

You have the right to choose who you marry, when you marry, or if you marry at all. A marriage is a **forced marriage** if you have not been able to make any of those choices i.e. if you have faced **physical pressure to marry** e.g. threats, physical violence, sexual violence **or; emotional or psychological pressure** e.g. if you are made to feel like you are bringing shame on your family.

If you are at risk of, or have experienced, forced marriage, you are not alone. In 2013 the Forced Marriage Unit gave advice and support to 1302 possible forced marriage cases<sup>1</sup> and many more women were supported by specialist black and minority ethnic women's organisations and other voluntary and community services. If you are or think you might be a victim or survivor of forced marriage, this guide will set out what the law can do to help you. If you are uncertain whether you are being forced or have been forced into a marriage, you can find more information at <https://www.gov.uk/forced-marriage>.

### The Forced Marriage Unit defines forced marriage as:

"A forced marriage is where one or both people do not (or in cases of people with learning disabilities, cannot) consent to the marriage and pressure or abuse is used. It is an appalling and indefensible practice and is recognised in the UK as a form of violence against women and men, domestic/child abuse and a serious abuse of human rights.

The pressure put on people to marry against their will can be physical (including threats, actual physical violence and sexual violence) or emotional and psychological (for example, when someone is made to feel like they're bringing shame on their family). Financial abuse (taking your wages or not giving you any money) can also be a factor."

In an emergency situation you can call the police on 999. For other support and protection that might be available see the list of emergency contacts at the end of this guide.

## What is a forced marriage?

A forced marriage is a marriage, which takes place against your will; or a marriage that you agreed to, but you did not really have a choice.

### Force

The definition of **force** used by the Government includes physical, psychological, sexual, financial and emotional pressure as well as emotional and psychological abuse or harassment. Forced marriage involves situations where you feel pressured to the point where you agree, but only because you feel you did not have the choice to say no, and you would not have consented had the pressure not been placed on you.

Women and girls often describe a '*feeling*' or just '*knowing*' that they could not say no to a marriage, and that if they did, there would be some kind of consequence if they tried to resist being married e.g. ostracisation, being told they have brought shame on the family, and even being physically harmed.

The pressure put on you to marry against your will can take place in many ways. It can be physical abuse, which includes threats of violence, actual physical violence and sexual violence. It can also be emotional and psychological, for example, being made to feel as if you are letting the family down, being told that you are a bad daughter, being told that you have gone against your cultural or religious expectations, or being made to feel that you are bringing shame on the family. Emotional and psychological abuse can also include close family members making threats of self-harm or suicide, or saying that they have become ill as a result of your refusal to agree to their wishes. Abuse can also be financial and this can include taking your wages, or not giving you any or enough money. In some cases,

<sup>1</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/291855/FMU\\_2013\\_statistics.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/291855/FMU_2013_statistics.pdf)

you may be held against your will, moved from one place to another, or not allowed to leave your home and therefore may be unable to choose whether you want to enter into a marriage.

In this guide we will refer to the person or persons forcing you into the marriage as the **perpetrator(s)**.

## Marriage

The marriage can be a religious or civil marriage, and can take place in the UK or abroad (see **A guide to marriage**.)

## Consent

Consent means you have made a free choice to get married and it is your own decision.

Even if you say you agree to marry, this does not always mean you have consented. You must have the freedom to choose whether or not to enter the marriage. If threats of violence are made against you or another person, or you have been detained against your will, or you believe entering the marriage is required because that is what your family expects, then you may not be able to refuse the marriage and therefore you do not have the freedom to make a choice. Many women do not identify what they are going through as forced marriage. You may define your experience as 'what the family expects' rather than 'force' or 'pressure'. If you are not sure if you are or have been forced into a marriage there are organisations that can help you.

