married).⁹⁷ The VOICES archive, alongside data from the ILO and Walk Free (and from other organisations, such as the UK government's Forced Marriage Unit) suggests adults are subjected to forced marriage. However, this area of research is understudied, and adult survivors are therefore underrepresented.

Also concerning demographic limitations, in the sample of narratives coded, all but one survivor were women and girls. For comparison, the ILO and Walk Free estimated that 16% of people in a forced marriage in 2016 were male, and around 20% of the cases handled by the UK government's Forced Marriage Unit each year concern male victims.⁹⁸ This said, while men and boys certainly are subjected to forced marriage,⁹⁹ it is a highly gendered form of exploitation. Forced marriage often results from entrenched gender inequalities in sustained patriarchal societies.¹⁰⁰ Cultural gender norms devalue womanhood and dictate primary function as wives and mothers, preventing women and girls from undertaking educational opportunities. A lack of education subsequently curtails their personal and social development and future ability to become economically independent. Risks of early and forced marriage are increased as parents seek to unburden themselves of the economic responsibility by securing a smaller dowry. While forced marriage of men and boys requires further study, the archival data reflects the gendered contours of forced marriage globally.

A further limitation arises from the fact that these narratives have been produced by NGOs who sometimes provide the context for the survivors' stories, rather than the survivors themselves describing this in the first-person.¹⁰¹ As a result, the context, and the narratives themselves, could be shaped to fit the focus of the NGOs that have produced them. This affects the issues addressed by survivors and subsequently the themes and drivers that can be drawn out.

These limitations recognised; however, we think the VOICES archive provides a rich resource for at least preliminary research into the forms of exploitation experienced as part of, or associated with, forced marriage.

Conclusion

Forced marriage is recognised as a global problem and is one which affects millions of people – mainly women and girls – each year. International conventions, and domestic law, focus on whether or not both spouses gave their full and free consent to a marriage, but this focus on 'form' is too narrow, and researchers, policymakers, and those working to end forced marriage by 2030 should also look at the 'substance,' where clear links to *de facto* slavery, institutions and practices similar to slavery, forced labour, sexual exploitation, trafficking, domestic servitude and other forms of exploitation often grouped under the umbrella term 'modern slavery' are evident. This should prompt useful partnerships between those seeking to achieve Sustainable Development Goals 5.3 and 8.7.

Analysis of survivor narratives (and adopting a feminist lens which recognises the non-consensual labour done by women 'under the guise of marriage' in non-consensual unions) shows that forced marriage will not be ended without also taking 'immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking, and securing the prohibition and elimination of ... child labour,'¹⁰² as well as ending *de facto* slavery and the ability of any one person to exercise powers attaching to property over another, or to 'possess' and 'control' them. It also shows that no measures to 'effectively' end these practices will succeed without also working to eradicate forced marriage, and the harmful and discriminatory practices (usually, though not solely, rooted in gender-inequality) which allow it to continue.

This research has implications for anti-trafficking policy that focuses solely on human trafficking as it occurs in the public commercial context. Our research findings support Quek's assertion that forced labour and sexual exploitation can also occur in the non-commercial context of marriage. Similarly, key stakeholders and NGOs providing supportive services to victims and survivors of forced marriage need to be aware that often these women will also have, in substance, experienced other forms of exploitation— some rising to the level of *de facto* slavery. Acknowledgment that those who have been forced into marriage are likely to have also experienced forced (domestic) labour and sexual exploitation requires a broadening of national and international anti-trafficking and anti-slavery policies and frameworks so that survivors may access support previously unavailable to them.

This article was produced from research conducted as part of AHRC funded project "To Have and To Hold": Understanding the Relationship between Forced Marriage and Modern Slavery AH/S012788/1.

¹ This research was funded by the Arts and Humanities Research Council, grant number AH/S012788/1.

² United Nations. (n.d.). *Sustainable Development Goals: SDG Indicators*. Unstats.un.org.
<https://unstats.un.org/sdgs/metadata/?Text=&Goal=5&Target=5.3>.

