



Home Office



Foreign &  
Commonwealth  
Office

# FORCED MARRIAGE

## The U.K's Response



**SOPHIE LOTT**

# What is Forced Marriage?



***‘A marriage conducted **without** the valid **consent** of one or both parties and where **duress** is a factor.’***

Adults who lack ‘capacity’ as defined under the Mental Capacity Act 2005 are classed as not being able to consent and any marriage they enter into is classed as FORCED.

# CRIMINALISATION TIME LINE

- ▶ In 2005, the Government carried out a national consultation on whether or not to introduce a specific criminal offence for forced marriage. The Government decided at this time to NOT introduce legislation.
- ▶ In Oct 2011 the PM announced he would be criminalising the breach of an FMPO. Consultation also launched in Dec 2011 on whether forced marriage should be a criminal offence – this ended in March 2012.
- ▶ On 8 June 2012, the PM announced forced marriage is to become a criminal offence in the UK. This reflected the seriousness of the issue and the priority the Government places on tackling it.
- ▶ Parliamentary process was completed in 2014.
- ▶ New standalone offences of forced marriage and breach of FMPO introduced in June 2014.

# UK Legislation

A civil route to protect victims was established through the Forced Marriage (Civil Protection) Act 2007, however, **victims now have the ability to take action against perpetrators either through the criminal justice route or the civil courts.**

**Since June 2014 forced marriage also became a specific criminal offence under the ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014**

# Legal assistance in UK

- ▶ **Forced Marriage Protection Orders (FMPOs) are civil orders with legally binding requirements to protect a person at risk.**
- ▶ **They can be obtained to bring someone back to the UK as well as prevent them from being taken and can be used pre and post marriage**
- ▶ **Police, social services and any 3<sup>rd</sup> party given permission by court can obtain and use this tool to assist those at risk.**
- ▶ **They act as a formal warning to families – allowing for change and protection without punishment in the first instance.**

# HOW THE LAW PRACTICALLY ASSISTS

## How Forced Marriage Protection Orders can help.

### Conditions include:

- ▶ Protect victims from being taken overseas/or being them back.
- ▶ Stop them for being forced into marriage whether religious or otherwise.
- ▶ Stop them being hurt/harmed or threatened.
- ▶ Stop them being harassed.

### Critical in cases where:

- ▶ Victim is in a country we cannot assist in.
- ▶ Freedom of movement is restricted.
- ▶ We have no contact address.



# Key Elements Of New Law

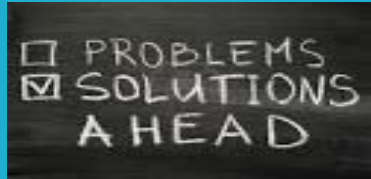


**New option since June 16<sup>th</sup> 2014 is the criminal justice route....Forcing someone into a marriage is now a criminal offence – there is still a twin track approach**

- ▶ Forcing an individual to marry against their will.
- ▶ Using deception with the intention of causing another person to leave the UK for the purpose of forcing that person to enter into marriage.
- ▶ Breach of a forced marriage protection order.
- ▶ If a person lacks the capacity to consent, the offence is also capable of being committed by any conduct carried out for the purpose of causing the victim to marry, whether or not it amounts to violence, threats or any other form of coercion.



# Penalties



## FORCED MARRIAGE OFFENCE

- If convicted in a criminal court, maximum penalty on indictment will be imprisonment for a term not exceeding **seven years**.
- If convicted in a civil court, maximum penalty on summary conviction will be imprisonment for a term not exceeding six months and/or a fine

## BREACH OF A FORCED MARRIAGE PROTECTION ORDER

- If the breach is in a criminal court, maximum penalty on indictment will be imprisonment for a term not exceeding **five years**.
- If the breach is in a civil court, maximum penalty on summary conviction will be imprisonment for a term not exceeding six months.



# Benefits of the new legislation.....

**Further protection**

**Deterrent**

**Support for professionals**

**Clarity of message**

**POWER TO THE VICTIMS**



# Statistics

The FMU's 2015 statistics show that the FMU gave advice or support related to a possible forced marriage in **1,220** cases.

**Over 1,000** Forced Marriage Protection Orders have been made to prevent people from being forced into a marriage and to assist in repatriating victims (since their introduction in 2008).

The Crown Prosecution Service's (CPS) most recent violence against women and girls report shows that volume of forced marriage referrals from the police rose to **90** in 2015-16 – from **82** in 2014-15 **the highest volumes ever recorded**.

57 (63.3% of these referrals) were charged, **the highest volumes ever recorded** and a rise from 58.5% compared with 2014-15.

The volume of prosecutions completed in 2015-16 rose to **53** – a rise from **46** in 2014-15 **the highest volumes ever recorded**. 60.4% of prosecutions were successful, **a fall from 63.0%** in 2014-15.

# More Support

**The U.K's focus is not solely on legislation and policies; This alone will not tackle the abuse that is 'forced marriage'. Education and preventative ventures are key – Targeting not stigmatising those most at risk.**

- Other tools available through UK Government to assist:
- Survivors' Handbook
- **Statutory Guidance for professionals**
- Guidance for Registrars
- Guidance for MPs and Councillors
- Free training from the FMU including schools/colleges
- Social media short films/summer campaigns – using actors from various backgrounds
- Facebook Page/twitter page
- Free FM mobile app in conjunction with Freedom Charity
- Posters
- Funding for NGOs to provide grassroots training

# Thank You!

**Any further Questions?**

**Call us: [National Helpline 020 7008 0151](tel:02070080151)...out of hours.  
Global Response Centre will assist on same number.**



**Follow us - @fmunit**

**Email us: [fmunit@fco.gov.uk](mailto:fmunit@fco.gov.uk)**

**Join us: [facebook](https://www.facebook.com/forcedmarriage)**

**[http://www.facebook.com/forcedmarriage](https://www.facebook.com/forcedmarriage)**