**REPORT FOR THE OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS**

**FORCED MARRIAGE IN ENGLAND AND WALES: CHALLENGES, ACHIEVEMENTS, BEST PRACTICES AND IMPLEMENTATION GAPS**

**Introduction**

* This report is compiled in response to the United Nations General Assembly Resolution A/HRC/24/L.34/Rev.1.
* It focuses on the law in England and Wales, with some reference to the law in Scotland and Northern Ireland, and specifically addresses the issue of forced marriage, with, where appropriate, reference to child marriage.

**Context**

* The Government Consultation Paper ‘Forced Marriage: A Wrong not a Right’ defined a forced marriage as one ‘conducted without the valid consent of one or both parties where duress is a factor’ (FCO/Home Office, 2005, p.1).
* The Forced Marriage Unit, which assists those at risk of forced marriage and those who have already been forced to marry, provided advice and assistance in 1485 cases in 2012 (FMU, 2013, available at www.gov.uk/forced-marriage).
* The number of persons actually affected is likely to far exceed this, as many cases are unreported. The Department for Children, Schools and Families has estimated that the number of forced marriages is between 5000 and 8000 (Forced Marriage- Prevalence and Service Response, 2009) whilst the national helpline established by Karma Nirvana, which is an organisation dedicated to supporting the victims of forced marriage, receives approximately 6,500 calls per year (www.theguardian.co.uk 15/8/13).
* 82% of the cases tackled by the Forced Marriage Unit in 2012 involved females and where the age was known, 35% concerned persons under the age of 18 (FMU, 2013).
* The majority of cases that the Forced Marriage Unit handles concern families who originate from South Asia. In 2012, 47% of cases involved families of Pakistani origin, 11% concerned families who originate from Bangladesh, whilst 8% came from India (FMU, 2013).
* Victims and potential victims are often taken abroad for the purpose of marriage.

**Outline Development of the Law in England and Wales**

* There is currently no specific criminal offence of forcing someone to marry but the activities associated with forced marriage may involve the commission of a criminal offence or offences such as kidnap, false imprisonment and assault. In appropriate cases the Crown Prosecution Service will initiate criminal proceedings.
* Initially no specific laws existed that were designed to *prevent* a forced marriage from taking place, but the law of nullity provided a *remedy* if an individual was actually forced to marry. S.12(c) Matrimonial Causes Act 1973 enables the courts to annul a marriage where one party (or both) has not consented as a result of duress. Duress occurs where a person is subjected to pressure that destroys ‘the reality of consent and overbears the will of the individual’ (Hirani v Hirani [1983] 4 FLR 232 p.233 – the case concerned a young Indian girl whose parents had threatened to expel her from the family home if she did not go through with an arranged marriage).
* The ability to petition for an annulment, rather than divorce is significant for many of the victims of forced marriage because a lesser stigma is attached to a woman who obtains an annulment than that attributed to a woman who is divorced (See P v R (Forced Marriage: Annulment: Procedure) [2003] 1 FLR 661 and B v I [2010] 1 FLR 1721).
* N.B. If a child under the age of sixteen is married (with or without consent) the marriage is void under s.11 Matrimonial Causes Act 1973. A void marriage never existed in the eyes of the law and does not require a decree of nullity to set it aside.
* Prior to the introduction of specific measures, a person at risk of forced marriage might have been able to apply for a non-molestation order (s.42 Family Law Act 1996), an injunction to prohibit harassment (Protection from Harassment Act 1997) or an injunction to prohibit the commission of a tort, such as battery or false imprisonment (s.37 Supreme Court Act 1981), but such legislation was not enacted with forced marriage in mind. In addition, the victim was often too vulnerable to apply for an injunction or order.