³ International Labour Organization (ILO). (2017). *Global Estimates of modern Slavery: Forced Labour and Forced Marriage*. International Labour Organization. https://www.ilo.org/global/publications/books/WCMS_575479/lang-en/index.htm, 22.

⁴ United Nations Human Rights Office of the High Commissioner. (1964). *OHCHR | Convention on Consent to Marriage, Minimum Age for Marriage*.
<https://www.ohchr.org/en/professionalinterest/pages/minimumageformarriage.aspx>.

⁵ Walk Free Foundation. (2020). *Stacked Odds: How lifelong inequality shapes women and girls' experience of modern slavery*, 8.

⁶ E.g., United Nations. (1948). *Universal Declaration of Human Rights Preamble*. Article 16.

<https://www.un.org/sites/un2.un.org/files/2021/03/udhr.pdf>; United Nations Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages, Preamble; Anti-social Behaviour, Crime and Policing Act 2014. (2014). Part 10 (UK). Legislation.gov.uk.
<https://www.legislation.gov.uk/ukpga/2014/12/contents/enacted>.

⁷ Palmer, A. (2009). An Evolutionary Analysis of Gender-Based War Crimes and the Continued Tolerance of Forced Marriage. *Northwestern University Journal of International Human Rights*, 7(1), 133–159. 134; Baumeister, H. (2018). *Sexualised Crimes, Armed Conflict and the Law the International Criminal Court and the Definitions of Rape and Forced Marriage*. Routledge, 43-81 and 118-198; Allain, J. (2013). *Slavery in international law: of human exploitation and trafficking*. Martinus Nijhoff Publishers, 293-324.

⁸ Prosecutor v Alex Tamba Brima, Brima Bazzy Kamara and Santigie Borbor Kanu, (Special Court of Sierra Leone June 20, 2007). SCSL-04-16-T. 'AFRC Case'.

⁹ E.g. ILO, *Global Estimates*, 9.

¹⁰ See, for example, Jain, N. (2008). Forced Marriage as a Crime against Humanity: Problems of Definition and Prosecution. *Journal of International Criminal Justice*, 6(5), 1013–1032; Allain, (2015). *The law and slavery prohibiting human exploitation*. Brill. 466-474; Oosterveld, V. (2011). Forced Marriage and the Special Court for Sierra Leone: Legal Advances and Conceptual Difficulties. *Journal of International Humanitarian Legal Studies*, 2(1), 127–158; Park, A. S. J. (2006). "Other Inhumane Acts": Forced Marriage, Girl Soldiers and the Special Court for Sierra Leone. *Social & Legal Studies*, 15(3), 315–337; Bunting, A., & Ikhimukor, I. K. (2018). The Expressive Nature of Law: What We Learn from Conjugal Slavery to Forced Marriage in International Criminal Law. *International Criminal Law Review*, 18(2), 331–353; Gong-Gershowqitz, Jennifer, J. (2009). Forced Marriage: A "New" Crime Against Humanity?. *Northwestern Journal of International Human Rights*, 7(8), 53–76; Nguyen, F. (2014). Untangling Sex, Marriage, and Other Criminalities in Forced Marriage. *Goettingen Journal of International Law*, 6(1), 13–45; Bunting, A. (2012). "Forced Marriage" in Conflict Situations: Researching and Prosecuting Old Harms and New Crimes. *Canadian Journal of Human Rights*, 1, 165–186; Scharf, M. P., & Mattler, S. (2005). Forced Marriage: Exploring the Viability of the Special Court for Sierra Leone's New Crime Against Humanity. In E. A. Anhumah & E. K. Kwakwa (Eds.), *African Perspectives on International Criminal Justice*. Africa Legal Aid; Haenen, I. (2013). The Parameters of Enslavement and the Act of Forced Marriage. *International Criminal Law Review*, 13(4), 895–915; McKay, S., & Mazurana, D. E. (2004). *Where Are the Girls? Girls in Fighting Forces in Northern Uganda, Sierra Leone and Mozambique: Their Lives During and After War*. International Centre for Human Rights and Democratic Development.

¹¹ The Prosecutor v. Dominic Ongwen, (International Criminal Court 2020).
<https://www.icccpi.int/uganda/ongwen>.

