

What is Forced Marriage?

A forced marriage is defined by the UK Government Forced Marriage Unit (FMU) as a marriage without the consent of one or both parties and where duress is a factor. Duress is where pressure (physical, emotional or sexual) is put on someone to marry against their will. In a forced marriage one or both spouses do not, or cannot, due to lacking capacity, consent to the marriage. The [FMU](#) is jointly run by the Home Office and the Foreign and Commonwealth Office. It was established in 2005 to deal with issues related to forced marriage of UK citizens, both at home and abroad.

Forcing someone to marry is against the law, punishable by up to 7 years in prison and an unlimited fine (Crime, Anti-social Behaviour and Policing Act 2014). This Act also makes breaching a [Forced Marriage Protection Order](#) against the law. The [Crime, Anti-social Behaviour and Policing Act 2014](#) s.121 makes it very clear that if someone lacks the capacity to make the decision to marry, this is a forced marriage. This means that if someone does not understand what they are agreeing to when they marry then this is a forced marriage and is against the law. This may happen when, for example, someone has a learning disability, dementia or mental illness. Importantly, if someone lacks capacity to consent to marriage, duress does not have to play a part for the marriage to be a forced marriage. This means that even if someone without capacity to consent seems happy about the marriage or agrees to it, it is still a forced marriage and still unlawful. This can make spotting forced marriage difficult, particularly if family members believe they are doing the right thing in getting their relative married. For this reason, the term 'forced marriage' can sometimes be unhelpful and 'unlawful marriage' might be a more accurate description. For more information on the law see [Information Sheet 2](#) and for information on capacity to consent see [Information Sheet 4](#).



Forced or arranged?

Forced marriage is not the same as arranged marriage. In an arranged marriage, family members take a leading role in arranging the marriage but the decision about whether or not to accept the arrangement remains with the prospective spouses and both spouses have the capacity to consent to marry. In the UK, a marriage can be deemed forced whether or not it is legally recognised in this country. So, for example, a religious or civil ceremony taking place in this country or abroad may not be legally recognised but would still count as forced marriage if one or both parties did not freely consent or did not have capacity to consent.

Case Example

Navin's parents decide that as they are getting older they would like him to be married to the daughter of a family friend who will take care of him. They feel happy with their choice of wife for him and know she will look after him well, it is planned that she will come to live with them. Navin needs support with all of his daily living activities and to make any decisions, including for example what to eat or drink. He does not have the capacity to consent to marriage, so, even though the family believe they are doing the 'right' thing, this marriage would still be unlawful.

Forced marriage of people with learning disabilities is different to forced marriage of people without learning disability and so often people find it difficult to recognise it as such, particularly if they think it is being done for the 'right' reasons. The table below explains some of the differences between forced marriage of people with learning disabilities and those without.

Person without a learning disability	Person with a learning disability
<p>Duress always a factor.</p>	<p>Duress not necessarily a factor or may manifest itself differently. The person with a learning disability may be more easily coerced into a forced marriage or led to believe it is in their best interests, they may even appear happy about forthcoming marriage.</p>
<p>Victim often reports they may be/have been forced into marriage.</p>	<p>May report themselves or may need support to report. May be reliant on others to recognise what is happening and report/take action. The vast majority of cases come to the attention of statutory agencies through a third party, most often a social worker.</p>
<p>More females than males reported to be forced into marriage. Majority of support services in relation to forced marriage focused on meeting needs of females.</p>	<p>Rates of males with learning disabilities being forced into marriage are similar or higher than for females; services need to address the needs of males and females.</p>
<p>Has the capacity to give or withhold informed consent to marriage.</p>	<p>May lack capacity to give consent to marriage. May not understand they are being forced into marriage. May be more easily coerced into marriage.</p>



Person doing the forcing will know that is what they are doing.

Family members may not understand they are 'forcing' a marriage, particularly if their aim is to obtain a carer and they believe they are making the right choice.

May be able to obtain support for themselves if they leave their family/community e.g. help to find housing, to find work, to apply for benefits, to meet medical needs etc. However, they often need help to access accommodation and other support in the short term.

