



Forced marriage

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Following consultation, the Government has introduced clauses in the *Anti-social Behaviour Crime and Policing Bill* which will criminalise both forced marriage and breach of a Forced Marriage Protection Order.

A forced marriage has been defined as one conducted without the valid consent of both people, where pressure or abuse is used. Although in the Western world, forced marriage is sometimes discussed as a religious practice, no major world faith condones it. It must be distinguished 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.

The *Forced Marriage (Civil Protection) Act 2007* came into force on 25 November 2008. The aim of the Act is to provide civil remedies for those faced with forced marriage, and victims of forced marriage. Under the Act, victims may apply to the court for a Forced Marriage Protection Order (FMPO). A relevant third party, such as a local authority, may also apply on behalf of the victim for an FMPO. Breach of an order is treated as a contempt of court.

At present, forced marriage in England and Wales is not a specific criminal offence. The Home Affairs Committee looked into the issue in 2008 and 2011, and their most recent report urged the Government to legislate to criminalise forced marriage. The Prime Minister stated in October 2011 that the Government would criminalise breach of FMPOs (as has been done in Scotland) and that it would consult on criminalising forced marriage itself.

Following the Government's consultation, on 8 June 2012, the Prime Minister announced that the Government had decided to make Forced Marriage a criminal offence. The Home Office published a [summary of consultation responses](#) the same day, which showed a majority of respondents favouring criminalisation of forced marriage, although a substantial minority disagreed. The new offence was included part 10 of the *Anti-social Behaviour, Crime and Policing Act 2014*. This makes forced marriage and the breach of a Forced Marriage Protection Order criminal offences. A guide for Members of Parliament dealing with cases of forced marriage, [Forced Marriage Case Handling Guide for MPs and Constituency Officers](#), is on the GOV.UK website.

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1 What is forced marriage?

The Government has produced guidance for the public which defines forced marriage as follows:

You have the right to choose who you marry, when you marry or if you marry at all.

Forced marriage is when you face physical pressure to marry (eg threats, physical violence or sexual violence) or emotional and psychological pressure (eg if you're made to feel like you're bringing shame on your family).¹

The GOV.UK website also provides more detailed guidance for professionals advising and supporting victims.²

The Government regards forced marriage as an “appalling and indefensible practice” and a “serious abuse of human rights”.³ Although in the Western world, forced marriage is sometimes discussed as a religious practice, no major world faith condones it. The freely given consent of both parties is a prerequisite of Christian, Hindu, Muslim and Sikh marriages.⁴

A forced marriage must be distinguished 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.

2 The requirements for a valid marriage

The *Marriage Act 1949* and the *Matrimonial Causes Act 1973* govern the law on marriage in England and Wales. The minimum age at which a person is able to consent to a marriage is 16 years old; a person under the age of 18 may not marry without parental consent.⁵ Marriages conducted abroad in accordance with the proper formalities required by that country's laws are generally recognised in England and Wales, provided both parties have the legal capacity to marry.⁶

A marriage can be annulled⁷ where either party did not validly consent to it, whether in consequence of duress, mistake, unsoundness of mind or otherwise.⁸ A petition for a decree of nullity based on lack of consent must be brought within three years of the date of the marriage.⁹ Provided the necessary formalities are complied with, a forced marriage is valid until it is voided in nullity proceedings.

An arranged marriage is not, of course, invalid as such; but it may be voidable (capable of being annulled) if the marriage is entered into as a result of duress or fear. In one case it was held that the crucial question in determining whether there had been duress, particularly

¹ GOV.UK, [Forced Marriage](#), accessed 11 September 2013

² GOV.UK, [Forced Marriage: Information and practice guidelines for professionals protecting, advising and supporting victims](#), accessed 11 September 2013

³ Home Office, [Forced Marriage Consultation](#), December 2011, p5

⁴ p6, Foreign and Commonwealth Office, [A choice by right](#), June 2000

⁵ (Unless that person is a widow/widower) *Matrimonial Causes Act 1973* section 11(a)(ii)

⁶ Foreign and Commonwealth Office, [A choice by right](#), June 2000,

⁷ that is, declared invalid

⁸ *Matrimonial Causes Act 1973* section 12(c)