¹² MacLean, D. (2012). Commercial Marriage Trafficking: Uncovering a Growing New Form of Transnational Human Trafficking, and Shaping International Law to Respond. *UC Davies Journal of International Law and Policy*, 19(1), 67–102; Quek, K. (2018). *Marriage Trafficking: Women in Forced Wedlock*. Routledge; Wijers, M., & Lap-Chew, L. (1999). Trafficking in Women: Forced Labour and Slavery-Like Practices in Marriage, Domestic Labour and Prostitution?. *Foundation against Trafficking in Women and Global Alliance against Traffic in Women*; Warner, E. (2004). Behind the Wedding Veil: Child Marriage as a Form of Trafficking in Girls. *American University Journal of Gender, Social Policy and the Law*, 12(2), 233–272 ; Igareda, N., Barcons Campmajo, M., Lotti, M. R., & Leye, E. (2016). *MATRIFOR: Approaching Forced Marriage as a New Form of Trafficking in Human Beings in Europe*. European Commission; Lyneham, S. (2013). Forced and Servile Marriage in the Context of Human Trafficking. *Australian Government/ Australian Institute of Criminology Research in Practice*, 32; Schloenhardt, A., & Jolly, J. (2010). Honeymoon from Hell: Trafficking and Domestic Servitude in Australia. *Sydney Law Review*, 32(4), 671–692; Deane, T. (2010). Cross-Border Trafficking in Nepal and India—Violating Women's Rights. *Human Rights Review*, 11(4), 491–513; Tyldum, G. (2013). Dependence and Human Trafficking in the Context of Transnational Marriage. *International Migration*, 51(4), 103–115; Yakushko, O., & Rajan, I. (2016). Global Love for Sale: Divergence and Convergence of Human Trafficking with "Mail Order Brides" and International Arranged Marriage Phenomena. *Women & Therapy*, 40(1-2), 190–206; Minna Viuhko, M., Lietonen, A., Jokinen, A., & Jousten, M. (2013). *Exploitative Sham Marriages:*

Exploring the Links Between Human Trafficking and Sham Marriages in Estonia, Ireland, Latvia, Lithuania and Slovakia.

European Institute for Crime Prevention and Control, affiliated with the United Nations.

¹³ E.g. Qiu, G., Zhang, S. X., & Liu, W. (2019). Trafficking of Myanmar women for forced marriage in China. *Crime, Law and Social Change*, 72, 40; Xiong, W. (2022). Does the Shortage of Marriageable Women Induce the Trafficking of Women for Forced Marriage? Evidence From China. *Violence against Women*, 28(6/7), 1441-1463; Stöckl, H., Kiss, L., Koehler, J., Dong, D. T., & Zimmerman, C. (2017). Trafficking of Vietnamese women and girls for marriage in China. *Global Health Research and Policy*, 2(1); 279. <https://doi.org/10.1016/j.childyouth.2017.06.024>

Watkins-Smith, A. (2022). A Feminist Analysis of the Trafficking of Women and Girls into China for the Purpose of Forced Marriage and Childbearing. *Journal of Modern Slavery*, 7(2), 58–81; Zhao, G. M. (2003). Trafficking of women for marriage in China. *Criminal Justice*, 3(1), 83–102; Hackney, L. K. (2015). Re-evaluating Palermo: The case of Burmese women as Chinese Brides?. *Anti-Trafficking Review*, 4(1); Hoi-Chun Hung, A. (2021). Tortured between Two Hells: A Qualitative Analysis of the Collective Social Normalization of the Trafficking of Brides from Myanmar to China. *Journal of Human Trafficking*, 1–13; Davis, K. (2006). Brides, Bruises and the Border: The Trafficking of North Korean Women into China. *SAIS Review of International Affairs*, 26(1), 131–141.

¹⁴ Sarich, J., Olivier, M., & Bales, K. (2016). Forced Marriage, Slavery, and Plural Legal Systems: An African Example. *Human Rights Quarterly*, 38(2), 450–476.

