



FORCED MARRIAGE & HONOUR BASED VIOLENCE

Chrystal Theofanous
Sills & Betteridge LLP

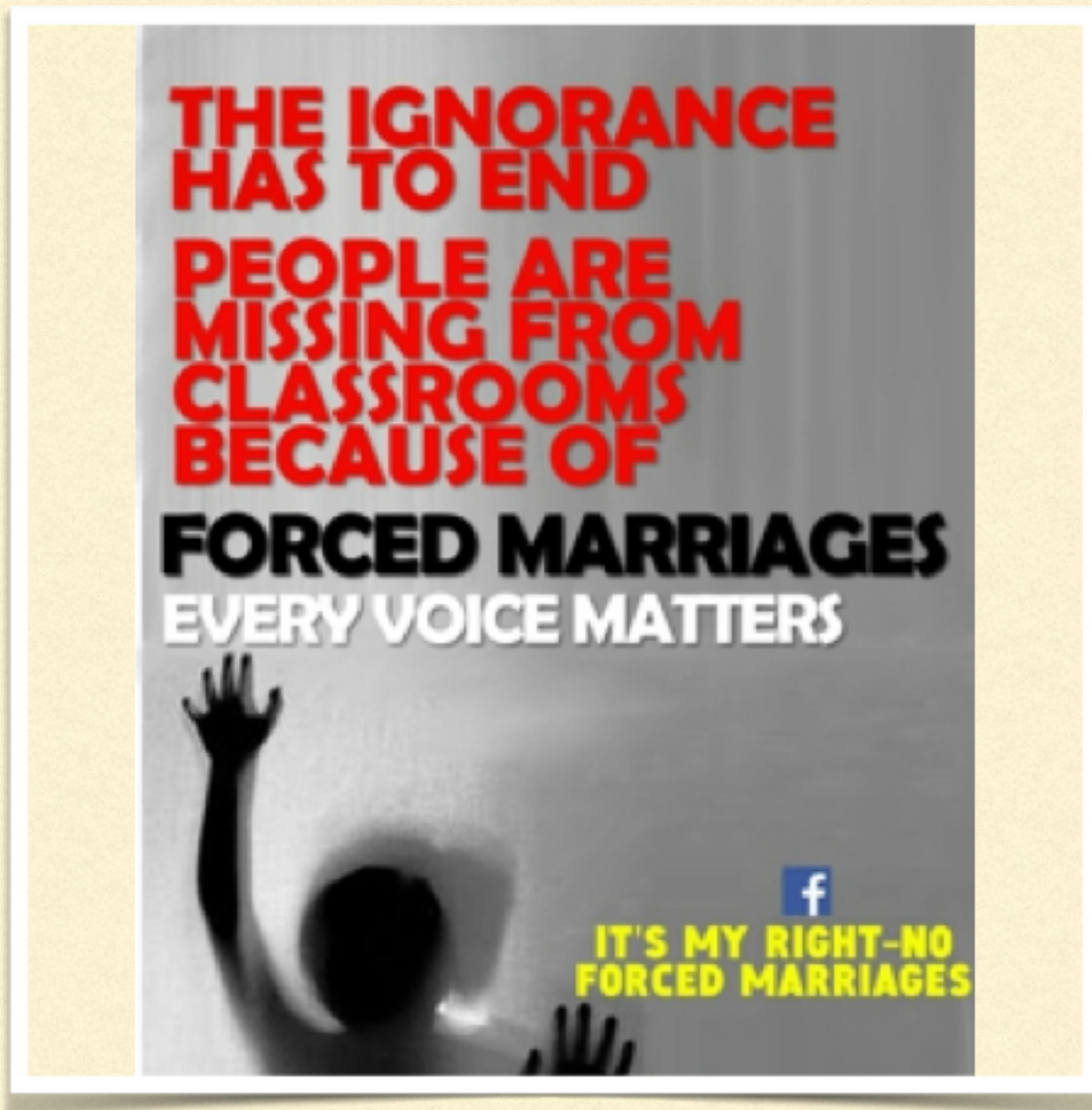
THE LAW ON FORCED MARRIAGE

- The Forced Marriage (Civil Protection) Act 2007 brought a new section 63 to the Family Law Act 1996.
 - S63 A(1) provides that these orders can be made by a court for the purpose of protecting a person from being forced into marriage or from any attempt to be forced into a marriage, or a person who has been forced into marriage.
 - In deciding whether to exercise its powers the court must have regard to all the circumstances including the need to secure the health, safety and wellbeing of the person to be protected.
 - In ascertaining that person's wellbeing, the court must have regard to the person's wishes and feelings (so far as they are reasonably ascertainable) as the court considers appropriate in the light of the person's age and understanding.
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NEW LEGISLATION

- Victims of forced marriage in England and Wales are to be given anonymity for life under amendments to the policing and crime bill.
 - Anonymity will be given at the time an allegation of forced marriage is made.
 - This means that the victims identity will be protected and their name and any photos of them will not be allowed on social media.
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WHAT DOES FORCED MEAN?



- S.63A(1) FLA 1996 defines the term "forced" as including coerce by threats or other psychological means.
- FM is a specified offence under S121 of the Anti Social Behaviour, Crime and Policing Act 2014.
- Breach of a FMPO is now a criminal offence under s120.
- Should be treated the same as breach of a non molestation order

DEFINITION

- The legislation defines marriage as any religious or civil ceremony of marriage (whether or not legally binding)
 - S.63 states that a forced marriage is where a person A is forced into marriage if another person B forced her into a marriage without A's consent
 - Forced marriage is an abuse of human rights, a form of domestic abuse and where it affects children a form of child abuse. It is a criminal offence.
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WHAT IS A FMPO?

- The court can make a FMPO for the purposes of protecting:
 - a person from being forced into marriage or from any attempt to be so forced; or
