



Forced Marriage

The current situation

The Ministry of Justice defines forced marriage as a marriage without the full and free consent of both parties. The Ministry views it as a form of domestic violence and an abuse of human rights.

Forced marriages are not arranged marriages. In an arranged marriage the family will take the lead in arranging the match but the couple has a choice whether, or not, to proceed. In a forced marriage there is no choice.

Following a national consultation on forced marriage, conducted in 2005, the Government decided not to make it a criminal offence to force someone to marry, but rather to increase non-legislative measures, including more training for relevant professionals.

A number of voluntary organisations, and others, that work with victims of forced marriage were disappointed with the Government's stance and felt that more should be done to protect victims. In 2007, Lord Lester of Herne Hill QC introduced a Private Members Bill designed to provide victims of forced marriage with civil remedies against those, usually family members, who attempt to force them into marriage. After Lord Lester's Bill was debated in the House of Lords, the Government decided to support the Bill and it was passed into law last year.

On 25 November 2008, the Forced Marriage Act will come into effect, with the intention of protecting those at risk of forced marriage and acting as a powerful tool for those trying to provide that protection. Within the Act, courts will be given the discretion to deal flexibly with individual cases of forced marriage. Those who are at risk will be able to apply for a Forced Marriage Protection Order, which allows the

court to order the behaviour of those responsible to change or stop, or to impose requirements on them. For example, this may involve the return of the victim from a foreign country where they have been held against their will.

The Act also allows a relevant third party to apply for a protection order, in circumstances where the victim feels unable or unwilling to make the application themselves. This may be because the victim has had threats made against them by family members, been taken to a foreign country or held as a virtual prisoner in their own home. Certain third parties, initially local authorities, will be able to make these applications without the prior permission of the courts. Other parties, such as voluntary groups, may also apply if they obtain court permission first.

The Family Justice Council's view...

The Family Justice Council warmly welcomes the coming into force of this Act. It represents a major advance in improving protection for a previously neglected and highly vulnerable group – the victims of forced marriage.

Members of the Council's Diversity Committee contributed to the drafting of the legislation and it is heartening to see the Act come into force.

The Council will monitor the operation of the new legislation with a view to feeding back information on its effectiveness to the Government and to developing best practice.

Family Justice Council spokespeople

Khatun Sapnara is a leading family barrister, specialising in all aspects of the law relating to children, with extensive experience in both private and public law children's proceedings. She acts for parents, local authorities and children's guardians. She has particular expertise in the representation of women and children in cases involving domestic violence and forced marriage and also undertakes cases of child abduction. Khatun advised Lord Lester of Herne Hill QC on the content of his Private Member's Bill which, having secured Government support, became the Forced Marriage (Civil Protection) Act 2007. Khatun is the Chair of the Family Justice Council's Diversity Committee.



Katy Rensten is an experienced solicitor and advocate with rights of audience in the higher courts. She specialises in public children law and adoption where she acts for parents, relatives and children. Katy is also a trustee for the Nia Project, a charity working with the victims of domestic violence. Katy is a member of the Family Justice Council's Diversity Committee.

The Family Justice Council

The Family Justice Council is an interdisciplinary body made up of leading professionals working in the family justice system. The Council includes expertise from the judicial (judges, barristers, solicitors), medical (a paediatrician and a child psychiatrist) and social care (Cafcass representation and a Director of Children's Services) worlds.



The Council aims to promote better and quicker outcomes for families and children who use the family justice system. The Family Justice Council sits between government and the courts of the family justice system. It speaks with both the experience of its members, all eminent in their fields, and with an understanding of the realities of the system on the ground as perceived by its network of 39 Local Family Justice Councils.

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