## Who is affected by forced marriage? What does a victim of forced marriage look like?

Forced marriage is frequently portrayed as an issue which only affects South Asian women and girls, however, this is not correct. Forced marriage affects a wide range of communities, including Irish Traveller, Turkish, Roma, Afghan, South Asian, Kurdish, Iranian, Arab and African communities. There are no religions which support or advocate the practice of forced marriage. Forced marriage can happen to anyone from any background, regardless of social class, financial status and sexuality; which include people who identify as lesbian, bi-sexual, gay and transgender, or are

perceived as such. In a UK context, the needs and experiences of some affected groups are often less visible, and only specific groups are highlighted. It is important to be aware that forced marriage disproportionately impacts women and girls, and is therefore recognised as a form of violence against women and girls. When a forced marriage occurs a number of human rights are breached.

Forced marriage can take place in the UK or in another country and usually involves girls or women (82%<sup>2</sup>) being forced to marry someone by their parents or wider family.

## Forced marriage and arranged marriage

Forced marriage is different to arranged marriage where families are involved in selecting a partner but it is up to the individuals to decide whether or not to enter the marriage.

Some structures that are used in an arranged marriage may also be used in a forced marriage and this can often become confusing in distinguishing between them. The key distinction is that a forced marriage involves a lack of consent by one or both parties and where coercion or pressure may be a factor. Arranged marriage involving adults who are freely consenting is legal and does not breach the law or breach legal rights. However, it is important to remember that consenting because of fear or pressure is not true consent. See **A guide to marriage**.

If you are unsure whether you have or are being forced into a marriage, you can find more information at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/325920/FCO\\_FM2014\\_A6\\_web.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/325920/FCO_FM2014_A6_web.pdf) or contact one of the organisations listed at the end of this guide.

## Forced marriage and domestic violence

Women's experience of abuse often does not end with the pressure to marry. Many women are also subjected to different forms of abuse within the context of their marriage. This can range from emotional, psychological and financial abuse to sexual and physical violence.

<sup>2</sup> Forced Marriage Unit statistics from 2012 82% of victims women or girls and 18% men  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/141823/Stats\\_2012.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/141823/Stats_2012.pdf)

### **The Government defines domestic violence as:**

“Any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over who are or have been intimate partners or family members regardless of gender or sexuality. This can encompass but is not limited to the following types of abuse: psychological; physical; sexual; financial and emotional. Controlling behaviour is: a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour. Coercive behaviour is: an act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim.”

If you are experiencing domestic abuse see **A guide to domestic violence injunctions.**

## **Protection under the law in England and Wales**

Forced marriage can involve a range of criminal offences and there is now a specific criminal offence of forced marriage. You can also get legal protection from forced marriage in the civil courts.

### **Forced Marriage Protection Orders**

**A Forced Marriage Protection Order (FMPO)** is a type of **injunction** which can forbid your perpetrator from doing certain things such as being physically violent, contacting you directly or indirectly (by making someone else contact you), taking you out of the country, or making marriage arrangements. The injunction can also require the person named in the order to do certain things, for example, handover passports to the court or ensure a young person attends school.

### **Can I get a forced marriage protection order?**

You can apply for a FMPO if you have been forced into a marriage or you believe you are being forced into a marriage. The marriage does not have to have occurred for you to gain protection. A FMPO is a court order containing provisions that can restrict

a person's actions or require them to take certain steps in order to protect you from abuse and to stop the person(s) making arrangements for the marriage. This could mean that the order is made against one person or many people who are involved in the forced marriage.

### **Who can I get a FMPO against?**

An order can be made against any persons in the UK or outside, who is, or has been, involved in the forced marriage in any way. This could be your mother, father or other close family member; or someone who you do not know, but is involved in the forced marriage. The person's involvement in the forced marriage does not have to involve them physically abusing or threatening you, or involve any other type of abuse, it could be made against a person who is making arrangements for your wedding or for flights to take you to another country for the purposes of your marriage. For example, an imam or a priest who is going to conduct the ceremony or wider family members who are acting in a harassing way, could be subject to a FMPO.

