

# Forced marriage (civil protection) act 2007 summary



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## Introduction

Broadly, a forced marriage takes place where both parties have failed to give valid consent and there is duress involved.

The Forced Marriage (Civil Protection) Act 2007 inserted s63A into the Family Law Act 1996, which gives family courts power to make Forced Marriage Protection Orders (injunctions) to protect a person from being forced into a marriage or from any attempt to be forced into a marriage; or a person who has been forced into a marriage.

An order can forbid families from: taking a person abroad for marriage, taking their passport away, and intimidating someone into agreeing to marry.

It can also require family members to reveal the whereabouts of a person who is being forced into marriage. The police can apply for a Forced Marriage Order, a breach of which can be punished by two years' imprisonment.

As of 16 June 2014 there are two new criminal offences relating to forced marriage. Section 63CA Family Law Act 1996 creates a criminal offence of breaching a forced marriage protection order, which carries a maximum sentence of five years' imprisonment. In addition, s121 Anti-social Behaviour, Crime and Policing Act 2014 makes it a criminal offence to use violence, threats, or any other form of coercion to cause someone to enter into a forced marriage. This offence is punishable by up to seven years' imprisonment.

Forced marriage is now a criminal offence under s121 Anti-social Behaviour, Crime and Policing Act 2014. The breach of a Forced Marriage Protection Order is an offence under s120 2014 Act.

Forced marriage is a marriage where one or both spouses do not consent to the marriage, and duress is involved.[1]However, a forced marriage is different from an arranged marriage. An arranged marriage is where the families and/or friends of two young people take a lead role in arranging or determining the suitability of their prospective marriage but the consent is still needed.[2]The forced Marriage Unit (FMU) is a government agency to . The statistic has showed that many victims of forced marriage do not actually report the matter to relevant authorities.

The purpose of this essay is to discuss the effectiveness of family law in protecting victims and potential victims from forced marriage. Therefore, the inherent jurisdiction of the court, the *Forced Marriage (Civil Protection) Act 2007* , the criminalisation of forced marriage and the possible alternatives for victims who have been forced to wed will be discussed in this essay.

### Inherent Jurisdiction

### For Children Victim

### Nullity (For person who had been forced to wed)

### Enforcement of a FMPO Contempt of Court

The main weakness with this legislation is

The *Family Law Act 1996 (Forced Marriage) (Relevant Third Party) Order 2009*

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### Enforcement of a FMPO Criminal Offence

Forced marriage is now a criminal offence under *Anti-social Behaviour, Crime and Police Act 2014*. A person commits an offence under the law of England and Wales 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 believes, or ought reasonably to believe, that the conduct may cause the other person to enter into the marriage without free and full consent.[3] A person guilty of an offence under this section is liable on summary conviction, to imprisonment for a term not exceeding 12 months or to a fine or both; on conviction on indictment, to imprisonment for a term not exceeding 7 years.[4]

### Other Protection or Assistance against Forced Marriage

#### Conclusion

#### Bibliography

#### Table of Cases

#### UK cases

A v SM and HB (Forced Marriage Protection Orders) [2012] EWHC 435 (Fam)

A Chief Constable v YK, RB, ZS, SI, AK and MH [2011] 1 FLR 1493

Bedfordshire Police Constabulary v RU [2013] EWHC 2350 (Fam)

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M v B, A and S (by the Official Solicitor) [2006] 1 FLR 117

NS v MI [2007] 1 FLR 444

SK (Proposed Plaintiff) (An Adult by Way of her Litigation Friend) [2005] 2  
FLR 230

European Cases

Table of Legislation

Table of Legislation: UK

Anti-social Behaviour, Crime and Policing Act 2014

Children Act 1989

Family Law Act 1996

Forced Marriages (Civil Protection) Act 2007

Table of Legislation: EU

Table of Legislation: Other jurisdictions

Government Publications

Books

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Harris-Short S, Miles J and George R, *Family Law* (3rd edn, OUP 2015)

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& Maxwell 2015)

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[2009] Fam Law 726

Pearce N and Gill A, ' Criminalising Forced Marriage through Stand-alone  
Legislation: Will It Work?' [2012] Fam Law 534

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[1]Rachel Langdale, Anne-Marie Hutchinson and Hanisha Patel, ' Forced  
Marriage: The Concept and Law' (2009) 39 Fam Law 726, 726.

[2]Ibid 726.

[3]Anti-social Behaviour, Crime and Policing Act 2014, s 121(1).

[4]Anti-social Behaviour, Crime and Policing Act 2014, s 121(9).