# 

# Forced Marriage

## 1. Definition

Forced marriage is a crime. It is a form of abuse directed towards a child or vulnerable adult, including adults who are forced into marriage against their free will.

A forced marriage is a marriage in which one or both spouses do not consent to the marriage but are coerced into it. Force can include physical, psychological, financial, sexual and emotional pressure. In the cases of vulnerable adults who lack the capacity to consent to marriage, coercion is not required for a marriage to be forced.

There is a clear difference between a forced marriage and an arranged marriage. In arranged marriages, the families of both spouses take a leading role in arranging the marriage but the choice of whether or not to accept the arrangement remains with the prospective spouses.

When it comes to the marriage of a child, the distinction between a forced marriage and an arranged marriage does not exist. Under the Marriage and Civil Partnership (Minimum Age) Act 2022, it is an offence to engage in any conduct for the purpose of causing a child to marry before their eighteenth birthday, even if violence, threats or another form of coercion are not used. Such a marriage is deemed a forced marriage.

See Section 6, Legal Position.

Forced marriage involving anyone under the age of 18 is a crime and constitutes a form of child abuse. A child who is forced into marriage is likely to suffer significant harm through physical, sexual or emotional abuse. Forced marriage can have a negative impact on a child's health and development and can also result in sexual violence including rape.

Children may be taken abroad for an extended period of time for the purpose of being forced to marry, under the pretext of a family holiday, a wedding or illness of a grandparent/family member which could amount to child abduction. Even if the child is not taken abroad, they are likely to be taken out of school so as to ensure that they do not talk about their situation with their peers.

Young people and adults with care and support needs are particularly vulnerable to forced marriage because they are likely to rely on their families for care, may have communication difficulties and may have fewer opportunities to tell anyone outside their family about what is happening to them.

The Multi-agency Statutory Guidance for [Dealing with Forced Marriage and Multi-agency Practice Guidelines: Handling Cases of Forced Marriage](https://www.gov.uk/government/publications/the-right-to-choose-government-guidance-on-forced-marriage/multi-agency-statutory-guidance-for-dealing-with-forced-marriage-and-multi-agency-practice-guidelines-handling-cases-of-forced-marriage-accessible#understanding-forced-marriage) sets out the practice guidelines and  provides advice and support to front line practitioners who have responsibilities to safeguard children and protect adults from the types of abuse associated with forced marriage.

## 2. Risks

One serious consequence of forced marriage is the increased likelihood of domestic abuse and sexual abuse. Anyone forced into marriage faces an increased risk of rape and sexual abuse as they may not consent, or may not be the legal age to consent, to a sexual relationship. This in turn may result in unwanted pregnancies or enforced abortions.

Female Genital Mutilation may also be a factor in cases of forced marriage. See also Female Genital Mutilation Procedure and So-Called ‘Honour’ Based Abuse Procedure.

Circumstances can change quickly and increase the risk to the victim and any friends/family members supporting the victim - especially following a disclosure to the police. Involving the family and the community may increase the risk of significant harm to the child or young person. The family may deny that the child or young person is being forced to marry and may expedite any travel arrangements and/or bring forward the date of the marriage.

Any discussion and agreement reached between the family and the local authority children’s social care department should only be done where it will not place the child or young person at increased risk of significant harm. There may be a risk to other siblings in the household who might also be threatened with, or are already in, a forced marriage.

In cases of forced marriage, discussion with the family, or any type of family involvement, will often place the child or young person at greater risk of harm. Family group conferences should not be used in cases where a young person is at risk of forced marriage because of the physical danger and potential emotional manipulation they may experience during this type of session with their parents and other members of their family or community.

Under no circumstances is it sufficient to protect a child or young person by removing the alleged perpetrator from the household (as in the significant majority of cases the extended family and wider community are also involved), and placing the child or young person with a family member or member of the same community may place them at risk of significant harm from other family members or individuals acting on the family’s behalf.

Women, men and younger members of the family can all be involved in perpetrating the abuse. Offences that may be committed include: fear or provocation of violence, controlling or coercive behaviour, virginity testing, hymenoplasty, common assault, actual bodily harm, grievous bodily harm, harassment, abduction, theft (of passport), false imprisonment, kidnap, threats to kill and murder. There may also be instances of child trafficking. Perpetrators will use controlling and coercive methods to control the victim.

The risks of emotional abuse through being stigmatised by the family’s wider community is also present; this in turn may lead to serious consequences for the individual in terms of their mental health or self-harming behaviour.