### **Example of forced marriage protection order clauses:**

1. The Respondent must not take the Applicant out of the Birmingham area.
2. The Respondent must not harass, pester or molest the Applicant, directly or indirectly.
3. The Respondent must halt any arrangements for the wedding of the Applicant.

## **The application process**

You can make an application for a FMPO at the Family Court. The application form is an FL401A which is available from any court or to download from

**<http://hmctsformfinder.justice.gov.uk/courtfinder/forms/fl401a-eng.pdf>**

There is no court fee for applying for a FMPO. For more information on other legal costs see **A guide to family law legal aid.**

You or your solicitor will need to prepare a witness statement setting out details of your situation, any violence or threats that have been used against you, the arrangements for your marriage or details of the marriage if it has taken place. You should also set out what you want the order to do and the

persons you want the order to be made against. If you are considering applying for a FMPO call Rights of Women's free legal advice service (see Contacts).

## **Will my family/the perpetrator(s) know about the application for an FMPO?**

Yes, but they might not know until you get the order. You or your solicitor can start the application for a FMPO without telling your perpetrators. This is called a 'without notice' application. If the without notice FMPO is made this means that you will have protection before your perpetrator(s) know you have made the application. The application must be sent to them by a **process server** (a person whose job is to give documents to people) or the court bailiffs. The family court will then set a hearing at which your perpetrators will have the opportunity to defend the order or they can agree to let the order continue. This might mean that you have to give evidence at court with your perpetrators there.

You will usually have to attend court, in certain situations you can give evidence from another location, so that you do not have to face your perpetrators at court. If you do not wish to or do not feel you can attend court, you should ask your solicitor to request that you can give evidence from a different location. If this is not possible, you or your solicitor should ask for special facilities to be put in place to protect you at court and giving evidence. If you or your solicitor call the court in advance and ask for **special measures**, these are protections put in place such as screens for you to provide your evidence behind so that you do not have to face your perpetrators and a safe exit, for example, by retaining, and or providing evidence from another.

## **I am concerned that someone close to me is being forced into a marriage, can I apply for a forced marriage protection order to protect this person?**

A friend, relative or someone else can make an application for an FMPO. As you are not the victim you will have to ask for the court's permission first and set out your relationship with the victim, for example, if it is your sister you should state this and provide any proof in support, if it is your friend or your girlfriend you should explain this and how long you have known the victim and provide any evidence you have to show this. Your application will need to set out your knowledge of the

circumstances of the victim's situation and the court will also consider what the victim thinks about the application, if her wishes can be ascertained. If the court grants permission then the application can be made for a FMPO to protect the victim.

## **Can someone else make the application for me?**

If you are not able to make the application yourself, for example, you cannot leave the house or access the courts, or are in another country, or you are too frightened, then someone else can make the application. See above: **I am concerned that someone close to me is being forced into a marriage, can I apply for a forced marriage protection order to protect this person?**

Someone else making the application means it is not being made by you but it is being made to protect you, which might make it easier for you to take steps to protect yourself without it coming directly from you. As forced marriage often involves parents and other family members it can be difficult for you to make the application in your own name, it might not be safe or possible for you to do so.

## **What are wardship proceedings?**

The High Court can make orders to protect children. If a child is taken abroad to be forced into a marriage or has been forced into a marriage and is overseas, the High Court can make an order which gives the High Court **parental responsibility** for a child. This means that important decisions concerning a child can be made by the court and can ensure a child is protected when they are returned to the UK.

## **Social services applications for forced marriage protection orders**

If you are a child under the age of 18, or the local authority consider you to be vulnerable and you are over 18, the local authority have the power to apply for a FMPO for your protection. The application would be made by the legal department of the local authority. The local authority do not need permission from the court but they are required to ascertain your wishes and feelings.

