



Muslim Women's Network UK

FACTSHEET

FORCED MARRIAGE

What is a Forced marriage?

A forced marriage is defined as a marriage conducted where consent of the bride, groom or both has been obtained through emotional pressure or physical abuse. Forced marriages are different from arranged marriages. In an arranged marriage, both the bride and groom consent to marry the person suggested to them by their families; in a forced marriage consent is missing.

Some forced marriages take place in the United Kingdom with no overseas element. However, other cases involve one of the parties coming from overseas to Britain to marry against their will or a British citizen being forcibly sent or tricked into going abroad to marry where the individual does not consent to the marriage.

How big is the problem?

The exact number of people forced into marriage is unknown as because many individuals do not seek help or tell anyone they are being forced into a marriage. Each year over 400 cases of forced marriage are reported to the government's Forced Marriage Unit. Many more cases come to the attention of the police, social care services, health & education professionals and voluntary organisations.

Who is affected by forced marriages?

Most cases involve girls and young women aged up to about thirty. Around 85% of the cases reported to the government's Forced Marriage Unit involve women and 15% involve men. More men are coming forward and seeking help; for example, the FMU received 65% more calls about male victims in 2009 than they did in 2008. Around a third of cases the FMU deals with are minors (under 18), some have been as young as 13.

Forced marriage occurs in many communities and societies and religions around the world. In Britain, the majority of cases involve those from South Asian communities (i.e. Pakistani, Bangladeshi or Indian), and most these – but not all – are in Muslim families. Just over half of the cases are in Pakistani communities. However, there have been cases involving families from East Asia, the Middle East, Europe and Africa.



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Children and young people with mental and physical disabilities are also vulnerable to forced marriage and cases have been reported. They may have communication difficulties and may have fewer opportunities to tell anyone what is happening to them.

How are victims affected by forced marriages?

Victims may suffer mental abuse, domestic violence, abduction, unlawful imprisonment, loss of property and assets, humiliation and even rape.

This violence may lead to loss of self-confidence: feelings of shame, isolation and disempowerment: a loss of educational and career opportunities: removal from the victim's family or familiar environment and in many cases self-harm.

Reasons used by perpetrators to justify forced marriage

Those who force individuals to marry often justify their behaviour as protecting her or him as well as preserving cultural or religious traditions. Forced marriage cannot be justified on religious grounds: every major faith condemns it.

Some commonly experienced reasons for forced marriages include:

- The notion of “family honour”
- Attempting to strengthen family links
- Ensuring land, property and wealth remain within the family
- Preventing relationships considered to be “unsuitable” for example outside a specific ethnic group
- Assisting claims for residence and citizenship
- Controlling unwanted behaviour and sexuality (including perceived promiscuity, or being gay, lesbian, bisexual or transgender)
- The need to provide a carer for a person with mental and/or physical disabilities

No matter what the justifications, forced marriage is a form of abuse and breaches internationally recognised human rights standards.

What is the legal position on forced marriage?

Under the Forced Marriage (Civil Protection) Act 2007 in England and Wales and Northern Ireland, courts can make Forced Marriage Protection Orders (FMPO). Scotland also has similar legislation. The Forced Marriage etc (Protection and Jurisdiction) (Scotland) Act was passed in March 2011 and is expected to come into force in the summer.



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These orders can be used to prevent someone being forced into marriage or to protect someone if a forced marriage has already taken place. The individual or a third party (e.g. relative, friend or professional) can apply for the order. Victims can be rescued from abroad and potential victims prevented from being taken abroad.

The current legislation is civil, rather than criminal. This means that forcing someone to marry is not a criminal offence. To protect those threatened with forced marriage, the Forced Marriage Act uses civil solutions which avoid criminalising members of their family. But if an FMPO is contravened, perpetrators can be arrested and jailed for up to two years.

Statistics show that 30% of the cases dealt with by the FMU involve victims aged between 18 and 21. The Home Office has therefore taken steps to significantly strengthen the safeguards against forced marriage by raising the age at which someone can apply for a marriage visa from 18 to 21. However, this rule has been severely challenged through the courts as being disproportionate and discriminatory and has little impact in preventing forced marriage and is having little impact as some young people are held abroad until they reach the right age.