¹⁵ Warner, Behind the Wedding Veil, 266; Mikhail, S. L. B. (2002). Child marriage and child prostitution: Two forms of sexual exploitation. *Gender & Development*, 10(1), 43–49; Warria, A. (2017). Forced child marriages as a form of child trafficking. *Children and Youth Services Review*, 79, 274–279; Kakar, S. (2020). Child/Forced/Servile Marriages ⇌ Human Trafficking. In J. Jones & J. Winterdyk (Eds.), *The Palgrave International Handbook of Human Trafficking* (pp. 503–519). Palgrave Macmillan.

¹⁶ Allain, *The Law and Slavery*, 471.

¹⁷ Quek, *Marriage Trafficking*, 1 and 55.

¹⁸ Alexia Sabbe, et al. (2014). Women’s perspectives on marriage and rights in Morocco: risk factors for forced and early marriage in the Marrakech region. *Culture, Health & Sexuality*, 17(2), 135–149.

¹⁹ Kakar, M. M., & Yousaf, F. N. (2021). Gender, Political and Economic Instability, and Trafficking into Forced Marriage. *Women & Criminal Justice*, 1–11, 2.

²⁰ Johnson, K. L. (2013). The New Slave Narrative: Advocacy and Human Rights in Stories of Contemporary Slavery. *Journal of Human Rights*, 12(2), 242–258, 246.

²¹ Phillips, C. (2019). Utilising “modern slave” narratives in social policy research. *Critical Social Policy*, 40(1), 30–49, 34.

²² VOICES: Narratives by Survivors of Modern Slavery, *Antislavery Usable Past*,

<https://antislavery.ac.uk/narratives>.

²³ Murray, Hannah-Rose. (2019) Rights Lab. Voices: Ideas for using survivor testimony in antislavery work.3.

²⁴ See *The Bellagio-Harvard Guidelines on the Legal Parameters of Slavery*. (2012).

https://glc.yale.edu/sites/default/files/pdf/the_bellagio_harvard_guidelines_on_the_legal_parameters_of_slavery.pdf; United Nations. (1926). *Slavery Convention*. OHCHR. <https://www.ohchr.org/en/instruments-mechanisms/instruments/slavery-convention>.

²⁵ Palermo Protocol (2000). Exploitation shall include, ‘at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.’ For trafficking to have taken place, the three elements of the act, the means, and the purpose must be present, for children under eighteen years old only the act and the purpose need be present.

²⁶ United Nations. (1956). *Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery*. OHCHR. <https://www.ohchr.org/en/instruments-mechanisms/instruments/supplementary-convention-abolition-slavery-slave-trade-and>, Article 7.

²⁷ United Nations. (2001). *Statute of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 (International Tribunal for the Former Yugoslavia)*. OHCHR. <https://www.ohchr.org/en/instruments-mechanisms/instruments/statute-international-tribunal-prosecution-persons-responsible#:~:text=The%20International%20Tribunal%20shall%20have>, 194.

²⁸ International Labour Organization. (2019). *What Is Forced labour, Modern Slavery and Human Trafficking (Forced labour, Modern Slavery and Human trafficking)*. Ilo.org. <https://www.ilo.org/global/topics/forced-labour/definition/lang-en/index.htm>; ILO. (1930). *Convention C029 - Forced Labour Convention, 1930 (No. 29)*. https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0:NO:P12100_ILO_CODE:C029.

²⁹ United Nations. (2018). *The unspoken servitude of women domestic workers*. OHCHR.

<https://www.ohchr.org/en/stories/2018/09/unspoken-servitude-women-domestic-workers>.

³⁰ See United Nations. (2017). *Glossary on Sexual Exploitation and Abuse Thematic Glossary of current terminology related to Sexual Exploitation and Abuse (SEA) in the context of the United Nations Second Edition Prepared by the Task Team on the*

SEA Glossary for the Special Coordinator on improving the United Nations response to sexual exploitation and abuse UN Glossary on Sexual Exploitation and Abuse.

https://hr.un.org/sites/hr.un.org/files/SEA%20Glossary%20%20%5BSecond%20Edition%20-%202017%5D%20-%20English_0.pdf.