⁹ *Matrimonial Causes Act 1973* section 13(c)

where a marriage was involved, was “whether the threats, pressure, or whatever it is, is such as to destroy the reality of consent and overbears the will of the individual”.¹⁰

3 The number of forced marriages

There are no reliable estimates on the extent of forced marriage in the UK.¹¹ In 2012, the Forced Marriage Unit (FMU) which is a joint initiative between the Home Office and the Foreign and Commonwealth Office gave advice and support in 1485 instances related to a possible forced marriage.¹² The equivalent figures for the previous three years are given below:¹³

Year	Number of cases
2012	1485
2011	1468
2010	1735
2009	1682

However, forced marriage is in many ways a hidden problem and many more cases may exist that are not reported.¹⁴ A research report by Nazia Khanum, commissioned by Margaret Moran, the Metropolitan Police Service and the Home Office found that there were over 300 approaches to external bodies for advice of some sort on forced marriage in Luton alone each year.¹⁵ The report acknowledged that some may be the same people going from organisation to organisation, or concerned about the same wedding, so there may be a degree of double counting. However it suggested that the real figure could be higher.¹⁶

A research report by the National Centre for Social Research published in July 2009 estimated reported cases at between 5,000 and 8,000 for 2008, although this did not include victims who did not approach agencies for help:

Based on the data on the number of FM cases (either actual FM or the threat of FM) encountered by local organisations and the key national organisations, the national prevalence of *reported* cases of FM in England is estimated to be between 5,000 and 8,000. This estimate does not include a potentially large number of victims who have not come of the attention of any agencies or professionals, since a large general population survey would be required to estimate the prevalence of these ‘hidden’ victims.¹⁷

The Forced Marriage Protection Unit website gives statistics for 2012:

The FMU gave advice or support related to a possible forced marriage in 1485 cases.

¹⁰ *Hirani v Hirani* (1984) 4 FLR 232 CA
¹¹ HM Government, *Together We Can End Violence Against Women and Girls: a Strategy*, November 2009, p14
¹² *Forced Marriage* pages of the Foreign and Commonwealth Office website accessed 19 March 2012
¹³ *HC Deb 10 January 2012 cc83-4W*
¹⁴ Foreign and Commonwealth Office, *Forced marriage a wrong not a right*, September 2005,
¹⁵ Nazia Khanum, *Forced marriage, family cohesion and community engagement: national learning through a case study of Luton*, March 2008,
¹⁶ *Ibid* p43
¹⁷ Department for Children, Skills and Families, Research Brief No DCSF-RB128, *Forced Marriage: Prevalence and service response*, July 2009

- Where the age was known, 13% involved victims below 15 years, 22% involved victims aged 16-17, 30% involved victims aged 18-21, 19% involved victims aged 22-25, 8% involved victims aged 26-30, 8% involved victims aged 31+. The oldest victim was 71 and the youngest was 2.

- 82% involved female victims and 18% involved male victims.

The FMU handled cases involving 60 different countries, including Pakistan (47.1%), Bangladesh (11%), India (8%), Afghanistan (2.1%), Somalia (1.2%), Turkey (1.1%), Iraq (1%), Iran (0.9%), Nigeria (0.9%), Sri Lanka (0.9%), Egypt (0.6%), Saudi Arabia (0.6%), Yemen (0.6%), The Gambia (0.5%), Morocco (0.5%), and Ukraine (0.5%). The origin was unknown in 7.7% of cases.

- Within the UK the regional distribution was: East Anglia 2%, East Midlands 3%, London 21%, North East 1%, North West 8%, Northern Ireland 0.2%, Scotland 1%, South East 11%, South West 2%, West Midlands 16%, Wales 1%, Yorkshire and Humberside 7%. The region was unknown in 27% of cases.

114 cases involved victims with disabilities.

- 22 involved victims who identified as lesbian, gay, bisexual or transgender (LGBT).

4 The Forced Marriage (Civil Protection) Act 2007

4.1 Background

On 16 November 2006, the *Forced Marriage (Civil Protection) Bill [HL]* was introduced in the House of Lords as a Private Member's Bill by the Liberal Democrat peer, Lord Lester of Herne Hill.¹⁸ At second reading it received considerable cross party support and a number of interested parties also expressed their support for the Bill.