* If the person at risk of forced marriage is a child, an application can be made for an emergency protection order (s.44 Children Act 1989). This has proved useful in cases where the child is in imminent danger of being removed from the jurisdiction for the purpose of marriage. An emergency protection order normally lasts 8 days with a possible extension of 7 days, which buys the authorities time to apply for more long term protection e.g. a care order (s.31 Children Act 1989) or wardship.
* The High Court has made use of wardship in cases where a child is at risk of being removed from the jurisdiction or has actually been taken overseas for the purpose of marriage. The child or any interested person can make the application. Once a child is made a ward of the court no important decision can be made regarding him or her without the court’s permission, including marriage.
* The court can invite the authorities in other jurisdictions to cooperate with the court’s decision in order to secure the repatriation of British nationals – see Re KR (A child) (Abduction: Forcible removal by parents)[1999] 2 FLR 542, regarding a 16 year old British female who had been taken to India against her will.
* The High Court can make ‘tipstaff orders’ in cases involving children, which may be a passport order, stay put order, seek and locate order or collection order. The orders are addressed to the tipstaff, who is the enforcement officer for the High Court and can be enforced by the tipstaff himself, his assistants, the police or bailiffs.
* The High Court has also used its inherent jurisdiction to protect competent, but vulnerable adults from being forced into a marriage – see Re SK (Proposed Plaintiff) (An adult by way of her litigation friend) [2005] 2 FLR 230, where the repatriation of a British adult from Bangladesh was secured.
* Following the high profile case of Rukshana Naz, who was murdered by her brother in 1999 after leaving the marriage that had been arranged for her when she was fifteen years old, the Government established an independent working group to consider the issue of forced marriage (Home Office, A Choice by Right – the Report of the Working Group on Forced Marriage, 2000). As a result of the recommendations made, guidelines were issued to police and social workers in 2002 and 2003 respectively, and in 2005 the Forced Marriage Unit, which is run by the Foreign and Commonwealth Office and the Home Office, was established. The FMU incorporated the work of the Community Liaison Unit, which had previously dealt with such issues.
* In September 2005, the Foreign and Commonwealth Office and the Home Office issued a consultation paper (Forced Marriage – A Wrong not a Right), which considered criminalising various activities associated with forced marriage in order to emphasise that the practice is wrong and to deter such behaviour in the future.
* The majority of respondents felt that the disadvantages of creating a specific offence of forcing someone to marry, namely that victims would be reluctant to seek help and that the practice would be driven underground, would outweigh the advantages of criminalisation. Criminalisation was not therefore pursued.
* In July 2007, Parliament enacted the Forced Marriage (Civil Protection) Act 2007, which came into force on 25th November 2008 and applies in England, Wales and Northern Ireland. The Act made it explicit that forcing someone to marry is unacceptable and as it inserted provisions into the Family Law Act 1996, which protects the victims of domestic violence, it emphasises that forcing someone into a marriage is a form of domestic abuse.
* The Act empowers the High Court and designated County Courts to make forced marriage protection orders (s.63A Family Law Act 1996) for the purpose of protecting a person *from being forced* into a marriage or for the purpose of protecting a person *who has been forced* into a marriage. Force includes coercion ‘by threats or other psychological means’ (s.63A(6)).
* An application for a forced marriage protection order can be made by the person at risk or a third party acting on their behalf (s.63C(2)). In SMBC v WMP and others [2011] EWHC B13 (COP) the police sought forced marriage protection orders in relation to three brothers with learning difficulties.
* Local authorities are ‘designated relevant third parties’ and can apply for an order without leave of the court, as can the victim (s.63C(3)). Other third party applicants require permission from the court to apply for an order.
* In emergency situations, an application can be made *ex parte* (s.63D) i.e. without notice being given to the respondent (see Chief Constable and another v YK and others [2010] EWHC 2438 (Fam)).
* An order can be made against specific respondents, but will also apply to any person who becomes involved in activities associated with forced marriage even though not expressly named (s.63B(2)(c)).