³¹ See United Nations Glossary on Sexual Exploitation and Abuse.

³² United Nations. (1956). *Supplementary Convention*.

³³ Seng Moon. *Antislavery Usable Past*, <http://antislavery.ac.uk/items/show/2280>.

³⁴ Stöckl et al., Trafficking of Vietnamese women and girls for marriage in China; Qiu et al., Trafficking of Myanmar Women for Forced Marriage in China; Hackney, Re-evaluating Palermo; Hoi-Chun Hung, Tortured between Two Hells.

³⁵ Jiang, Q., & Sánchez-Barricarte, J. J. (2012). Bride price in China: the obstacle to “Bare Branches” seeking marriage. *The History of the Family*, 17(1), 2–15.

³⁶ While the practice bride price may not always signal the presence of modern slavery and/or trafficking, it is a practice rooted in patriarchal notions about gender and control which signals the transfer of rights of control over women and girls from father to husband. For an analysis of how constructions of gender in China shape power inequalities that facilitate and justify the trafficking of women and girls into the country for forced marriage see Watkins-Smith, A Feminist Analysis of the Trafficking of Women and Girls into China for the Purpose of Forced Marriage and Childbearing, 58-81.

³⁷ Quanbao and Sanchez Barricarte argue that while ‘deformity and disrepute can be counted as reasons for being unable to marry, for most men, poverty is the main obstacle.’ These men over a certain age who have been unable to find a spouse and have children are referred to as ‘bare branches: like a bare branch without leaves’. Studies have highlighted the trafficking of women into China for marriage from North Korea, Vietnam, Myanmar and Cambodia.

³⁸ Mee Yon. *Antislavery Usable Past*, <https://antislavery.ac.uk/items/show/1862>.

³⁹ Park Ji-hyun. *Antislavery Usable Past*, <http://antislavery.ac.uk/items/show/1714>.

⁴⁰ Esther Choe. *Antislavery Usable Past*, <http://antislavery.ac.uk/items/show/1851>.

⁴¹ Esther Choe. *Antislavery Usable Past*, <http://antislavery.ac.uk/items/show/1851>.

⁴² United Nations. (1926). *Slavery Convention*.

⁴³ Allain, J., & Hickey, R. (2012). Property and the Definition of Slavery. *International and Comparative Law Quarterly*, 61(4), 915–938, 935-36.

⁴⁴ *Ibid*.

⁴⁵ *Bellagio-Harvard Guidelines on the Legal Parameters of Slavery*.

⁴⁶ Schwarz, K., & Nicholson, A. (2020). Collapsing the Boundaries Between De Jure and De Facto Slavery: The Foundations of Slavery Beyond the Transatlantic Frame. *Human Rights Review*, 21(4), 391–414. 398.

⁴⁷ *Bellagio-Harvard Guidelines on the Legal Parameters of Slavery*.

⁴⁸ Schwarz and Nicholson Collapsing the Boundaries Between De Jure and De Facto Slavery, 398.

⁴⁹ Yoon, L. (2021). China Restarts Forced Returns of Refugees to North Korea. In *Human Rights Watch*.

<https://www.hrw.org/news/2021/07/22/china-restarts-forced-returns-refugees-north-korea>.

⁵⁰ Jang Mi Kyung. *Antislavery Usable Past*, <http://antislavery.ac.uk/items/show/2569>.

⁵¹ Kang Sun-Mi. *Antislavery Usable Past*, <http://antislavery.ac.uk/items/show/1871>.

⁵² Seng Moon. *Antislavery Usable Past*, <http://antislavery.ac.uk/items/show/2280>.

⁵³ Seng Moon. *Antislavery Usable Past*, <http://antislavery.ac.uk/items/show/2280>.

⁵⁴ Kyi Kyi. *Antislavery Usable Past*, <https://antislavery.ac.uk/items/show/1562>.

⁵⁵ Kyi Kyi. *Antislavery Usable Past*, <https://antislavery.ac.uk/items/show/1562>.

⁵⁶ Pilli Lavanya. *Antislavery Usable Past*, <http://antislavery.ac.uk/items/show/1954>.

