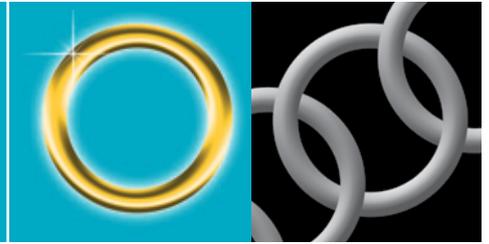


# FORCED MARRIAGE FACTSHEET & GUIDANCE

## FOR REGISTRARS



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. A forced marriage is **not** the same as an arranged marriage. In an arranged marriage the families take a leading role in choosing the marriage partner, but the marriage is entered into freely by both parties.

**Forced marriage is illegal in England and Wales.** It is an **abuse of human rights** and a form of **domestic violence**. Forced marriage cannot be justified on either religious or cultural grounds.

The **Forced Marriage Unit (FMU)** is the Government's main delivery arm for dealing with forced marriage casework and policy. The FMU provide advice or support in around 1300 possible cases of forced marriage each year with many more going unreported. In the majority of cases of forced marriage, the marriage takes place abroad. Forced Marriage is a global issue that affects many different cultures and nationalities – the FMU handle cases in over 74 different countries.

Forced marriages **also** happen in the UK. As a registrar, you can play a vital role in preventing forced marriages from taking place. **An individual who has already been forced into marriage has very limited choices, so every step must be taken to prevent the forced marriage from taking place. This fact sheet, designed for use by registrars, will provide you with information on how to spot and deal with cases of forced marriage.**

### Signs to look out for....

Many of the signs to look out for are the same as the signs you may take into account when reporting a sham marriage. Here are some additional considerations:

- Are either party showing sign of emotional distress?
- Does either party show signs of physical harm or assault?
- Are the bride and groom accompanied by family or community members when giving notice to marry?
- When giving notice to marry, is one party doing all the talking or showing reluctance to let the other party be spoken to alone?
- Are the parties unable to converse in the same language?
- Is one party unable to provide facts about the other person that you would expect a spouse to know, such as date of birth, occupation and address?
- Have allegations of a forced marriage been made by third parties?

### Giving Notice to Marry

The bride and groom each has to **give notice of marriage**, in person, to the superintendent registrar of the relevant district. Cases of forced marriage may involve an overseas national who will be subject to immigration controls so both notices would have to be given at a designated register office.

It is at this point that detailed enquires can be made to ascertain whether the marriage may be forced. The bride and groom should always be interviewed in private, independently of each other, without members of their families or communities present. This will help with identifying whether the marriage may be forced. The **FMU** can help an individual if they disclose that they are being forced to marry. The **Police** can help if an individual is in immediate fear for their safety. GRO can also offer further advice and guidance.

### The Wedding Ceremony

It is an **essential** requirement for a valid marriage that it is a voluntary act of both parties. Lack of consent is a legal impediment and can therefore be grounds for the marriage to be **stopped or deferred**. You should refer to guidance in the handbook on deferring or stopping ceremonies. If a superintendent registrar considers that either party is acting under duress it is his duty to defer or stop the proceedings and discuss his concerns, in private, with the individual.

If the individual is worried for their **safety**, do not leave them alone with family or community members and do not allow them to leave the premises alone or with their family. Instead, call the **FMU** during business hours or call the **Police** outside of these times.

## What to do, and what not to do.....

- ✓ Do reassure confidentiality
- ✓ Do speak to the individual alone in a secure and private place if you are concerned
- ✓ Do respect and recognise the individual's wishes
- ✓ Do ensure the individual is dealt with in a culturally sensitive way
- ✓ Do arrange for an authorised interpreter who speaks the dialect and language of the individual if necessary.
- ✓ Do contact the FMU or Police for more information or assistance
- ✓ Do provide the individual with contact details for the FMU or Police
  
- ✗ DON'T speak to the individual's family or community if you have concerns, this may put the individual at significant risk of harm
- ✗ DON'T rely on family or community members to act as an interpreter for you
- ✗ DON'T share information with anyone, unless you have the individual's consent
- ✗ DON'T allow the individual to leave the premises with members of their family and community if you believe they may be in danger
- ✗ DON'T attempt to mediate between parties or between an individual and their family. Mediation can be extremely dangerous and can put the individual in grave danger.



The Forced Marriage Unit is open:  
 Monday–Friday from 9.00am–5.00pm  
 Call us on: 020 7008 0151 or  
 email: [fmu@fco.gov.uk](mailto:fmu@fco.gov.uk)  
 Out of hours contact: 020 7008 1500  
<http://www.gov.uk/forced-marriage>

## Confidentiality

Registration officers are under a confidentiality obligation in the Registration of Births, Deaths and Marriages Regulations 1968, which states that: "An officer shall not, without the express consent of the Registrar General, publish or communicate to any person, otherwise than in the course of the performance of official duties, any information acquired by him whilst performing those duties."

Ensuring confidentiality is an extremely important issue for anyone facing a forced marriage. During an interview or marriage ceremony you may feel that you need to disclose information to either the FMU or the police. If the individual is under 18, confidentiality cannot be guaranteed. If a young person is over 18, confidentiality should be assured unless the individual is in danger and each case will need to be judged on individual circumstances. In cases of forced marriage, disclosure could lead to the individual being at an even greater risk of significant harm.

The FMU can help you if you are concerned about issues of confidentiality in cases of forced marriage. GRO can offer advice and guidance

## Forced Marriage, Human Rights and the Law

The Anti-Social Behaviour Crime & Policing Act 2014, sections 121 & 122 states that a person commits an offence if they "use violence, threats or any other form of coercion for the purpose of causing another person to enter into a marriage and believes that the conduct may cause the other person to enter into the marriage without free and full consent." If the person is found guilty, the maximum penalty is a 7 year prison sentence. The Act also makes it an offence to lure someone overseas for the purpose of forced marriage.

The Family Law Act 1996 section 63a allows family courts to prevent forced marriages occurring and to stop attempts to force another person into marriage through Forced Marriage Protection Orders. There is also now a provision that criminalises breach of these orders. The maximum penalty is a 5 year prison sentence.

Article 16 of the **Universal Declaration of Human Rights** says that "Marriage shall be entered into only with the free and full consent of both parties" and the UN Convention on consent to marriage states that "No marriage can be legally entered into without the consent of both parties.

The **UN Convention on the Elimination of Discrimination Against Women** says that "A woman's right to choose a spouse and enter freely into marriage is central to her life and dignity". The Convention imposes a duty on the state to take all appropriate measures, to stop ill-treatment.