* The order may contain ‘such prohibitions, restrictions or requirements and such other terms as the court considers appropriate’ (s.63B(1)) e.g. a prohibition against harassment and violence, a prohibition against arranging a marriage, a requirement to surrender the victim’s passport.
* A power of arrest can be attached to the order and should be if ‘the respondent has used or threatened violence’ against the victim unless the court considers that ‘there will be adequate protection without such a power’ (s.63H). A power of arrest enables the police to arrest without warrant for breach of the order.
* As an alternative to making a forced marriage protection order, the court can accept an undertaking that the respondent will not engage in certain activities in the future (s.63E(1)). A power of arrest cannot be attached to an undertaking.
* If a forced marriage protection order is breached the respondent can be committed for contempt of court, which is punishable by up to two years in prison (s.63O). This was designed to ensure that forced marriage protection orders were taken seriously, but would not prevent those at risk of being forced into a marriage from seeking assistance, as their family would not automatically be prosecuted. But this approach can cause problems, as it relies on the victim initiating contempt proceedings if a breach occurs. The police cannot commence enforcement action, as illustrated in Bedfordshire Police Constabulary v RU & Anor [2013] EWHC 2350 (Fam).
* In 2011 ‘Forced Marriage - A Consultation’ was launched to consider how to criminalise breach of a forced marriage protection order and whether to create a specific offence of forcing someone to marry (Home Office, 2011).
* 71% of respondents were in favour of treating breach of a forced marriage protection order in the same way as breach of a non-molestation order i.e. make it a specific criminal offence punishable by up to five years in prison (Home Office, Forced Marriage – A Consultation – Summary of Responses, 2012, p.15).
* Clause 103 of the Anti-Social Behaviour, Crime and Policing Bill 2013-14 proposes to criminalise breach of a forced marriage protection order and replicates the wording of s.42A Family Law Act 1996, which makes breach of a non-molestation order a criminal offence.
* The Anti-Social Behaviour, Crime and Policing Bill 2013-14 also proposes to criminalise forced marriage. Clause 104 (1) of the Bill provides that a person commits an offence if he or she uses violence, threats or any other form of coercion for the purpose of causing another person to enter into a marriage and he or she believes or ought to believe that the conduct may cause the other person to enter into the marriage without free and full consent. It will also be a criminal offence to practice deception with the intention of causing another person to leave the UK so that the other person will be forced to marry (104(2)).
* At the time of writing the Bill was about to begin the Committee stage in the House of Lords.

**Achievements and Best Practice**

* Prior to the implementation of the Forced Marriage (Civil Protection) Act 2007 the judiciary used every power available to protect victims and potential victims of forced marriage. In Re SK (above) Mr Justice Munby indicated that ‘the court must not hesitate to use every weapon in its protective arsenal if faced with what is or appears to be a case of forced marriage’ (Para 4). This illustrates the commendable attitude of the judiciary to the issue of forced marriage.
* In B v I [2010] 1 FLR 1721, the victim of forced marriage was unable to obtain an annulment as she applied to the court more than 3 years after the marriage. But the judge declared the marriage to be non-existent, i.e. ‘there never was a marriage capable of recognition in England and Wales’ (para 12), which meant that the victim would not have to petition for divorce. Again, the judiciary in England and Wales is to be commended.
* The establishment of the Forced Marriage Unit in 2005 constituted a major achievement in terms of forced marriage protection, providing assistance to victims and potential victims in the UK and overseas. The unit has a national helpline to provide advice and assistance to those at risk and those concerned about a relative or friend.
* The first forced marriage helpline was established by Karma Nirvana 20 years ago ([www.karmanirvana.org/uk](http://www.karmanirvana.org/uk) ). The Honour Network Helpline receives approximately 6,500 calls per year.
* Freedom Charity, which provides assistance to vulnerable children, also has a helpline and in March 2013, the charity launched a telephone ‘App’ to improve access to its services.