## **What if the FMPO is ignored or not followed by my perpetrators?**

The person who is making the application, for example, you, your solicitor, social services or someone supporting a victim, is responsible for

servicing the FMPO on the perpetrator. This means giving the respondent a copy and it should be done using a process server or the court bailiff. A copy should also be sent to the Forced Marriage Unit and the police. The respondent must know there was a FMPO in place to be responsible for breaching any part of it.

It is a criminal offence to breach any part of a FMPO and you can call the police if any part of the order is ignored or not complied with. For example, if the order states that the perpetrator is not allowed to text you and you receive a text from them, this is a criminal offence. If your perpetrator is found guilty of breaching the FMPO then there are a range of sentences that they could receive. The maximum sentence is 5 years imprisonment.

For information about criminal proceedings see our legal guide – **Reporting an offence to the police: A guide to criminal investigations.**

## The criminal offence of forced marriage

Even if there is no FMPO, forced marriage is a criminal offence. It is also a criminal offence for someone to mislead you so that you go abroad and force you into a marriage. The law states that:

- In order for an offence to be committed the perpetrator must have used violence, threats or any other form of coercion for the purpose of causing another person to engage in a marriage; and he/she knows the victim does not consent to the marriage, or does not reasonably believe that she consents to the marriage (consent must be free and full.)
- It is also a criminal offence to deceive a victim with the intention of causing the victim to leave the United Kingdom; and intends the other person to be subject to coercion (force) for the purpose of making her enter into a marriage without consent (consent must be free and full.)

For people who are found guilty of these offences there are a range of sentences available to the courts including a fine, a suspended sentence, time in prison and community sentences, for example carrying out unpaid work.

The courts also have the ability to make a **restraining order** on the defendants even if they are not found guilty. If the court believes you are being harassed or put in fear of violence it can make a restraining order against the person(s) responsible. A restraining order is a court order

requiring and/or forbidding a person from doing certain things and can be written in a similar way to a FMPO.

There are also a range of other criminal offences covering acts which often occur when someone is forced into a marriage, for example rape, assault, theft, kidnapping, blackmail and harassment. The police may choose to charge the perpetrator with one or more of these offences as well as, or instead of, the offence of forced marriage.

For more information on criminal proceedings see **Reporting an offence to the police: A guide to criminal investigations** and **From charge to trial: A guide to criminal proceedings**. If you have experienced a violent crime you may be able to get criminal injuries compensation, for more details see **A guide to criminal injuries compensation**. You can also contact our legal advice line, please see Useful Contacts for details.

## How can I end my marriage? Do I have to get divorced?

This depends upon whether or not your marriage is legally recognised in the UK.

If you had a religious ceremony only then you may not need to take legal action to end your marriage, however, you may need legal advice on a range of other issues (see below).

If the marriage took place abroad then you may need to take legal action depending upon whether the marriage is legally recognised in that country and in the UK.

If you had a civil marriage in the UK then you will need to take legal action to end the marriage.

For further information on the status of your marriage see **A guide to marriage** and contact our advice lines.

The most common way of ending a forced marriage that is legally recognised is annulment. Annulment is different to divorce and if your marriage is annulled it will put you back to the position you were in before the marriage took place. This can be important if for religious or cultural reasons you do not want to get divorced. For more information about annulment speak to our legal advice line or a solicitor. If your marriage is annulled you will have the same rights to matrimonial finances and property as if you were getting divorced. For further information see **A guide to financial arrangements on marriage breakdown**.

You can also get divorced if you would like to end your marriage, see **A guide to divorce** for more details.

## **Do I have a right to financial support from my husband?**

You can apply for financial provision from your husband if you start annulment or divorce proceedings. For example, if your husband owns a property you can ask for a portion of that property and if your husband earns more money than you he may be required to pay you maintenance, which would usually be monthly payments of money. For more details see **A guide to financial arrangements after marriage breakdown**.

