



Forced Marriage and Honour Based Violence

Contents

- Definitions
- Consequences of forced marriage
- Consequences of honour
- Signs or indicators of forced marriage
- The Law and Protection orders
- Action to take.
- Further Information

Definitions

A **forced marriage** is where one or both people do not (or in cases of people with learning disabilities or reduced capacity, cannot) consent to the marriage as they are pressurised, or abuse is used, to force them to do so. It is recognised in the UK as a form of domestic or child abuse and a serious abuse of human rights.

Forced marriage is illegal in England and Wales. 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're pressured to or not)

Forced marriages of children may involve non-consensual and/or under-age sex, emotional and possibly physical abuse, and should be regarded as a child protection issue and referred to Children's Social Care in line with HIPS procedures for responding to abuse or neglect.

Forced marriage as an abuse of human rights and a form of domestic abuse, and where it affects children and young people, child abuse. It is a criminal offence.

The National Police Chief Council's definition of **honour-based violence** (also called honour-based abuse) is: "An incident or crime involving violence, threats of violence, intimidation, coercion or abuse (including psychological, physical, sexual, financial or emotional abuse), which has or may have been committed to protect or defend the honour of an individual, family and/or community for alleged or perceived breaches of the family and/or community's code of behaviour."

Consequences of Forced Marriage

Isolation is one of the biggest problems facing those trapped in, or under threat of, a forced marriage. They may feel there is nobody they can trust to keep this secret from their family and they have no one to speak to about their situation – some may not be able to speak English. These feelings of isolation are very similar to those experienced by victims of other forms of domestic abuse and child abuse. It is only rarely that someone will disclose the fear of forced marriage. Consequently, they will often come to the attention of practitioners for behaviour that is consistent with distress.

People forced to marry, or those who fear they may be forced to marry, are frequently withdrawn from education, restricting their educational and personal development.

Women forced to marry may find it very difficult to initiate any action to end the marriage and may be subjected to repeated rape (sometimes until they become pregnant) and ongoing domestic abuse within the marriage. In some cases, they suffer violence and abuse from the extended family, often being forced to undertake all the household chores for the family.

Women trapped in a forced marriage often suffer violence, rape, forced pregnancy and forced childbearing. Many girls and young women are withdrawn from education early. Female Genital Mutilation may also be a factor.

Consequences of honour-based violence

Honour based violence is a violent crime or incident which may have been committed to protect or defend the honour of the family or community. It is often linked to family members or acquaintances who mistakenly believe someone has brought shame to their family or community by doing something that is not in keeping with the traditional beliefs of their culture. For example, honour-based violence might be committed against people who:

- become involved with a boyfriend or girlfriend from a different culture or religion
- want to get out of an arranged marriage
- want to get out of a forced marriage
- wear clothes or take part in activities that might not be considered traditional within a particular culture

Crimes committed in the name of 'honour' might include:

- domestic abuse
- threats of violence
- sexual or psychological abuse
- forced marriage
- being held against your will or taken somewhere you don't want to go
- assault

Signs or Indicators of Forced Marriage

Potential warning signs or indicators of a forced marriage include:

- **Education:** persistent absence from school; fear about forthcoming school holidays; decline in behaviour or performance; being withdrawn from school; not being allowed to attend extra-curricular activities.
- **Health:** being accompanied to doctors or clinics; self-harm or attempted suicide; eating disorders; depression; substance misuse; unwanted pregnancy; FGM.
- **Police:** victim or other siblings in the family reported missing; reports of domestic abuse, harassment or breaches of the peace; FGM; threats or attempts to kill or harm; reports of other offences such as rape or kidnap.
- **Employment:** poor performance or attendance; limited career choices; not allowed to work; unable to attend business trips or functions; leaving work accompanied; unable to be flexible in their working arrangements.
- **Family history:** siblings being forced to marry; early marriage of siblings; death of a parent; family disputes; running away from home; unreasonable restrictions.

The Law and Protection Orders

The Anti-social Behaviour, Crime and Policing Act 2014 made it a criminal offence to force someone to marry:

A person commits an offence in 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 the marriage, and

(b) believes, or ought to reasonably believe, that the conduct may cause the other person to enter into the marriage without free and full consent.

The maximum penalty in a criminal court for the forced marriage offences is seven years imprisonment.

Forced Marriage Protection Orders can also be sought under section 4A of the Family Law Act 1996. The Act makes provision for protecting both children and adults at risk of being forced into marriage and offers protection for those who have already been forced into marriage. The terms of orders issued under the Act can be tailored to meet the specific needs of victims. Under section 120 of the Act, the maximum penalty for breach of a forced marriage protection order is five years imprisonment.

Action to take:

Where there are concerns about the welfare and safety of the child or young person, a referral should be made to Children's social care, in line with the Referrals Procedure.

In cases of forced marriage, 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 they may expedite any travel arrangements and bring forward the marriage. Any discussion between the family and the Local Authority children's social care should only be done where it will not place a child at increased risk of significant harm.

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.

There may be occasions when immediate emergency action is necessary to protect a child or young person from being forced to marry or abducted e.g., police protection or emergency protection orders. In this case, a strategy discussion should take place as soon as possible after the immediate protection to plan next steps.