* In addition, local helplines exist e.g. the Cleveland Police set up the ‘Choice’ helpline in November 2007, which became regional in 2008.
* The Government has drafted guidelines to assist key professionals e.g. ‘The Right to Choose – Multi-agency Statutory Guidance for Dealing with Forced Marriage’ and ‘Multi-agency Practice Guidelines: Handling Cases of Forced Marriage’. The guidelines are clear, accessible, practical and extensive (see [www.gov.uk/forced-marriage](http://www.gov.uk/forced-marriage)).
* Some of the materials produced by the government target specific groups e.g. the leaflet entitled ‘What is forced marriage in the LGBT community ?’
* The Forced Marriage Unit has also produced guidelines such as ‘Forced Marriage Case Handling Guide for MPs and Constituency Offices’ and the Multi-Agency Practice Guidelines ‘Forced Marriage and Learning Disabilities’, which was produced in conjunction with the Ann Craft Trust, the Judith Trust and others (see [www.gov.uk/forced-marriage](http://www.gov.uk/forced-marriage)).
* The Forced Marriage Unit has designed e-learning materials to support professionals dealing with forced marriage in the course of their work, providing real life case studies. It has also produced leaflets, posters, documentaries, business cards and a survivor’s handbook to increase awareness of forced marriage and the protection available.
* Ameeta Prem, the founder and president of Freedom Charity, has written a story about forced marriage for use in schools, in order to increase awareness and prevention of forced marriage (But it’s not fair available at [www.gov.uk/forced-marriage](http://www.gov.uk/forced-marriage)). This illustrates the range of materials available to key professionals.
* There are many regional examples of best practice in terms of forced marriage protection e.g. the Jan Trust, a women’s charity based in Slough has established an awareness campaign and a helpline. Examples of good practice in Luton can be found in ‘Forced marriage, family cohesion and community engagement: national learning through a case study of Luton’ (N. Khanum, OBE, Director of Equality in Diversity, 2008). In Wales, the Henna Foundation provides culturally sensitive support ([www.hennafoundation.org/forced\_marriage.html](http://www.hennafoundation.org/forced_marriage.html) ).
* The Association of Police Officers has produced a number of guidelines for specialist staff and first response staff that come into contact with forced marriage e.g. the Guide on the Relocation of Victims of Forced Marriage and Honour Based Violence between Force Areas 2008. In addition, the Home Affairs Select Committee heard evidence that a number of police forces were performing well in terms of forced marriage e.g. Cambridgeshire, Cleveland and Derbyshire, although the response from the police appears to vary from force to force (8th Report of Session 2010-2012, Forced Marriage, May 2011).
* The Crown Prosecution Service has also produced guidelines – see [www.cps.gov.uk/legal/h\_to\_k/honour\_based\_violence\_and\_forced\_marriage/](http://www.cps.gov.uk/legal/h_to_k/honour_based_violence_and_forced_marriage/)
* The enactment of the Forced Marriage (Civil Protection) Act 2007 was a significant step forward in the battle against forced marriage because it emphasises that the practice is unacceptable and provides practical, flexible, remedies designed with the victim in mind. The provisions are appropriate because they focus on protecting the victim and preventing forced marriage, rather than punishing the perpetrator.
* The ability of the court to accept an undertaking, rather than making an order can be advantageous from the victim’s perspective, as he or she does not have to give evidence against the respondent in court. The respondent benefits from making an undertaking as no finding of fact is made against him or her. The Act thus enables the resolution of delicate issues in a less confrontational manner.
* Judges adhering to best practice will, when they make an order ‘direct in every case that the FMPO is served on the police (this will be the case in any event if a power of arrest is attached to the order), the Forced Marriage Unit (so that they have the information to take appropriate action) and the UK Border Agency so that they can be on the alert’ (Her Honour Nasreen Pearce, Fam Law, 2011, p.606). This ensures compliance with and the enforcement of orders, but the extent to which the courts exercise those powers is unclear.