If you have separated from your husband and you have children then your husband is required to pay you maintenance for your child or children, this is an amount of money usually paid on a monthly basis. See [www.rightsofwomen.org.uk](http://www.rightsofwomen.org.uk).

## **What if my husband or other people threaten to take my children away?**

As your child's mother you have parental responsibility for your child. If you are married then your husband will also have parental responsibility for the child. It is a criminal offence for anyone to remove your child from the UK without your consent. If someone other than your husband takes your child from you, for example, your mother-in-law you should call the police.

If your husband takes your child from you without your consent call the police and seek urgent legal advice.

If you leave your husband you can take your children with you. If your husband threatens to take your children from you, or to stop you bringing your children with you, you must seek legal advice urgently. You can call our legal advice line or see a solicitor. You may be able to get a court order to protect your child from abduction when you apply for the FMPO.

For details on your rights concerning your children see **Children and the law: Parental Responsibility, Children and the Law: when parents separate, Children and the law: the Family Court process** and **Children and the law: relocation, holidays and abduction**.

## **I am not a UK citizen what are my rights to stay in the UK if I want to leave a forced marriage?**

Your rights to stay in the UK depend on a number of factors, including how long you have been here, whether you have children, and what you would like to do next. If you are in the UK as spouse or partner of a British or settled citizen you may be able to apply for indefinite leave to remain (ILR) on the basis of the forced marriage if this causes the marriage to breakdown during the probationary period of the visa. This is known as the **domestic violence rule** and allows women who are suffering abuse to leave their spouses or partners. In some cases, you may also be able to get financial assistance through the Destitute Domestic Violence Concession if you are eligible. For more information, please see **Domestic violence, immigration law and "no recourse to public funds"**.

If you are in the UK as the family member of a citizen of the European Union, you may also be able to establish that you have a right of residence in the UK that is separate from your husband's. In some cases, the family members of European Union citizens can apply to retain their rights of residence.

If you are not a UK dependant or a family member of an EU citizen there are other options. If you, for example, are too afraid to return to your country of origin because your marriage has broken down. In many cases where a woman has experienced a forced marriage in another country they are unable to return there because they would not be safe. If you are afraid of returning to your country of origin you may be able to apply for asylum or humanitarian protection. In order to qualify for refugee protection, you must show that you are at risk of persecution for a reason that is set out in the Refugee Convention and that you would be unable to relocate to be safe in your country of origin. The reasons under the Refugee Convention are that you are at risk because of your race, religion, nationality, political opinion or your membership of a particular social group. Depending on the different situations in each country, a social group may include all women, or could be considered to include women who are victims of forced marriage. For more information, please see our **Seeking refuge: a handbook for asylum seeking women**.

If you are not in the UK as a spouse or partner of a British or settled citizen (for example, if you are here as a fiancée, a visitor, or if you are here as the

dependant of your husband who is also not a British citizen or settled) then you will not be eligible to apply under the domestic violence rule. Depending on the circumstances, you may be able to stay in the UK but you will need immigration advice about the options available to you. If you are thinking about leaving a forced marriage but need immigration advice, then you can call our legal advice line on: **020 7490 7689**.

## Support Services

There are a number of specialist black and minority (BME) led women's organisations which may be able to provide you with confidential, specialist support around forced marriage and related issues. BME women's organisations working around violence against women and girls have a wealth of expertise around dealing with issues such as forced marriage and domestic violence. Workers are familiar with many of the concerns that women may have including fears for safety, feelings of general emotional distress, health issues, financial issues, as well as anxieties about the future. Many BME women's organisations offer various services including a safe place to stay (called a refuge), someone to talk to, someone to advocate on your behalf and someone who understands what you may be going through.

