

Forced Marriage

What is Forced Marriage?

The consent of both parties is a fundamental requirement for a valid marriage.

Therefore, a forced marriage is one conducted without the valid consent of both parties, where duress is a factor. The duress may include physical, psychological, financial, sexual and/or emotional pressure.

International treaties and agreements – for example, the European Convention on Human Rights – guarantee individuals certain fundamental freedoms. Other treaties guarantee children and young people protection from abuse – for example, the UN Convention on the Rights of the Child. Forced marriage is an abuse of human rights and a form of domestic abuse. Where it involves children and young people, it is a form of child abuse.

Whom does Forced Marriage affect?

There is no “typical” victim of forced marriage. It can happen to both men and women. The majority of cases – about 80% – involve young women and girls aged between 13 and 30.

Many of the reported forced marriage cases in the UK involve South Asian families, but it is not an issue confined to that community. Other cases have involved families from East Asia, the Middle East, Europe and Africa.

Some forced marriages take place in the UK with no transnational element. Others involve a partner travelling from overseas to the UK, or a British citizen being sent abroad.

The Foreign and Commonwealth Office has established a specialist Forced Marriage Unit (FMU), a joint-initiative with the Home Office. In 2011, the FMU gave advice or support in 1,468 cases. Of those, 66 involved those with disabilities (56 with learning disabilities, 8 with physical disabilities and 2 with both). Ten cases involved victims who identified themselves as LGBT.

Is an Arranged Marriage a Forced Marriage?

An arranged marriage is one where the spouses’ families take a role – and sometimes quite an active role – in organising the marriage. However, the prospective spouses retain the final say in whether the marriage proceeds. They may choose not to accept the arrangement, in which case there will be no marriage.

In a forced marriage, one or both spouses have that choice taken away from them.

An arranged marriage

What are the potential warning signs or indicators of a forced marriage?

Those affected often feel unable to disclose they are in, or facing the prospect of, a forced marriage. Just as there is no “typical” victim of forced marriage, nor are there “typical” indicators given by those who are affected. However, some of those more frequently seen in forced marriage victims include:

- Extended absence from school or college, truancy, drop in performance, low motivation, excessive parental restriction and control of movements and history of siblings leaving education early to marry;
- Poor attendance in the workplace, poor performance, parental control of income and limited career choices;
- Evidence of self-harm, treatment for depression, attempted suicide, social isolation, eating disorders or substance abuse;
- Being accompanied to appointments or clinics by family members;
- Early and/or unwanted pregnancy, and
- Evidence of family disputes and conflict, domestic violence or abuse, running away from home.

A young person demonstrating any of the above may not necessarily be at risk of forced marriage. However, these signs ought to put healthcare providers on alert that forced marriage might be an underlying cause.

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The Legal Framework

It is not currently a criminal offence in England and Wales to force somebody to marry, although it has been proposed to make it a crime. Other criminal offences may be committed by those – usually parents or other family members – involved in a forced marriage. These might include: threatening behaviour, assault, kidnap, abduction and threats to kill, amongst others.

There is a range of civil and family orders that can be made to protect those in, or threatened with, a forced marriage. For example, where the victim is under eighteen, orders can be sought from the Family Court under the Children Act 1989 or under the court's inherent powers (relating to the State's obligation to protect children and vulnerable adults). A non-molestation order might be sought under the Family Law Act 1986.

The Forced Marriage (Civil Protection) Act 2007 enables protection orders to be obtained. The Act makes provision for protection of both adults and children at risk of being forced into marriage. It also offers protection for those already forced into marriage.

Responding to a Suspected Forced Marriage

A conversation with a trusted individual might be the only opportunity a victim of forced marriage has to tell anyone what is happening.

Anyone who knows or suspects a person is a victim of forced marriage may consider it appropriate to share their concerns with other agencies – such as the police, the local authority, the FMU. In the first instance, they might find it helpful to consult these agencies to discuss their concerns without revealing the suspected victim's identity.

Even providing the suspected victim of forced marriage with the FMU's contact details might be sufficient to enable them to access help.

In Conclusion

Those working in forced marriage cases apply a “one chance” rule. That is, there might only be one opportunity for a victim of forced marriage to ask for help. If that person is not offered support and assistance at that stage, the one chance might be lost. The consequences of that might be catastrophic.

Resources

The FMU is always happy to talk to people who encounter forced marriage cases at any level or stage. It can offer information and advice on the range of tools available to combat forced marriage, including legal remedies, overseas assistance and how to approach victims.

Call: 020 7008 0151 (Mon-Fri: 09.00-17.00)

Email: fmu@fco.gov.uk

Web: www.fco.gov.uk/forcedmarriage

Address:

Forced Marriage Unit
Foreign & Commonwealth Office
Old Admiralty Building
London
SW1A 2PA

For out of hours emergencies, please telephone 020 7008 1500 and ask to speak to the Global Response Centre.

Please feel free to discuss your own position and concerns. Contact your nearest office on:

T: 0800 916 9015

E: enquiries@slatergordon.co.uk

W: www.slatergordon.co.uk

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