* The judiciary is willing to utilise the power to imprison for contempt of court if a forced marriage protection order is breached. In February 2011 Lydia Erhire was sentenced to eight months in prison for failing to comply with an order made in respect of her 17 year old son. Of course, the judiciary can only punish the perpetrator if the breach is reported.
* The Anti-Social Behaviour, Crime and Policing Bill 2013-14, if enacted, will criminalise breach of a forced marriage protection order and thus bring the law in England, Wales and Northern Ireland more in line with the law in Scotland, where breach of a protection order is a criminal offence under the Forced Marriage etc. (Protection and Jurisdiction) (Scotland) Act 2011. It is appropriate that the jurisdictions of the United Kingdom adopt a consistent approach to forced marriage.
* The proposal is to treat breach of a forced marriage protection order in the same way as breach of a non-molestation order. This is significant as it will remove the negative message that the Family Law Act 1996 currently delivers i.e. that forced marriage is a lesser form of domestic abuse. It will also ensure that the enforcement of an order is not dependent upon a vulnerable victim initiating court action (which may, admittedly, be disadvantageous from the victim’s perspective).
* NB. Breach of protection order in Scotland can be punished by up to 2 years in prison, whereas the maximum penalty in England and Wales will be 5 years in prison.
* Much of the crucial support available to victims and potential victims is delivered by charities and victim support groups, such as Karma Nirvana, Women’s Aid, Southall Black Sisters, Freedom Charity etc. See, for example, the testimonials on Karma Nirvana’s website [www.karmanirvana.org/uk](http://www.karmanirvana.org/uk) . Charities are dependent on donations from the public, lottery funding and funding from government sources e.g. the Domestic Fund Programme.

**Challenges and Implementation Gaps**

* Although the government and judiciary have been careful to distinguish forced marriages and arranged marriages (see for example, Forced Marriage Standard Note SN/HA/1003, Sep 2013, p.3) the distinction has been described as ‘fragile’ because an arranged marriage can become a forced marriage if an individual is coerced into consenting (A. Phillips and M. Dustin, UK initiatives on forced marriage: regulation, dialogue and exit. LSE Research Online, 2004, p.13). This poses a challenge for those who come into contact with those who are about to enter an arranged marriage and seem reluctant.
* It can be difficult to assist victims or potential victims if they are taken overseas for the purpose of marriage. To prevent this from happening can be a major challenge, as can the location and repatriation of the individual. NB. Wardship and inherent jurisdiction have greater influence in foreign countries and might therefore be preferred to an order under the 2007 Act if the victim has been removed from the jurisdiction.
* The fact that victims are taken overseas also makes it difficult for the CPS to initiate a criminal prosecution, if an offence has been committed. The CPS has jurisdiction to prosecute if a sexual offence is committed against a child overseas (s.72 Sexual Offences Act 2003), but it cannot prosecute many other offences associate with forced marriage that take place in another jurisdiction. The lack of cooperation from the victim also causes problems in terms of criminal prosecutions.
* According to the Home Office (2011, p.12), 49% of criminal prosecutions in a forced marriage context were successful in 2010-2011, but it is unclear how many cases were reported and not actually prosecuted.
* Although the Forced Marriage Unit is to be praised for its work in relation to forced marriage, its lack of a regional presence has been identified as a drawback (M. Wind-Cowie et al, Ending forced Marriage will take more than a change in the law, 2012, Demos).
* In terms of forced marriage prevention, one of the key problems appears to be the lack of awareness of the protection available amongst potential victims and key professionals, despite the efforts of the Forced Marriage Unit and other organisations, such as the Jan Trust, which has run an awareness campaign. Research undertaken by Karma Nirvana demonstrated that 70% of professionals attending a series of road shows were unaware of the Forced Marriage (Civil Protection) Act 2007 (Home Affairs Select Committee, 2011). As a result, the Home Affairs Committee expressed concern ‘about the level of awareness of the Act’s provisions amongst frontline professionals’ (p.7).