⁵⁷ United Nations. (1956). *Supplementary Convention*.

⁵⁸ Muneera. *Antislavery Usable Past*, <http://antislavery.ac.uk/items/show/2825>.

⁵⁹ Shailaja. *Antislavery Usable Past*, <http://antislavery.ac.uk/items/show/1949>.

⁶⁰ Narendra Chamar. *Antislavery Usable Past*, <http://antislavery.ac.uk/items/show/2547>.

⁶¹ Human Rights Watch. (2016). “Our Time to Sing and Play”: Child Marriage in Nepal. In *Human Rights Watch*. https://www.hrw.org/sites/default/files/report_pdf/nepal0816_web.pdf, 51.

⁶² Narendra Chamar. *Antislavery Usable Past*, <http://antislavery.ac.uk/items/show/2547>.

⁶³ Narendra Chamar. *Antislavery Usable Past*, <http://antislavery.ac.uk/items/show/2547>.

⁶⁴ See for example Ja Tsin Mai. *Antislavery Usable Past*, <http://antislavery.ac.uk/admin/items/show/2294>; Nang Shayi. *Antislavery Usable Past*, <http://antislavery.ac.uk/admin/items/show/2281>; Aahna. *Antislavery Usable Past*, <http://antislavery.ac.uk/admin/items/show/2237>; May. *Antislavery Usable Past*, <http://antislavery.ac.uk/items/show/2516>; Hania. *Antislavery Usable Past*, <http://antislavery.ac.uk/admin/items/show/2217>.

⁶⁵ I. *Antislavery Usable Past*, <http://antislavery.ac.uk/admin/items/show/2752>.