The Bill had its Grand Committee stage on 10 May 2007. As a Private Member's Bill, this in itself was unusual. Lord Lester said that "there has never been a Private Member's Bill in the Moses Room in Grand Committee before".¹⁹ The Act is the first Lords Private Member's Bill to be enacted since 2002.²⁰ In Grand Committee the Bill was completely rewritten by way of Government amendments, with the support of Lord Lester and with cross party support. All the original clauses in the Bill, except that containing the short title, were removed and replaced by clauses and schedules drafted by the Government. Further Government amendments to the amendments already agreed were made on Report in the House of Lords. This followed consultation with High Court judges. The Bill received Royal Assent on 26 July 2007. The Act came into force on 25 November 2008.

4.2 Provisions

The aim of the Act is to provide civil remedies for those faced with forced marriage, and victims of forced marriage. A person is considered to be forced into marriage if they are forced by another person to enter into that marriage without having given their free and full consent. "Force" is defined to include threats or other psychological means and may be directed against someone other than the victim.²¹ The Act applies to England and Wales and Northern Ireland.

¹⁸ HL Bill 3 of 2006-07

¹⁹ HL Deb 10 May 2007 c246GC

²⁰ House of Commons Information Office, Factsheet L3, *The Success of Private Members' Bills*, March 2009,

²¹ Section 63A *Family Law Act 1996* inserted by section 1 *Forced Marriage (Civil Protection) Act 2007*

The Act has inserted 19 new sections into the *Family Law Act 1996* as part of the general provisions protecting against domestic violence. It was hoped that the approach of the Act, in using civil, rather than criminal, law provisions will encourage victims to seek protection because it would not involve reporting family members to the police.

Under the Act, a person who is being forced into marriage or has been forced into marriage may apply to the court for a Forced Marriage Protection Order (FMPO). The court can order the behaviour or conduct of those forcing another into marriage to change or stop, or impose requirements upon them. If a person fails to comply with the court order they will be dealt with by the court and may be sent to prison.²² Cases may be heard in the High Court or the county courts and the Lord Chancellor has power, after consultation with the Lord Chief Justice, to extend jurisdiction to magistrates' courts by affirmative order.

In exercising its jurisdiction, the court must have regard to all the circumstances including the need to secure the health, safety and well-being of the person to be protected and must have regard to the victim's wishes and feelings, as far as it is possible to ascertain them.

A Forced Marriage Protection Order may contain any terms the court considers appropriate, including prohibitions, restrictions or specific requirements, and can relate to conduct outside of England and Wales. The Order may be directed either to named respondents in a primary role forcing or attempting to force a person into marriage or to other named respondents in a secondary role, for example, aiding and abetting.

The court must attach a power of arrest to a Forced Marriage Protection Order if the respondent has used or threatened violence against the victim, a third party or the respondent themselves, unless there would be adequate protection without the power.

If a person fails to comply with a Forced Marriage Protection Order which does not have a power of arrest attached, an interested party may apply for a warrant for their arrest.

The Secretary of State has power to issue guidance about the effect of the provisions of the Act or about other matters relating to forced marriage. Public authorities must have regard to any such guidance in the exercise of their functions. The relevant statutory guidance is *The Right to Choose: multi-agency statutory guidance for dealing with forced marriage*,²³ the first edition of which came into force on 25 November 2008. It sets out the processes that agencies must have in place when exercising public functions in relation to safeguarding children and vulnerable adults in cases of forced marriage. In January 2012, the Forced Marriage Unit published a review of the implementation of the statutory guidance which found that there was still work to be done:

Forced marriage is far better understood than it was several years ago. Frontline professionals are more aware of the particular dangers facing victims of forced marriage. No longer are large numbers of children, young people and vulnerable adults routinely turned away from services because frontline professionals fail to recognise forced marriage as a safeguarding issue. Nevertheless, many agencies have not embedded forced marriage within existing children and adult safeguarding structures, strategies, policies and procedures. Furthermore, the analysis demonstrated that there is:

- A lack of commitment within agencies to address the issue of forced marriage

²² p4, Ministry of Justice, *Forced Marriage (Civil Protection) Act 2007 – Relevant Third Party*, CP 31/07, 12 December 2007,