* The importance of raising awareness in the media and educational establishments, the need to introduce more effective training for professionals and the necessity to clarify the difference between forced marriages and arranged marriages were also highlighted by respondents to the recent consultation (Home Office, 2012, p.5). Other themes that emerged were the need for increased funding and support services and the importance of ensuring that approaches to tackling forced marriage do not stigmatise particular religions and cultures. In summary, forced marriage needs to be tackled more effectively.
* The responses to the consultation were consistent with the Forced Marriage Unit’s Review of the Implementation of the Multi-agency Statutory Guidance for dealing with forced marriage (2012). Their findings indicated: that many agencies had not embedded forced marriage within existing children and adult safeguarding structures; that there was a lack of commitment within agencies to address the issue of forced marriage; that there was an inconsistent approach to training; that disparities existed in the way that agencies and departments handle and monitor forced marriage and that schools, colleges, health services and local authorities need to do more.
* The Home Affairs Select Committee reported that schools have been reluctant to engage with raising awareness about forced marriage and it seems that the reason for this is a fear of offending communities where forced marriage is practiced (HASC, 2011). The materials produced by the Forced Marriage Unit and other organisations e.g. posters, e-learning materials and stories, are not therefore being utilised to full effect. The author of this report has only seen one forced marriage poster !
* Specific challenges arise in relation to particular victim groups e.g. male victims have more difficulty being taken seriously (Forced Marriage Multi-Agency Practice Guidelines, 2008, Para 3.5), while foreign nationals who come to the UK having been forced to marry overseas, will be less aware of the support available and may be unable to communicate in English. Victims with a disability may also have more difficulty accessing the support available, particularly if they are foreign nationals and are not known to social services.
* In November 2008 immigration rules were changed to raise the minimum age for marriage visa sponsors and their incoming spouses from 18 to 21. This was done to better equip individuals to refuse to enter a marriage, but the Court of Appeal ruled that it was a disproportionate restriction on family and private life and the Supreme Court held that the Secretary of State had not justified the restriction (Quila & Ors v Secretary of State for the Home Department & Ors [2011] UKSC 45). The age for the applicant and spouse has now returned to 18 ([www.ukba.homeoffice.gov.uk/policyandlaw/guidance/ecg/set/set3/#header5](http://www.ukba.homeoffice.gov.uk/policyandlaw/guidance/ecg/set/set3/#header5) ). It is thus a challenge to introduce measures designed to prevent forced marriage that do not infringe a person’s human rights.
* Between November 2008, when the Forced Marriage (Civil Protection) Act came into force, and the end of June 2011, 339 orders had been granted by the courts (Home Office, 2011). This represents a tiny proportion of the estimated instances of forced marriage that occur each year and indicates that not enough is being done to protect victims of forced marriage.
* It should be noted that local authorities have made relatively few applications and some legal practitioners have commented that this is because, in their experience, local authorities usually apply for care orders, rather than forced marriage protection orders, if the victim or potential victim is a child (K. Chokowry and K. Skinner, The Forced Marriage (Civil Protection) Act 2007: Two Years On: Fam Law, 2011, p.77). This means that more people are being protected than the FMPO data suggests, but as approximately 65% of victims are adults, there are significant numbers who are not protected by care orders or forced marriage protection orders.
* The Ministry of Justice examined the initial progress of the Forced Marriage (Civil Protection) Act 2007 and reported that degree of use varied from locality to locality and in some areas, the legislation was underused for fear of offending local communities. It is thus necessary to work with the relevant communities to resolve this issue (One Year On: the initial impact of the Forced Marriage (Civil Protection) Act 2007 in its first year of operation, 2009).
