

# Criminalisation of Forced Marriage Fact Sheet

## *And breaching Forced Marriage Protection Orders*

### What is a Forced Marriage?

A forced marriage is one conducted without the valid consent of one or both people, where duress, pressure or abuse is used. This is very different from an arranged marriage, where both parties fully and freely consent to the marriage, although their families take a leading role in the choice of partner. Forced marriage can involve physical, psychological, emotional, financial and sexual abuse including being held unlawfully captive, assaulted and raped. Maximum penalty is 7 years imprisonment (max. 5 years if breaching an order). As of 16th June 2014, under s121 of the Anti-Social Behaviour, Crime and Policing Act 2014, forced marriage is now a specific offence to:

- Take someone overseas to force them to marry (whether or not the forced marriage takes place)
- Marry someone who lacks the mental capacity to consent to the marriage (whether they're pressured to or not).

### Why?

To control unwanted behaviour and sexuality, and prevent 'unsuitable' relationships, i.e. with people outside their ethnic, cultural, caste or religious group, to protect perceived cultural or religious ideals, family 'honour' or long-standing family commitments, peer group or family pressure, to ensure land, property and wealth remain in the family, to strengthen family links, to assist claims for residence and citizenship and to provide a carer for a disabled family member / reduce the 'stigma' of disability. Known to affect individuals as young as 2.

### Signs of Forced Marriage

The Forced Marriage Unit, has identified a number of tell-tale signs that may suggest a child is vulnerable to a forced marriage:

- A student is anxious about or is fearing the forthcoming school holidays (this is a time of increased risk).
- Surveillance of a student by siblings or cousins at school or being met by family at the end of the day.
- A student being prevented from continuing their education in the sixth form, college or university.  
Persistent absence; requests for extended leave; a decline in behaviour, performance or punctuality; not being allowed to attend extra-curricular activities.
- The sudden announcement of an engagement to a stranger.

### Forced Marriage Protection Orders (FMPO's)

A Forced Marriage Protection Order (FMPO) is a legal document issued by a judge (sought under s.4A of the Family Law Act 1996 (the 1996 Act). Note: section 4a of the 1996 Act was inserted by the Forced Marriage (Civil Protection) Act 2007.) which is designed to protect individuals according to their circumstances. It contains legally binding conditions and directions that require a change in the behaviour of a person or persons trying to force another person into marriage. Anyone threatened with forced marriage or forced to marry against their will can apply for a Forced Marriage Protection Order. Third parties, such as relatives, friends, voluntary workers and police officers, can also apply for a protection order with the leave of the court. Local authorities can now seek a protection order for vulnerable adults and children without leave of the court. Breaching a Forced Marriage Protection Order is a criminal offence, punishable by up to 5 years imprisonment.

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### Prevalence

The Forced Marriage Unit reported that in 2018 (updated Apr 2020) they dealt with 1507 cases. A 13% increase on average seen during 2011 – 2017, and highest reported levels (not necessarily prevalence) since recording began. - Where the age was known, 19% of cases involved victims below 16 years, 16% involved victims aged 16-17, 19% involved victims aged 18-21.

### Do's and Don'ts

#### Do:

- ✓ Take them seriously
- ✓ See them immediately and alone
- ✓ Conduct a risk assessment
- ✓ Respect their wishes and reassure them about confidentiality
- ✓ Establish safe means of contact
- ✓ If under 18, refer them to the designated person with responsibility for safeguarding
- ✓ Contact a trained HBA specialist agency/charity

#### Don't:

- ✗ Attempt to mediate.
- ✗ Send them away
- ✗ Share information without consent
- ✗ EVER use family members as translators
- ✗ EVER approach family or community leaders
- ✗ EVER underestimate the perpetrator/s of HBV
- ✗ EVER consider culture or religion over the safety and welfare of the individual

### Contact

Police – Emergency 999, Non-emergency 101 (requesting to speak to the Domestic Abuse Investigation and Safeguarding Unit)

Children's Services - 03001234043

Karma Nirvana - 08005999247 <http://www.karmanirvana.org.uk/>

Forced Marriage Unit - 02070080151 <https://www.gov.uk/forced-marriage>

Freedom Charity - 08456070133 [www.freedomcharity.org.uk](http://www.freedomcharity.org.uk)