²³ Revised edition, January 2010

- An inconsistent approach to training with few agencies routinely and regularly training their staff to respond to cases of forced marriage efficiently and effectively
- A disparity in the way different agencies and individual departments within those agencies handle and monitor cases of forced marriage

Overall, the review showed that the police recognise the need to address proactively forced marriage although their implementation of the guidance is not always consistent. However, schools, further education colleges, health services, local authorities and local authority housing departments will need to do more if they are to achieve a reasonable response to this form of abuse. Without greater senior management commitment to forced marriage within each agency, it is unlikely that the Statutory Guidance on forced marriage will be implemented to the standard that was intended.²⁴

Further information about the Act and the background to it is available in two Library research papers.²⁵

5 Scottish legislation on forced marriage

The Scottish Parliament introduced the *Forced Marriage etc. (Protection and Jurisdiction)(Scotland) Act 2011*. This closely mirrors the UK's *Forced Marriage (Civil Protection) Act 2007* apart from the fact that breach of the Forced Marriage Protection Order is a criminal offence. Further information is on the [Forced Marriage](#) page of the Scottish Government website (including a [summary of the legislation](#)) and background is in the Scottish Parliament Information Centre's [SPiCe Briefing 11/25](#) on the Bill when it was going through the Scottish Parliament. No Forced Marriage Protection Orders have been issued since the Act came into force, so there have been no breaches.²⁶

6 Home Affairs Committee inquiries

On 17 May 2011 the Home Affairs Select Committee (HASC) published a report on [Forced Marriage](#).²⁷ This was a follow up to an earlier report. Its predecessor Committee had published a report on [Domestic Violence, Forced Marriage and "Honour"-Based Violence](#) in May 2008.²⁸ The Committee did not, at that stage, recommend that forced marriage be made a specific criminal offence, but it found that there were strong arguments in favour of this. It recommended that if the implementation of the *Forced Marriage (Civil Protection) Act 2007* did not succeed in reducing forced marriage, then the Government should reconsider criminalisation.²⁹ In its response, the previous Government undertook to keep this under review.³⁰

In its 2011 report, the Committee urged the Government to criminalise forced marriage in the light of evidence that the Act was not "wholly effective" in protecting individuals:

²⁴ Forced Marriage Unit, [Report on the implementation of the multi-agency statutory guidance for dealing with forced marriage \(2008\)](#), 2012, p4

²⁵ RP07/56, [Forced Marriage \(Civil Protection\) Bill \[HL\]](#) and RP07/63, [Forced Marriage \(Civil Protection\) Bill \[HL\] Committee Stage Report](#)

²⁶ Scottish Executive, personal information, 23 March 2012

²⁷ Home Affairs Committee, [Forced Marriage](#),

²⁸ Home Affairs Committee, [Domestic violence, forced marriage and "honour-based" based violence](#), 20 May 2008, HC 263 of 2007-08

²⁹ paragraph 414

³⁰ [Domestic Violence, Forced Marriage and "Honour"-Based Violence: The Government reply to the Sixth Report from the Home Affairs Committee, Session 2007-08 HC 263](#), Cm 7450, July 2008,p42, (at 8 June 2012)

We echo our predecessors in recommending that the Government undertake and publish a further review of the operation of the Forced Marriage (Civil Protection) Act by the end of this calendar year, and then on an annual basis, in particular to investigate how orders are monitored, the real level of breaches and the judicial response to recorded breaches. It is not at all clear that the Act is wholly effective as a tool in protecting individuals from forced marriage and from repercussions from family members. While the measures in the Act should continue to be used, we believe that it would send out a very clear and positive message to communities within the UK and internationally if it becomes a criminal act to force—or to participate in forcing—an individual to enter into marriage against their will. The lack of a criminal sanction also sends a message, and currently that is a weaker message than we believe is needed. We urge the Government to take an early opportunity to legislate on this matter. (Paragraph 12)

The Committee expressed concerns about the lack of awareness of the Act's provisions amongst frontline professionals, and was especially worried about the attitude of schools.³¹

The Government responded in July 2011. On the question of criminalisation, it said:

While the Committee's Report states that criminalisation would send out a 'very clear and positive message', it does not define how this would be achieved above and beyond what is already achieved by the general criminal offences (assault, kidnap, people trafficking etc) that might apply in circumstances of forced marriage. However, if the Committee can provide evidence that a criminal offence and sanction would be more effective in encouraging the reporting of cases, or that it would deter perpetrators, we would be happy to consider it.