Islamic position on forced marriage

Forced marriage is not allowed in Islam. Both the groom and the bride must consent to the marriage. The consent of the woman is essential, and must be obtained, and any marriage which is forced is considered to be *batil* or void.

"O ye who believe! Ye are forbidden to inherit women against their will. Nor should ye treat them with harshness.....(4:19)

There are also hadiths (traditions based on reports of the sayings and actions of the Prophet Muhammed, peace be upon him) that provide evidence that forced marriage was not allowed:

Example 1

Narrated Abdullah ibn Abbas: "A virgin came to the Prophet (pbuh) and mentioned that her father had married her against her will, so the Prophet (pbuh) allowed her to exercise her choice. (Translation of Sunan Abu-Dawud, Marriage (Kitab Al-Nikah), Book 11, Number 2091)"



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Example 2

Khansa Bint Khidam said "My father married me to his nephew, and I did not like this match, so I complained to the Messenger of Allah (May Allah bless him and grant him peace). He said to me "accept what your father has arranged." I said "I do not wish to accept what my father has arranged."

He said "then this marriage is invalid, go and marry whomever you wish." I said "I have accepted what my father has arranged, but I wanted women to know that fathers have no right in their daughter's matters (i.e. they have no right to force a marriage on them). (Fathul Bari Sharah Al Bukhari 9/194, Ibn Majah Kitabun Nikah 1/602).

Laws in a number of Muslim countries (e.g. Algeria, Bangladesh, India, Iraq, Jordan, Morocco, Pakistan, the Philippines, Syria, and most Malaysian states) prohibit forced marriage. For a list of countries that have banned forced marriage, refer to *Knowing Our Rights* by Women Living Under Muslim Laws [www.wluml.org/node/588]. Therefore, whether a person was married in Pakistan or the UK, both countries' laws would regard a forced marriage as liable to be dissolved.

Steps to take if you are at risk

If you are worried about a forced marriage but nonetheless want to take the risk of travelling abroad, it is essential you take protective measures. The more information that you provide, the easier it will be to help you, if necessary:

- Take contact details of organisations in the UK that can assist, including the Forced Marriage Unit.
- Take the number of the nearest embassy, high commission or consulate in the country to which you are travelling. Details of these can be found here: www.fco.gov.uk/en/travel-and-living-abroad/find-an-embassy
- Leave the following with someone you trust:
 - a copy of your passport or passport number
 - your flight details
 - a clear and up to date photo of yourself
 - details including complete addresses, phone numbers and the full names of the people that you will be visiting.



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- Without endangering yourself, take a hidden supply of money and an additional mobile phone with roaming facility that you can use to get help if needed.
- If possible, establish a contact regime, which involves contact with a named person in the UK at regular intervals to confirm that you are okay. This should be accompanied by an agreed password that you can use to confirm that you are speaking freely and not under duress.
- Come forward and speak to teachers, school nurses or other professionals working in schools and colleges. You can also speak to police or social services.
- Seek advice from any of the organisations listed at the end of this factsheet.

Steps to take if you are in a forced marriage

If you have been forced into a marriage, contact the Forced Marriage Unit, the police or any of the organisations listed at the end of this factsheet and they can advise you on your options as well as provide information on safe places you may be able to stay and people you can talk to.

Do not assume that as the marriage was forced it is automatically void. You should not get married again until you have had a process in the British civil courts or courts in the country where you were married that ends the forced marriage. If you do not go through this process, your legal status (married or unmarried) will become more difficult to resolve.

If you were married in a country abroad that regards forced marriage as void, that country's laws will have a legal process for voiding the forced marriage. You can go through a court process in the UK, and end a forced marriage either by seeking an annulment or divorce. An annulment recognises that your marriage was not valid and therefore did not exist. The effect is that you regain your "never married" status and do not then need a divorce.