 - A person who has been forced into marriage.
 - The court may therefore make a FMPO to prevent an apprehended forced marriage or to initiate practical assistance to a victim of a forced marriages where that marriage has already taken place.
 - It is therefore imperative for practitioners to be able to identify whether the victim is being forced into marriage or where they are already married they have been forced into it as this will have an impact on the orders that are required.
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WHAT DO THE ORDERS CONTAIN?

A FMPO may contain such prohibitions, restrictions and requirements and such other terms as the court considers it appropriate for the purposes of the order.

The terms of such orders may, in particular, relate to conduct outside England and Wales as well as (or instead of) conduct within England and Wales as well as respondents who have become involved in the forced marriage.

The orders may state that the respondent is forbidden to use or threaten violence, harass, pester or molest, intimidate or interfere with the victim as well as prohibitions with the respondent using social media.

Also a provision can be included requiring a person to leave the property and not to return within a certain distance.

The orders can take the form of ordering the handing in of the passports of the person, who may be a child, and also any adult responsible for having removed a child.



WHO CAN APPLY?

- The person to be protected
 - Relevant third party e.g Local Authorities, a support worker, the police etc
 - An application may be made by any other person with the leave of the court. However the court has to consider the connection with the person to be protected, the applicant's knowledge of the case and the wishes and feelings of the person to be protected so far as is reasonably ascertainable.
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ORDERS CONTINUED

- Ex Parte always
 - Use of different firm for double protection
 - Power of arrest attached
 - Police can arrest without a warrant. Brought before a judge within 24 hours
 - Duration can be for specified period or until varied or discharged.
 - Forced Marriage Protection Unit - operates both inside and outside the UK. It leads the governments FM policy.
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HONOUR BASED VIOLENCE