Often need ongoing support from a range of professionals in order that daily living needs are met (such as personal care, shopping, cooking finances, social/leisure activities, etc). May need specific and specialist support if placed in a refuge. Males may find it difficult to find a place of safety given the limited availability of refuges that meet the needs of men with or without a learning disability.

Capacity is recognised but overruled.

Capacity is not always recognised or understood. Family members believe they are able to make decisions on behalf of a son or daughter.

[Ann Craft Trust \(2012\) Forced Marriage of People with Learning Disabilities: Final Report](#)

[My Marriage, My Choice \(2018\) Summary of Findings](#)



Why might someone with a learning disability be forced to marry?

The reasons why people with learning disabilities are forced to marry are often different to the reasons other people might be forced. For people without learning disabilities reasons often include parents wanting to control their son or daughter's behaviour, preventing them from having 'unsuitable' relationships or keeping wealth and property within the family. Although some of these reasons may also apply to forced marriage involving people with learning disabilities the following motives are far more common:

- Obtaining a carer for the person with a learning disability.
- Obtaining physical assistance for ageing parents.
- Obtaining financial security for the person with a learning disability.
- Believing the marriage will somehow 'cure' the disability.
- Concern about level of stigma attached to being disabled and/or being unmarried.
- A belief that marriage is a 'rite of passage' for all young people.
- Mistrust of the 'system', mistrust of external carers (e.g. social care/health).
- No knowledge of support services available.
- Fear that younger siblings may be seen as undesirable if older siblings are not already married.
- Marriage is seen as the only option and/or the right option.



How can you spot a forced marriage?

Warning signs that a person with learning disabilities may have been forced to marry, or may be about to be forced to marry, include:

- A person who lacks capacity to consent suddenly talking about marriage, jewellery, wedding clothes; they may present as happy/excited or anxious/worried about this
- Family member raising concerns that a relative may be/has been forced into marriage or informing a professional that their relative is to be married
- Family member asking a professional to sign a passport application form or visa immigration form
- Person being taken away from the school or day centre and/or out of the country without explanation
- Sudden unexplained change in emotional/behavioural presentation; this could include becoming anxious, depressed, frightened and emotionally withdrawn, or exhibiting joy, excitement and enthusiasm
- Family members refusing social care support

It must be remembered that these signs are not in themselves evidence that a forced marriage is about to happen, but they may indicate that further investigation is required. More information on what signs to look out for can be found in our [Case Study Collection](#).



The 'one chance' rule

It is often said that there may only be once chance to prevent a forced marriage from taking place. This is based on experience from practitioners who have found that there are very few – often only one – opportunities to intervene and prevent a forced marriage from taking place. This means that anyone who suspects that a forced marriage is being planned should take appropriate action and report their suspicions.

- If someone is in immediate danger: *call the police on 999*
- If there is no immediate danger, but you have concerns that a person who lacks capacity to consent may be forced to marry: *contact your local authority and ask to speak to the adult safeguarding team*
- If you need advice about a complex case, or the person who you think may be being forced to marry has already travelled abroad: *call the [FMU](http://www.fmu.org.uk) on 020 7008 0151*



What are the consequences of forced marriage?

The consequences of forced marriage of a person with learning disabilities can include physical, sexual, emotional and financial abuse. The non-disabled spouse may also become a victim of abuse; **part 3 of our film** provides more information about this. In addition, the people causing the marriage to take place are breaking the law and could face criminal conviction.

Research shows that other consequences of forcing a person with learning disabilities to marry can include:

- Abandonment – the non-disabled spouse may not want to provide care/support and so may reject the person with learning disabilities
- The non-disabled spouse may not realise they are committing a criminal offence by having a sexual relationship with a person without capacity to consent to sex
- The disabled spouse may be incited to perform sexual acts by an extended family member in order to produce children; the non-disabled spouse may then become a victim of sexual and/or physical assault
- Pregnancy can cause physical and psychological trauma if the person does not understand what is happening to their body
- The non-disabled spouse may be subject to violence from their in-law's should they seek to leave the marriage
- Both parties may face difficulties should they wish to leave the marriage

[Ann Craft Trust \(2012\) Forced Marriage of People with Learning Disabilities: Final Report](#)

My Marriage, My Choice (2018) Summary of Finding