The 2005 Home Office consultation on criminalisation highlighted the difficulty of defining a criminal offence of forced marriage that would encapsulate all the particular behaviours involved. The allegation would also have to be proved to the criminal standard of proof - 'beyond reasonable doubt' potentially reducing the number of cases that could be dealt with in the criminal courts.

We remain concerned that there could be a negative impact on victims who might feel let down by the justice system, if charges could not be brought or the defendant were acquitted. While victims would still have the option to take the civil protection order route, repercussions from the failed criminal case in relation to family and community may mean they do not have the confidence to continue to pursue a civil remedy.

(...)

We will also be following with interest the progress of the Scottish legislation, to be implemented later this year, which has criminalised breach of their equivalent of a forced marriage protection order. The Government will remain open to considering criminalising breach of a Forced Marriage Protection Order subject to the outcome of the evaluation of the Scottish legislation.

In conclusion, we continue to believe that the current legislation protects victims and potential victims of forced marriage, but will give due consideration to any evidence put to the Government that a criminal offence or a criminal sanction for breach of a civil order might encourage increased reporting and deter perpetrators.³²

³¹ paragraph 27

³² *Forced Marriage: The Government response to the Eighth report from the Home Affairs Committee, Session 2010-12 HC 880*, Cm 8151, July 2011, p3

7 The Government’s decision to criminalise forced marriage

7.1 Conservative Party policy in Opposition

In August 2007, Damian Green, the shadow immigration minister, announced that the Conservative party was consulting on a number of proposals designed to minimise the incidence of forced marriage.³³ In February 2008, David Cameron spoke of measures intended “to clamp down on the ‘frankly unacceptable’ practice of forced marriages”. He said that a Conservative Government would consider making these marriages illegal, and called on local authorities to play a greater role in protecting vulnerable children.³⁴

In December 2008, the Conservatives published a strategy document, *Ending violence against women* which said that a Conservative government would “consider criminalising the practice of forced marriage” if the current legislation was seen to be ineffective.

7.2 Criminalising breaches of Forced Marriage Protection Orders

The Prime Minister announced that breaches of Forced Marriage Protection Orders would be criminalised in a wider speech on immigration on 10 October 2011, where he had pledged to tackle sham marriages:

Now, of course the most grotesque example of a relationship that isn’t genuine is a forced marriage, which is of course completely different from an arranged marriage where both partners consent, or a sham marriage where the aim is to circumvent immigration control or make a financial gain. Forced marriage is little more than slavery. To force someone into marriage is completely wrong and I strongly believe this is a problem we should not shy away from addressing because of some cultural concerns. I know there’s a worry that criminalisation could make it less likely that those at risk will come forward, but as a first step I’m announcing today that we will criminalise the breach of forced marriage prevention orders. It is ridiculous that an order made to stop a forced marriage isn’t enforced with the full rigour of the criminal law. I’m also asking the Home Secretary to consult on making forcing someone to marry an offence in its own right, working closely with those who provide support to women forced into marriage to make sure that such a step would not prevent or hinder them from reporting what has happened to them.³⁵

7.3 The consultation on forced marriage

In December 2011, the Government launched [a consultation on forced marriage](#), seeking views on the way in which the Government should implement its decision to criminalise the breach of FMPOs, and on whether or not forced marriage itself should be a criminal offence.³⁶

The document outlined the arguments for and against criminalization, which are summarized below:

<i>For</i>	<i>Against</i>
A new offence could have a deterrent effect and	Victims may stop asking for help/ and or applying