## 3. Indicators

Warning signs that a child or young person may be at risk of forced marriage or may have been forced to marry may include:

* Extended absences from school/college, truancy, drop in performance, low motivation, excessive parental restriction and control of movements and history of siblings leaving education early to marry;
* A child talking about an upcoming family holiday that they are worried about, fears that they will be taken out of education and kept abroad;
* Evidence of self-harm, treatment for depression, attempted suicide, social isolation, eating disorders or substance abuse;
* Evidence of family disputes/conflict, domestic abuse or running away from home;
* Unreasonable restrictions such as being kept at home by their parents ('house arrest') or being unable to complete their education;
* A child being in conflict with their parents;
* A child going missing/running away;
* A child always being accompanied including to school and medical appointments;
* A child directly disclosing that they are worried they will be forced to marry;
* Contradictions in the child's account of events.

See also [Specific Issues To Be Considered by Agencies Working With, or Providing Services To, Children and Young People Facing Forced Marriage](https://www.gov.uk/government/publications/the-right-to-choose-government-guidance-on-forced-marriage/multi-agency-statutory-guidance-for-dealing-with-forced-marriage-and-multi-agency-practice-guidelines-handling-cases-of-forced-marriage-accessible#iv-specific-issues-to-be-considered-by-agencies-working-with-or-providing-services-to-children-and-young-people-facing-forced-marriage).

## 4. Protection and Action to be Taken

Where the concerns about the welfare and safety of the child or young person are such that a referral to Children's social care should be made the [Report a concern about a child process](https://www.nelincs.gov.uk/health-wellbeing-and-social-care/childrens-social-care/report-a-concern-about-a-child/) must be followed.

Forced marriage of a child is a child protection issue and information should be shared appropriately with other agencies at the earliest opportunity to safeguard children and young people from significant harm or to prevent a crime being committed.

There may be occasions when immediate emergency action is necessary to protect a child or young person from being forced to marry or from being abducted, for example police protection or emergency protection orders (EPOs).

Children's social care will liaise with the police to ensure the safety of the victim and any other family members.

A strategy discussion/meeting will be needed to deal with this issue; the police, housing services, children's social care, Health and voluntary organisations must work together to address the young person's need for information, protection, financial support, accommodation and emotional support. Legal advice will be needed to inform the strategy discussion as legal action may be necessary.

Where an Initial Child Protection Conference is convened, great care must be taken to manage information about the whereabouts of the young person. The social worker and their manager must discuss the arrangements with the Conference Chair and consider whether the family should be present or not, or at the same time as the young person, as threats may be made. An interpreter fully independent of the family should be present at all times, if required.

Advice can be sort from the [Forced Marriage Unit](https://www.gov.uk/guidance/forced-marriage) who can offer further information and advice on the wide range of tools available to tackle forced marriage, including legal remedies, overseas assistance and how to approach victims as well as safety advice, providing assistance when an unwanted spouse is due to move to the UK (‘reluctant sponsor’ cases) and where possible, assistance in repatriation of victims held against their will overseas.

The Multi-agency Statutory Guidance for [Dealing with Forced Marriage and Multi-agency Practice Guidelines: Handling Cases of Forced Marriage](https://www.gov.uk/government/publications/the-right-to-choose-government-guidance-on-forced-marriage/multi-agency-statutory-guidance-for-dealing-with-forced-marriage-and-multi-agency-practice-guidelines-handling-cases-of-forced-marriage-accessible#understanding-forced-marriage) should be followed.

## 5. Issues

Allegations of plans and arrangements to force a child to marry will inevitably be divisive for the family and possibly the wider community. Therefore attempts to discuss this with the family could potentially place a child at greater risk.

Children may require support from workers of the same gender and if possible the same cultural background. Where interpreters and translators are used, care must be taken to ensure that they have no connections with the immediate community of the child.

A child arriving in this country for the purposes of a forced marriage or one who has recently married abroad may be extremely isolated and feel threatened and abused. The legal right to remain may be in question and the consequences of returning home may also be very serious.

Professionals should not:

* Underestimate the potential risk of harm;
* Speak to the child on the telephone (to ascertain if they are being held against their will) - the family may be present or it may be a different person speaking on the telephone;
* Approach or inform the child's family, friends or members of the community that the victim has sought help as this is likely to increase the risk to the victim significantly;
* Share information outside child protection information-sharing protocols without the express consent of the child;
* Attempt to be a mediator. This has in the past resulted in the victim being removed from the country and not traced /or murdered.

