

FACTSHEET: FORCED MARRIAGE

What is Forced Marriage?

A forced marriage is a marriage in which one or both people do not freely agree (consent) to the marriage and where some form of pressure (coercion) is involved.

This pressure can take many forms and can be physical, emotional, psychological and financial. It can include deception, threats, blackmail or harassment.

There is often huge pressure to conform to the wishes of family and community. The pressure which forces a person into marriage does not have to be directed against that person and can include circumstances in which threats are made to the person or others if they do not agree to the marriage.

A forced marriage can also occur where an individual is not able to freely agree on their own behalf, for example, children or adults with a mental disorder.

A forced marriage is not the same as an arranged marriage. In an arranged marriage, both parties consent to the marriage.

What rights/protections are there to protect individuals from forced marriage?

In Scotland, the law offers both civil and criminal protections from forced marriage.

Criminal Offence

It is a criminal offence in Scotland to force someone to marry without their full and free agreement (consent). This means it is a criminal offence to use threats,

coercion or violence to force another person to marry.

It is also a crime to trick a person or use any form of deception to cause them to leave the UK and travel to another country, with the intention of forcing that person into a marriage.

The law applies even if any of the pressure happens outside the UK by or to a UK national, or a person habitually resident in Scotland. This means that it will still be an offence under the law of Scotland and can be tried in the Scottish courts.

The penalties include imprisonment or a fine, or both.

Women's rights when reporting to police

Many cases of forced marriage go unreported. There can be many barriers which make it difficult for a person to speak up about what is happening. It is important to know that you have rights when reporting forced marriage, or other types of crimes, to the police. Some of the things a woman can ask for include:

- You can request a male or female officer, if this will make you feel more comfortable. This should be

respected, unless there are exceptional circumstances.

- You can ask to give a statement somewhere you feel comfortable.
- You can ask to have someone with you for support (provided they are not a witness).
- You can ask for a plain clothes officer if you are worried about an officer turning up at your home and who might see.
- You can ask for an interpreter and for certain documents to be translated if they are needed for your participation in the investigation.
- You have a right to support, including access to support services (even if you are not reporting to the police).

Civil Protections

The civil law in Scotland also provides protection against forced marriage.

The Forced Marriage (Protection and Jurisdiction) (Scotland) Act 2011 introduced Forced Marriage Protection Orders (FMPO).

These types of orders are granted by the civil courts, not the criminal courts.

A FMPO may run at the same time as a criminal investigation or criminal proceedings.

What Can a FMPO Do?

A FMPO is tailored to the needs of the individual person. An order can:

- Stop a forced marriage from taking place.

- Put measures in place for your protection if the forced marriage has already taken place.
- Include things like taking a protected person to a place of safety, and submitting documents, such as passports, to the court.
- Be granted at short notice for immediate protection (known as an “interim order”).
- Apply to pressure outside of, as well as within, Scotland.
- Apply to someone who is forcing or trying to force a person into a forced marriage, and to other people who might help or encourage the person who is doing the forcing.

It is a criminal offence to breach a FMPO, and the police can arrest someone for the offence without warrant.

The court will look at whether the order is necessary to protect a person from forced marriage.

Advice and Support Available

The Scottish Women’s Rights Centre provide free legal information, representation and advocacy support to women affected by violence in Scotland.

- Helpline: 08088 010 789
- Website: <https://www.scottishwomensrightscentre.org.uk/>

Scottish Domestic Abuse and Forced Marriage Helpline: 0800 027 1234, (open 24 hours, calls are free and confidential).

The Forced Marriage Unit, open Monday to Friday, 9am to 5pm, can provide specialised advice on what to do next:

- 020 7008 0151
- Overseas: +44 (0)20 7008 0151
- Out of hours: 020 7008 1500 (ask for the Global Response Centre).
- Website: fmufco.gov.uk

Rape Crisis Scotland Helpline: 08088 01 03 02 (5pm-midnight).

**Support and Information Regarding
'Honour' Based Violence and Forced
Marriage:**

- Shakti Women's Aid – 0131 475 2399
- Hemat Gryffe Women's Aid – 0141 353 0859
- Amina, MWRC – Helpline: 0808 801 0301