- a) Annulment** - Under English law, if you did not validly consent to a marriage, whether in consequence of duress, mistake or unsoundness of mind, or otherwise, you can apply for an annulment. You must do so, within three years of the marriage date and will require your original marriage certificate. If you do not have this for whatever reason, your solicitor can still progress the annulment. In Scotland there are different legal requirements for bringing about annulment, please contact a Scottish family law practitioner for legal advice.



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- b) **Divorce** - If you do not qualify for an annulment, for example, because more than three years have elapsed or your solicitor feels you do not have sufficient evidence/grounds for the annulment, then you can terminate your marriage by way of divorce. The most common ground to use would be the unreasonable behaviour of your spouse. A specialist family lawyer will be able to advise and assist you as to which is the best course of action for you to take.

Sources used for factsheet

The sources used to create this factsheet include: Multi-agency practice guidelines: Handling cases of forced marriage (Forced Marriage Unit); Forced marriage net website (www.forcedmarriage.net); Family Law Week website (www.familylawweek.co.uk); and Sisters in Islam website (www.sistersinislam.org.my)

Further Information

Below is a list of useful resources for additional information on forced marriages:

1. **Forced Marriage Unit (FMU)** – This is a joint initiative between the Home Office and the Foreign and Commonwealth Office (FCO). The unit provides advice and support on forced marriage cases. In the UK the FMU assists actual and potential victims of forced marriage, as well as professionals working in the social, educational and health sectors. Abroad, they work with embassy staff to rescue victims.

The FCO website has useful information and publications for both victims and professionals that can be downloaded or ordered for free. They have also launched a new online tool – the Forced Marriage E-learning is the first interactive online training tool which provides guidance to a range of front line professionals on handling forced marriage cases.

Website: www.fco.gov.uk/forcedmarriage

Telephone: 020 7008 0151

2. **Honour Network** - This is a project run by Karma Nirvana. It supports both male and female victims of forced marriage and honour based violence.
Website: www.karmanirvana.org.uk/honour-network
Helpline: 0800 5999 247
3. **Henna Foundation** – This organization specializes in supporting women suffering from domestic violence, honour based violence and forced marriage.
Website: www.hennafoundation.org
Telephone: 029 2049 6920



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4. **Forced Marriage.Net** – This is a one stop website providing practical information and sources of advice.
www.forcedmarriage.net
5. **Forward** - This service is dedicated to advancing and safeguarding the health and rights of African girls and woman, in particular female genital mutilation and child marriage.
Website: www.forwarduk.org.uk
Telephone: 0208 860 4000
6. **Iranian and Kurdish Women's Rights Organization** - They provide confidential advice and other support to Middle Eastern women and girls who are facing domestic violence, forced marriage, female genital mutilation and 'honour' based violence.
Website: www.ikwro.org.uk
Telephone: 0207 920 6460 (9.30am – 5pm)
07862 733511 (24 hours)
07846 275246 (Kurdish / Arabic / Turkish)
7. **Southall Black Sisters** – This is a resource centre offering information, advice and practical help to black and minority women and specialise in Forced marriage particularly in South Asian communities.
Website: www.southallblacksisters.org.uk
Telephone: 0208 8571800
8. **Shakti Women's Aid** – Based in Edinburgh, they provide support to women, children and young people on a range of issues including forced marriage.
www.shaktiedinburgh.co.uk
9. **Amina - Muslim Women's Helpline** - For advice in Scotland.
Website: www.mwrc.org.uk
Telephone: (Mon-Fri 9.30am-5pm) 0808 801 0301
10. **Practical Solutions** - Ministry of Justice approved specialist forced marriage advisors and practitioners, working with victims/potential victims, communities and service providers. Practical Solutions work nationally and internationally.
Website: www.practical-solutions.info
Telephone; 0844 879 3129 / 07791 90497

11. **NSPCC Child Protection Helpline** – This is a free 24 hour helpline provides information, advice, and counseling to anyone concerned about a child at risk of abuse.

Website: www.nspcc.org.uk

Telephone: 0808 800 5000