## 6. Legal Position

[Section 121 of the Anti-social Behaviour, Crime and Policing Act 2014](https://www.legislation.gov.uk/ukpga/2014/12/section/121) made it a criminal offence to force someone to marry. This includes:

* Taking someone overseas to force them to marry (whether or not the forced marriage takes place);
* Marrying someone who lacks the mental capacity to consent to the marriage (whether they are pressured to or not);
* Any conduct for the purpose of causing a child to enter into a marriage before the child’s eighteenth birthday (whether or not the conduct amounts to violence, threats, any other form of coercion or deception);
* Forcing someone to marry can result in a sentence of up to 7 years in prison;
* Disobeying a Forced Marriage Protection Order can result in a sentence of up to 5 years in prison.

Anyone threatened with forced marriage or forced to marry against their will can apply for [Forced Marriage Protection Order](https://www.gov.uk/apply-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 seek a protection order for adults at risk and children without leave of the court.

[The Marriage and Civil Partnership (Minimum Age) Act 2022 raised](https://www.legislation.gov.uk/ukpga/2022/28) the age of marriage and civil partnership to 18 in England and Wales with effect from 27th  February 2023 and amended Section 121 of the Anti-social Behaviour, Crime and Policing Act 2014 so that that it is an offence to carry out any conduct for the purpose of causing a child to enter into a marriage before the child’s eighteenth birthday (whether or not the conduct amounts to violence, threats, any other form of coercion or deception). This means that 16 to 17-year-olds are no longer be able to marry or enter a civil partnership under any circumstances, including with parental or judicial consent.

Previously, forced marriage was only an offence if the person used a type of coercion, for example threats, to cause someone to marry, or if the person lacked capacity to consent to marry under the Mental Capacity Act 2003. The 2022 Act therefore also expands the criminal offence of forced marriage in England and Wales to make it an offence in all circumstances to do anything intended to cause a child to marry before they turn 18.

The forced marriage offence will continue to include ceremonies of marriage which are not legally binding, for example in community or traditional settings. The key test is, as the [statutory guidance on Forced Marriage](https://www.gov.uk/government/publications/the-right-to-choose-government-guidance-on-forced-marriage/multi-agency-statutory-guidance-for-dealing-with-forced-marriage-and-multi-agency-practice-guidelines-handling-cases-of-forced-marriage-accessible#understanding-forced-marriage) puts it, is that “any religious or civil ceremony of marriage (whether or not legally binding)” must be envisaged or have taken place. it would not be met by a pure cohabitation arrangement – i.e. two people living together and in a relationship, but without any ceremony, legally binding or otherwise, to formalise their union.

## 7. Further Information

[Multi-Agency Practice Guidelines: Handling Cases of Forced Marriage](https://www.gov.uk/government/publications/the-right-to-choose-government-guidance-on-forced-marriage) - Step-by-step advice for frontline workers. Essential reading for health professionals, educational staff, police, children's social care, adult social services and local authority housing.

[Forced Marriage Unit (GOV.UK)](https://www.gov.uk/stop-forced-marriage) - 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 resource pack](https://www.gov.uk/government/publications/forced-marriage-resource-pack/forced-marriage-resource-pack) has been designed to highlight examples of best practice and to help ensure that effective support is available to victims of forced marriage.

[National Support Agencies](https://www.gov.uk/government/publications/the-right-to-choose-government-guidance-on-forced-marriage/multi-agency-statutory-guidance-for-dealing-with-forced-marriage-and-multi-agency-practice-guidelines-handling-cases-of-forced-marriage-accessible#national-support-agencies)

[Home Office](https://www.gov.uk/guidance/forced-marriage) - Information and practice guidelines for professionals protecting, advising and supporting victims. This includes Multi-Agency Statutory Guidance for dealing with forced marriage.

[Apply for a Forced Marriage Protection Order (GOV.UK)](https://www.gov.uk/apply-forced-marriage-protection-order)

[Protocol on the handling of 'so-called' Honour Based Violence/Abuse and Forced Marriage Offences between the National Police Chiefs' Council and the Crown Prosecution Service](https://www.cps.gov.uk/sites/default/files/documents/legal_guidance/hbv_and_fm_protocol_nov_16.pdf)

[So-Called Honour-Based Abuse (CPS](https://www.cps.gov.uk/legal-guidance/so-called-honour-based-abuse)) - legal guidance including an overview on so called honour-based abuse and other harmful practices and specific guidance on the offence of forced marriage

[Forced Marriage Unit Statistics](https://www.gov.uk/crime-justice-and-law/forced-marriage#research_and_statistics) provides information on the number of cases reported to the FMU