-
- ⁶⁶ Odeta. *Antislavery Usable Past*, <http://antislavery.ac.uk/items/show/1356>.
- ⁶⁷ Billingham, Z., Franklin, B., & Hochlaf, D. (2022, March 30). *What Women Want*. Centre for Progressive Policy. <https://www.progressive-policy.net/publications/what-women-want>.
- ⁶⁸ Contzen, S., & Forney, J. (2017). Family farming and gendered division of labour on the move: a typology of farming-family configurations. *Agriculture and Human Values*, 34(1), 27–40.
- ⁶⁹ ILO, *Global Estimates*, 10.
- ⁷⁰ Ja Htoi Tsawm. *Antislavery Usable Past*, <http://antislavery.ac.uk/items/show/2287>.
- ⁷¹ Asseel. *Antislavery Usable Past*, <http://antislavery.ac.uk/items/show/2586>.
- ⁷² Asseel. *Antislavery Usable Past*, <http://antislavery.ac.uk/items/show/2586>.
- ⁷³ Quek, *Marriage Trafficking*, 68.
- ⁷⁴ Rajita T. *Antislavery Usable Past*, <http://antislavery.ac.uk/admin/items/show/2550>.
- ⁷⁵ See also Huda. *Antislavery Usable Past*, <https://antislavery.ac.uk/admin/items/show/2448>; Cho Cho. *Antislavery Usable Past*, <http://antislavery.ac.uk/items/show/1865>; Christina A. *Antislavery Usable Past*, <http://antislavery.ac.uk/items/show/1422>; Aaliyah. *Antislavery Usable Past*, <http://antislavery.ac.uk/items/show/2505>.
- ⁷⁶ Dandurand, Y. (2014). *Human Trafficking for Domestic Servitude Patterns of Deception and Coercion and their Impact on Victims*. International Centre for Criminal Law Reform and Criminal Justice Policy.
- ⁷⁷ Anita B. *Antislavery Usable Past*, <http://antislavery.ac.uk/admin/items/show/1684>.
- ⁷⁸ Ho Kyung-Soon. *Antislavery Usable Past*, <http://antislavery.ac.uk/items/show/1867>.
- ⁷⁹ Rajyamma. *Antislavery Usable Past*, <http://antislavery.ac.uk/admin/items/show/1956>.
- ⁸⁰ Seng Moon. *Antislavery Usable Past*, <http://antislavery.ac.uk/items/show/2280>.
- ⁸¹ Seng Ja Ban. *Antislavery Usable Past*, <http://antislavery.ac.uk/items/show/2289>.
- ⁸² Seng Ja Ban. *Antislavery Usable Past*, <http://antislavery.ac.uk/items/show/2289>.
- ⁸³ Human Rights Watch. (2019). “Give Us a Baby and We’ll Let You Go” Trafficking of Kachin “Brides” from Myanmar to China. Human Rights Watch. <https://www.hrw.org/report/2019/03/21/give-us-baby-and-well-let-you-go/trafficking-kachin-brides-myanmar-china>.
- ⁸⁴ Quek, *Marriage Trafficking*, 70.
- ⁸⁵ Ja Htoi Tsawm. *Antislavery Usable Past*, <http://antislavery.ac.uk/items/show/2287>.
- ⁸⁶ Seng Moon. *Antislavery Usable Past*, <http://antislavery.ac.uk/items/show/2280>.
- ⁸⁷ I. *Antislavery Usable Past*, <http://antislavery.ac.uk/items/show/2752>. This may also be an example of debt-bondage.
- ⁸⁸ Mirela. *Antislavery Usable Past*, <http://antislavery.ac.uk/items/show/1466>.
- ⁸⁹ Odeta. *Antislavery Usable Past*, <http://antislavery.ac.uk/items/show/1356>.
- ⁹⁰ Janet B. *Antislavery Usable Past*, <http://antislavery.ac.uk/items/show/1813>.
- ⁹¹ Sanije. *Antislavery Usable Past*, <http://antislavery.ac.uk/admin/items/show/1370>.
- ⁹² Psaila, Leigh, et. al., Forced Marriage from a Gender Perspective.
- ⁹³ *Where it happens*. (n.d.). Girls Not Brides. <https://www.girlsnotbrides.org/about-child-marriage/where-child-marriage-happens/>.
- ⁹⁴ UNICEF. (2016). *Child marriage*. Unicef.org; UNICEF. <https://www.unicef.org/protection/child-marriage>.
- ⁹⁵ UNICEF. (2018, April 10). *Latin America and the Caribbean: a decade lost in ending child marriage*. Wwww.unicef.org. <https://www.unicef.org/press-releases/latin-america-and-caribbean-decade-lost-ending-child-marriage>.
- ⁹⁶ Sustainable Development Solution Network. (n.d.). *Indicators and a Monitoring Framework: Launching a Data Revolution for the Sustainable Development Goals*. Indicators.report. <https://indicators.report/targets/8-7/>.
- ⁹⁷ ILO, *Global Estimates of Modern Slavery*, 10.
- ⁹⁸ See data available here *Forced Marriage Unit statistics*. (n.d.). GOV.UK. <https://www.gov.uk/government/collections/forced-marriage-unit-statistics>; and McCabe, H., Hashem, et al. (2021). *Impact of Covid-19 on Calls to the Forced Marriage Unit: Analysis of 2020 Data*. University of Nottingham Rights Lab. <https://www.nottingham.ac.uk/research/beacons-of-excellence/rights-lab/resources/reports-and-briefings/2021/july/impact-of-covid-19-on-calls-to-the-forced-marriage-unit.pdf>.
- ⁹⁹ On this issue, see Aijazi, O., & Baines, E. (2017). Relationality, Culpability and Consent in Wartime: Men’s Experiences of Forced Marriage. *International Journal of Transitional Justice*, 11(3), 463–483; Schulz, P. (2020). *Male survivors of wartime sexual violence: perspectives from northern Uganda*. University Of California Press; Samad, Y. (2010). Forced marriage among men: An unrecognized problem. *Critical Social Policy*, 30(2), 189–207.
- ¹⁰⁰ Emma Psaila et al., Forced Marriage from a Gender Perspective, 37.
- ¹⁰¹ These include Anti-Slavery International, Human Rights Watch, Amnesty International, Human Trafficking Foundation, M Venkatarangaiya Foundation, Equality Now, and the Association of Albanian Girls and Women.
- ¹⁰² United Nations, *Sustainable Development Goals*.