* In addition to the problems regarding awareness and use of the legislation, there are significant issues relating to the monitoring and enforcement of forced marriage protection orders (HASC, 2011). From November 2008 to December 2011 only five breaches were recorded (Home Office, 2011) and thus far only one individual has been prosecuted for breach of a forced marriage protection order. Whether this is because protection orders are usually adhered to, because victims do not report the breach or because the authorities do not take action when a breach is reported is unclear as there is no accurate data regarding compliance.
* According to Karma Nirvana, the lack of monitoring and action for breach lessens the Act’s deterrent effect (HASC, 2011). Southall Black Sisters, which is another victim support group, agrees that the implementation of civil remedies is hampered by weak enforcement of the law (Home Office, 2012).
* Improvements to the enforcement of forced marriage protection orders should occur if the Anti-Social Behaviour, Crime and Policing Bill 2013-14 becomes law as the police and CPS will have the automatic power to initiate criminal proceedings for breach of an order. But this will be of little avail if there is no improvement in terms of monitoring compliance and recording breaches.
* If an individual is actually forced to marry, the law of nullity provides a remedy, but as explained earlier, the petition must be lodged within 3 years of the marriage. The Report of the Working Group on forced marriage pointed out that many victims are married young and ‘lack the confidence to challenge their situation’ in the first years of marriage, which means that they will often be statute barred from petitioning for an annulment (Home Office, 2000, p.7). Calls have therefore been made to abolish or extend the time limit for lodging nullity petitions in order to protect the victims of forced marriage (See Summary of Consultation Responses, Odysseus Trust, April 2007, p.2), but as this would create uncertainty regarding the status of a marriage, these recommendations have not been acted upon.
* In cases where the victim is timed out, the courts in England and Wales have been prepared to declare the marriage non-existent, which is advantageous as it avoids the need for divorce. But there is no possibility of applying for financial orders if a marriage is declared non-existent, which may leave the victim vulnerable. Increased effort should be put into forced marriage prevention in order to avoid the problems associated with nullity and non-marriage.
* The proposal to criminalise forced marriage contained in clause 104 of the Anti-Social Behaviour, Crime and Policing Bill 2013-14 is cause for concern for several reasons. First, it has received little feedback from those directly affected: only 7 of the 297 respondents to the consultation identified themselves as victims of forced marriage. Second, although 54% of respondents were in favour of criminalisation, most victim support groups who responded (e.g. Women’s Aid, Southall Black Sisters, Rape Crisis, the Henna Foundation and End Violence Against Women) were opposed to it (Home Office, 2012). N.B. Soroptimist International, Karma Nirvana and IKWRO support criminalisation.
* The arguments in favour of criminalisation are that it will: send a powerful message that forced marriage is unacceptable; act as a deterrent; give victims a stronger sense that what is happening to them is wrong and make it easier for them to challenge family members; make it easier for the police, social services and support services to identify forced marriage and to intervene and finally, it will provide proper punishment of perpetrators (Home Office, 2012). Opponents of criminalisation dispute these assertions.
* The primary argument against criminalisation is that victims do not wish to see their relatives prosecuted and may therefore be less likely to seek help. But according to IKWRO, there was a surge in the number of victims who came forward after forced marriage was criminalised in Denmark (cited in Wind-Cowie et al). Other arguments against criminalising forced marriage are that parents will be more likely to take their children overseas to be married and that the overlap between existing offences and the new offence may cause confusion (Home Office, 2012).
* Rather than criminalising forced marriage it is suggested that more effort should be put into raising awareness of forced marriage and the civil protection available in order to prevent the practice and improvements should be made in terms of monitoring compliance and enforcing protection orders.
* Finally, much good practice and support is at risk if victim support services are not properly funded. Women’s Aid, which provides refuge to victims of domestic violence, including forced marriage, turns away significant numbers of women on a daily basis due to lack of space. Although the Government has committed to providing extra funding for forced marriage, it is often insufficient.

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