³³ Damian Green, “We can rid Britain of forced marriages”, *The Observer*, 12 August 2007 (at 8 June 2012)
³⁴ Conservatives News, *Tackling forced marriages*, 21 February 2008, (at 8 June 2012)
³⁵ 10 Downing Street, *Prime Minister’s speech on immigration*, 10 October 2011
³⁶ Home Office, *Forced Marriage Consultation*, December 2011

send a clear signal (domestically and abroad) that forcing a person to marry is unacceptable.	for civil remedies due to a fear that their families will be prosecuted and/or because of the repercussions from failed prosecutions
A new offence could empower young people to challenge their parents or families	Parents may take their children abroad and force them to marry or hold them there, to avoid prosecution taking place in the UK
A new offence could make it easier for the police, social services, and health services to identify that a person has been forced into marriage as existing legislation may not be easily linked with forced marriages	An increased risk that prosecution, or threat of prosecution, may make it more difficult for victims to reconcile with their families
A new offence would provide punishment to the perpetrator	The existing behavior may overlap with existing offences

The consultation offered two options: to continue current arrangements under existing criminal law or making forcing someone to marry a criminal offence.

7.4 Criminalising forced marriage itself

On 8 June 2012, the Prime Minister announced that the law on forced marriages would be changed; and a new criminal offence introduced:

Forcing someone to marry will become a criminal offence in England and Wales, the Prime Minister announced today.

The decision to create a specific offence of forced marriage follows a 12 week consultation which took views from the public, victims, charities and frontline agencies. The new law will be accompanied by a range of measures to increase protection and support for victims and a continuing focus on prevention.

Prime Minister David Cameron said:

“Forced marriage is abhorrent and is little more than slavery. To force anyone into marriage against their will is simply wrong and that is why we have taken decisive action to make it illegal.

“I have listened to concerns that criminalisation could force this most distressing issue underground. That is why we have a new comprehensive package to identify possible victims, support those who have suffered first hand and, indeed, prevent criminality wherever possible.

“We have spent time with those who work tirelessly to raise and address this issue and I want to send a clear and strong message: forced marriage is wrong, is illegal and will not be tolerated.”

Home Secretary Theresa May said:

“It is the right of every individual to make their own choices about their relationships and their future. Forced marriage is an appalling practice and by criminalising it we are sending a strong message that it will not be tolerated.

“But we know that legislation alone is not enough and we will continue to work across government and with frontline agencies and organisations to support and protect victims.”

The UK is already a global leader on work to tackle forced marriage. The unique cross-departmental Forced Marriage Unit runs a helpline providing confidential support and advice to victims and professionals and conducts a nation-wide outreach programme in schools and statutory agencies across the country. This year alone (January to May 2012), the Forced Marriage Unit has provided advice or support to nearly 600 cases. Meanwhile the UK’s embassies and high commissions work to rescue British victims facing forced marriage overseas, and help them return to the UK.³⁷

The Home Office also published a document summarising the responses on the same day.³⁸ The headlines on the results of the consultation were:

Of the total number of 297 responses:

- 54% of respondents were in favour of the creation of a new offence;
- 37% were against the creation of a new offence;
- 9% of respondents were undecided;
- 80% felt that current civil remedies and criminal sanctions are not being used effectively.³⁹

Common themes which emerged were:

- Recognition of an urgent need to tackle forced marriage more effectively to ensure that the needs of all victims and potential victims were considered, alongside the requirement to prosecute those responsible for perpetrating forced marriage.
- The need for more effective training for professionals on the implementation of the multi-agency statutory guidance and on how to utilise civil remedies more effectively.
- The need for clarification of the differences between forced and arranged marriage, to ensure that perpetrating the act under the misconception of culture and religion is no longer a justifiable action.
- The need for more funding, for more support services to provide refuge space and support for forced marriage victims.
- The need for awareness raising campaigns in the media and in schools in order to highlight forced marriage, as it was felt that it was not recognised in mainstream society.
- Additional concerns were raised about the impact of forced marriage, and the proposals to tackle it, on minority groups. Approaches to tackling forced marriage will have to apply to all communities in order not to stigmatise particular cultures and religions..⁴⁰

³⁷ Number 10 Downing Street Press Release, *Forced Marriage to become a criminal offence*, 8 June 2012