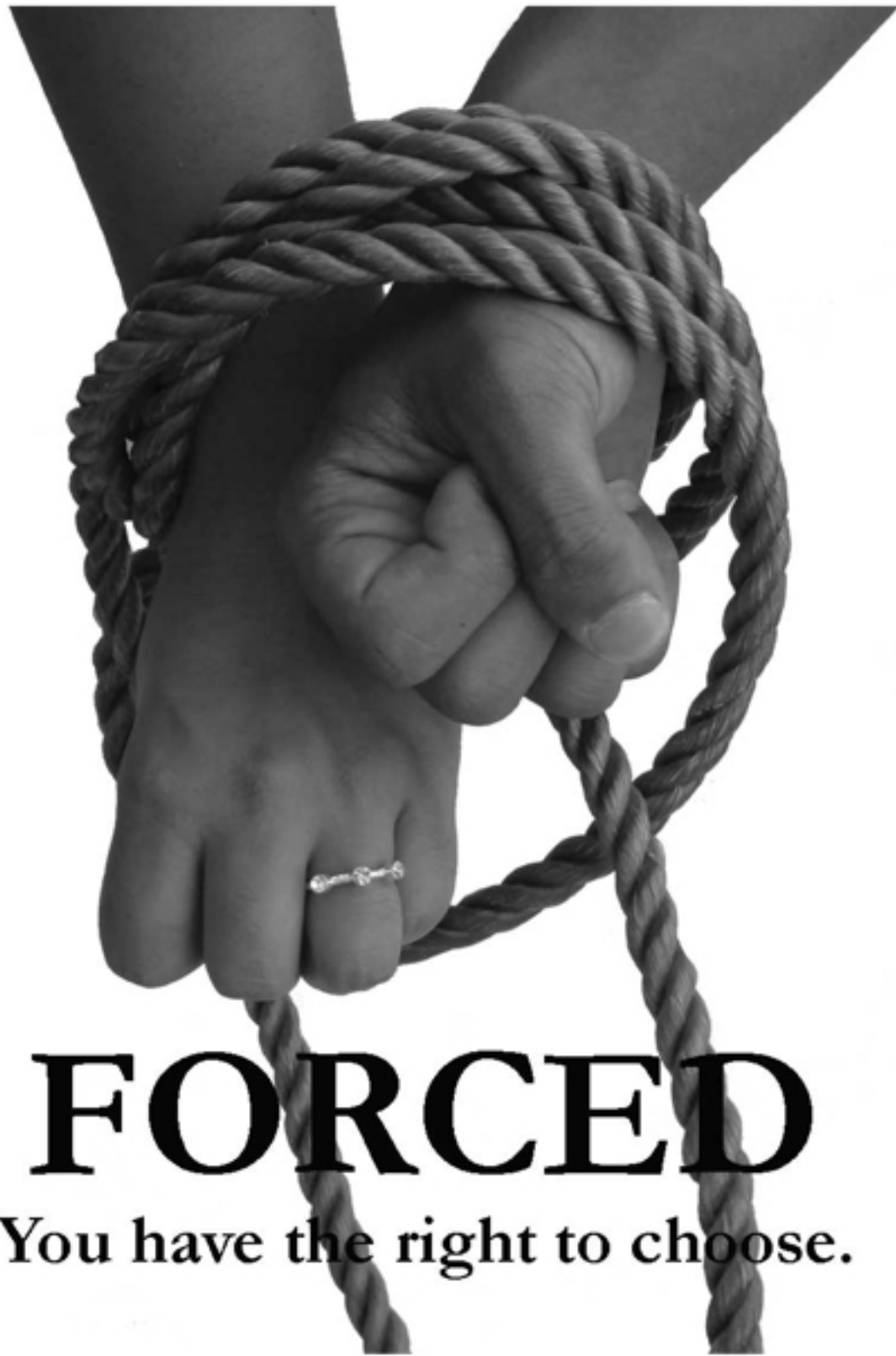
- There is no specific offence as honour based crime.
 - Covered by existing legislation.
 - Described as a collection of practices, which are used to control behaviour within families or other social groups to protect perceived cultural and religious beliefs.
 - Such violence can occur when a person when perpetrators perceive that a relative has shamed the family and the community by breaking the honour code.
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THANK YOU

CTHEOFANOUS@SILLSLEGAL.CO.UK

01522542211

07557850212



FORCED

You have the right to choose.

