

Forced Marriage Briefing

What is Forced Marriage (FM)?

'A forced marriage is a marriage in which one or both spouses do not (or in the case of some adults with learning or physical disabilities, cannot) consent to the marriage and duress is involved. Duress can include physical, psychological, financial, sexual and emotional pressure' (HM Government, 2009).

In 2012 alone, the Forced Marriage Unit¹ (FMU) provided advice and support to 1,485 possible forced marriage cases. It is understood that forced marriage is still underreported and the scale of the problem is likely to be much greater.

There is a clear distinction between an 'arranged marriage' and a 'forced marriage'. An 'arranged marriage' is legal and is entered freely by both parties, although their families take a leading role in the choice of the partner. It becomes a 'forced marriage' when there is any form of duress. Forced marriage is a violation of human rights in itself, because it deprives victims of the ability to choose their own partner and to make basic decisions about their lives. It may also lead to other violations of human rights, including imprisonment, rape, domestic abuse and forced pregnancy. Many of the trigger factors are the same as for other forms of 'honour'-based violence.

Forced marriage is a form of abuse and should be treated as such. Cases should be tackled using existing structures, policies and procedures designed to safeguard children and victims of domestic abuse.

Who is affected by forced marriage?

Every year, hundreds of young people in Britain, both male and female, are forced into marriage against their will, often as a result of extreme violence and blackmail from their own families and relatives. It is estimated that approximately 8,000-10,000 forced marriages of British citizens take place every year. In 2012, the majority of cases were female (82% of victims) and 18% of cases involved male victims (FMU, 2013). A large proportion of people affected by forced marriage come from the Middle East, South Asia, East Asia and Africa.²

The Forced Marriage (Civil Protection) Act 2007 and the Anti-Social Behaviour, Crime and Policing Act 2014

In June 2014, legislation changed in relation to The Forced Marriage (Civil Protection) Act 2007 and Forced Marriage Protection Orders (FMPOs). This was done through Part 10 of the Anti-Social Behaviour, Crime and Policing Act 2014 which legislated on forced marriage and amended the Family Law Act 1996 to make it an offence in England and Wales for a person to use violence, threats or any other form of causing another person to enter into a marriage without free and full consent³. This change in legislation⁴ has criminalised Forced Marriage and criminalised a breach of FMPO. Applying to court for this order will prohibit the family of the person at risk to take certain courses of action which may lead to a forced

¹ The FMU is a joint Foreign and Commonwealth Office and Home Office unit set up to lead on the Government's forced marriage policy, outreach and casework. It operates both inside the UK and overseas.

² Forced Marriage Unit. (2013). Forced Marriage Unit: Statistics January to December 2012. London: Home Office & Foreign and Commonwealth Office.

³ A person commits an offence of forced marriage under the law of England and Wales if he or she—
(a) uses violence, threats or any other form of coercion for the purpose of causing another person to enter into a marriage, and (b) believes, or ought reasonably to believe, that the conduct may cause the other person to enter into the marriage without free and full consent.

⁴ The Anti-social Behaviour, Crime and Policing Act 2014 made provisions about anti-social behaviour, crime and disorder and includes a section on sexual harm, violence and forced marriage.

marriage. A FMPPO can be effective by preventing the victim's family from contacting them, putting pressure on them or taking them out of country.

The Regional Violence Against Women and Girls (VAWG) Strategy

Forced marriage and so-called honour crimes are included within the regional VAWG strategy.

- Priority 16 of the strategy states *"The PCC will help organisations supporting potential victims of forced marriage to gain a better understanding of how to protect them as the law changes and will focus in particular on agencies supporting those with learning disabilities, who can be particularly vulnerable to forced marriage"*.
- Priority 17 states *"We will continue to provide a 24 hour crisis helpline for honour-based violence (HBV) and forced marriage (FM) and will make sure that training for Domestic and Sexual Violence Champions includes awareness of intervening to prevent and tackle these evils"*.

Whilst this primarily a regional action for the 3 PCCs, work being done locally to support this and includes:

- Sunderland's Whole Family Safeguarding conference on 13th May 2015 hosted the Forced Marriage Unit who delivered a plenary session to around 200 multi-agency staff to raise awareness of how to recognise signs, and safe practice when dealing with victims of FM and HBV.
- The SSCB has promoted free e-learning on forced marriage to frontline staff. This online course was developed with the Forced Marriage Unit of the Foreign Office and aims to raise awareness, challenge perceptions and inform staff of the correct actions to take should they suspect someone is at risk.
- Since July 2015, 3 levels of multi-agency domestic violence and abuse training are now being delivered in Sunderland which includes raising awareness of FM, FGM and HBV.
- Training will be delivered to the South of Tyne Domestic and Sexual Violence Champions network during 2016-17 around FM, FGM and so-called HBV so ensure champions have a wider understanding of the issues and how to safely respond.
- A range of national resources, tools, and campaign information is routinely shared with partner agencies on the SSCB, SSAB and SDVP. For example, in November 2015, the Forced Marriage Unit released a new [film](#) to demonstrate the devastating impact of forced marriage on victims and their families. Building on the outreach and education work of the Forced Marriage Unit, the film aims to raise public awareness of the impact of forced marriage, and that forcing someone to marry is a criminal offence. This film link was circulated to SSCB, SSAB and SDVP partners.
- Sunderland uses the national risk assessment tool called the Domestic Abuse, Stalking and Honour-based Violence (DASH) Risk Identification Checklist (RIC), which covers forced marriage and FGM.
- Safeguarding First Ltd (who provides safeguarding consultancy and training to schools/settings in Sunderland, the North East and nationally) has been working with the National Joint Head of the FMU London around raising greater awareness of forced marriage for local schools/settings through briefing sessions for all their customers. They have covered policy, procedures, government guidance, safeguarding issues and how to ensure that FM and FGM are responded too appropriately as well as considering how to incorporate the issues into the curriculum.

Source documents:

- *Home Office Crime and Policing Bulletins*
- *Home Office FGM Resource Pack*
- *Part 10 Forced Marriage specifically -*
<http://www.legislation.gov.uk/ukpga/2014/12/part/10/enacted>
- *Anti-social Behaviour, Crime and Policing Act 2014 -*
<http://www.legislation.gov.uk/ukpga/2014/12/enacted>