³⁸ Home Office, *Forced Marriage Consultation – summary of responses*, June 2012

³⁹ p5

⁴⁰ p6

7.5 Next stages

The consultation response document went on to outline the Government's proposals, including confirming that forced marriage would become a criminal offence. A programme of work would be developed over the next three years, including work to help protect children and young people, a summer awareness campaign aimed at young people at risk of being taken abroad and forced into marriage, a "nation-wide engagement programme" and improved and expanded training for frontline professionals. The document reiterated that the Government would criminalise the breach of a Forced Marriage Protection Order.⁴¹

8 The *Anti-social Behaviour, Crime and Policing Act 2014*

Since the Note was written the provisions in the *Anti-social Behaviour, Crime and Policing Bill* have been enacted in [Part 10 of the Act](#).⁴² These make forced marriage and the breach of a Forced Marriage Protection Order criminal offences. The statutory changes came into force on 16 June 2014.⁴³ Breach of an FMPO is punishable in the Crown Court by five years' imprisonment and/or a fine. In the magistrates' court, the maximum prison sentence would be six months.

The Secretary of State has power to issue guidance about the effect of the provisions of the Act or about other matters relating to forced marriage. Public authorities must have regard to any such guidance in the exercise of their functions. The most recent statutory guidance is [Multi-Agency Statutory Guidance for dealing with forced marriage](#),⁴⁴ which is for all people and bodies who exercise public function in relation to safeguarding and promoting the welfare of children and vulnerable adults. The Government has also produced step-by-step guidance for frontline workers such as health professionals and police, [Multi-Agency practice guidelines: Handling cases of forced marriage](#)

Background on the Bill is in Library Research Paper 13/34, [The Anti-social Behaviour Crime and Policing Bill](#) which was prepared for the Bill's second reading, and the Bill's progress can be tracked on the [Anti-social Behaviour, Crime and Policing Bill 2013-14](#) page of the Parliament Website.

Some general commentary on the operation of Forced Marriage legislation is given in the links below:

- Home Office [Circular 010/2014: new forced marriage offences](#), Published 16 June 2014
- ["Recent developments on Forced Marriage Protection Orders"](#), *Local Government Lawyer*, 14 November 2014
- ["London couple threatened to kill their daughter over forced marriage"](#), *Daily Mail* Newspaper, 5 November 2014
- ["16-year-old 'forced to marry' despite protection order"](#), *The Telegraph*, 16 May 2013
- ["Judge throws out contempt proceedings over teenage girl's 'forced marriage'"](#) *The Telegraph*, 26 July 2013

⁴¹ p7

⁴² <http://www.legislation.gov.uk/ukpga/2014/12/part/10/enacted>

⁴³ [Part 10 of the Anti-social Behaviour, Crime and Policing Act 2014](#)

⁴⁴ HM Government, 2014

9 Help for victims

9.1 The Forced Marriage Unit

On 26th January 2005, the Home Office and Foreign and Commonwealth Office launched a joint Forced Marriage Unit (FMU).⁴⁵ The FMU is dedicated to preventing British nationals being forced into marriage overseas.

A guide for Members of Parliament dealing with cases of forced marriage, [Forced Marriage Case Handling Guide for MPs and Constituency Officers](#), is available on the GOV.UK website.

9.2 Helplines

The GOV.UK website offers the following advice:

Contact the Forced Marriage Unit (FMU) if you're trying to stop a forced marriage or you need help leaving a marriage you've been forced into.

Forced Marriage Unit

fmu@fco.gov.uk Telephone: 020 7008 0151

From overseas: +44 (0)20 7008 0151

Monday to Friday, 9am to 5pm

Out of hours: 020 7008 1500 (ask for the Global Response Centre)

[Find out about call charges](#)

Call 999 in an emergency.

A trained professional will give you free and confidential advice on what to do next.

They can also help you:

- find a safe place to stay
- stop a UK visa if you've been forced to sponsor someone.

The '[Honour Network](#)', run by the charity Karma Nirvana, is a dedicated forced marriage and honour-based violence helpline, staffed by survivors offering emotional and practical support. The Honour Network helpline number is 0800 5999247.

Other agencies which may be able to help are listed in the [Forced Marriage Case Handling Guide for MPs and Constituency Officers](#).

A [Factsheet](#) is available for MPs and their staff to assist with constituency cases.

⁴⁵ Foreign and Commonwealth Office, Travelling & Living Overseas, [Information for forced marriage victims](#)