## Emergency Contacts

<b>Police (Emergency)</b>	<b>999</b>
<b>National Domestic Violence Helpline</b>	<b>0808 200 0247</b>
<b>Forced Marriage Unit</b>	<b>020 7008 0151</b>
<b><a href="http://www.gov.uk/stop-forced-marriage">www.gov.uk/stop-forced-marriage</a></b>	

**The issues relating to forced marriage can be complex and we have provided a very basic overview of terminology, law and court practice and procedure. We would also strongly advise you to seek legal advice by either telephoning our legal advice line or a solicitor.**

**Please note that the law as set out in this guide is the law as it stood at the date of publication. The law may have changed since then and accordingly you are advised to take up to date legal advice. Rights of Women cannot accept responsibility for any reliance placed on the legal information contained in this information sheet. This information sheet is designed to give general information only.**

Free confidential legal advice on family law including: forced marriage, divorce and children call the following:

Women living and working in London: call **020 7490 2562** or textphone **020 7490 2562**.

**Mondays 11am – 1pm, Tuesdays and Wednesdays 2 – 4pm.**

For all women: call **020 7251 6577**. The advice line is open **Mondays – Thursdays 7 – 9pm** and **Friday between 12 and 2pm.**

Free confidential legal advice on criminal law including forced marriage, rape and domestic violence

Women living and working in London: call **020 7490 2562** or textphone **020 7490 2562**. **Tuesdays 11am – 1pm**

For all women: call **020 7251 6577** **Thursdays 2pm – 4pm**

For free confidential legal advice on immigration and asylum law

For women: call **020 7490 7689** or textphone **020 7490 2562** **Mondays 12pm – 3pm** and **Thursdays 10 am – 1pm**

For more details and legal information visit **[www.rightsofwomen.org.uk](http://www.rightsofwomen.org.uk)**

## Other useful Contacts

### Amadudu Women's Refuge

Liverpool  
01517340083  
apro1986@aol.com

### Anah Project

Bradford  
01274884521 / 08459606011

### Angelou Centre

Newcastle  
01912260394  
www.angelou-centre.org.uk

### Apna Haq

Rotherham  
01709519211/2  
www.apna-haq.co.uk

### Asha Projects

London  
02086960023  
www.ashaprojects.org.uk

### Ashiana Network

London  
02085390427  
www.ashiana.org.uk

### Ashiana Sheffield

Sheffield  
07985325293  
www.ashianasheffield.org

### Asian Women's Resource Centre

London  
02089616549  
asianwomenscentre@aol.com

### Black Association of Women Step Out

Cardiff  
02920644633 / 07890940635  
www.bawso.org.uk

### Hemat Gryffe

Glasgow  
0141 353 0859

### Humraaz

Blackburn  
01254674312

### Imece

London  
02032273592  
www.imece.org.uk

### Iranian and Kurdish Women's Rights Organisation

London  
02079206460 / 07862733511  
www.ikwro.org.uk

### Jewish Women's Aid

National  
02084458060  
www.jwa.org.uk

### Kiran Project

London  
02085581986  
www.thekiranproject.org.uk

### Latin American Women's Aid

London  
02072750321  
www.lawadv.org.uk

### Latin American Women's Rights Service

London  
0207 336 0888 / 08442640682  
www.lawrs.org.uk

### Newham Asian Women's Project

London  
02084720528  
www.nawp.org

### P.H.O.E.B.E Centre

Ipswich  
01473231566  
www.phoebecentre.org.uk

### Panahghar

Coventry, Leicester  
02476228952 / 01162705320  
www.safehouse.org.uk

### Roshni

Birmingham  
08707070098  
www.roshnibirmingham.org.uk

### Saheli

Manchester  
01616367550 / 01619454187  
www.saheli.org.uk

### Shakti Women's Aid

Edinburgh  
01314752399  
www.shaktiedinburgh.co.uk

Rights of Women  
52-54 Featherstone Street  
London EC1Y 8RT  
Office: 020 7251 6575  
Email: info@row.org.uk  
Website: www.rightsofwomen.org.uk

Charity number: 1147913

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**RIGHTS** of  
**WOMEN**  
*helping women through the law*



HM Government  
Forced Marriage Unit

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