



Children's
Rights Alliance
for England

FAQ - Full Answer



“My parents have booked tickets for the family to go to Pakistan in the summer holiday. I don't want to go - I think they've organised a marriage for me.”

Forced marriage is a term used when a person is made to marry against their will. The Foreign and Commonwealth Office has defined a forced marriage as one '*conducted without the valid consent of both people, where pressure or abuse is used*'. (Foreign and Commonwealth Office, *What is a forced marriage?*)

They go on to explain that you might be put under both physical pressure (when someone threatens to or actually does hurt you), or emotional pressure (for example, when someone makes you feel like you're bringing shame on your family) to get married. Or, as you suspect is the case, sometimes people may be taken abroad without knowing that they are to be married. When they arrive in the country their passport may be taken by their family to try and stop them from returning home.

Forced marriage is different from an arranged marriage. In an arranged marriage, people have a choice about whether they get married or not. Arranged marriages are a cultural tradition for many people, but forced marriages are an abuse of human rights and cannot be justified for any reason, including religious reasons. Every major faith disagrees with it and freely given consent is needed for Christian, Jewish, Hindu, Muslim and Sikh marriages. Whatever your religion, whatever your family says, however old you are, you have the right to choose whom you marry. A marriage must be entered into with the full and free consent of both people getting married.



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Requirements for a Legal Marriage

You do not say your age but if you are under 16 then any marriage at this stage would automatically be a forced marriage. You are not legally able to give your consent to marriage until you are 16 ([Marriage Act 1949, section 2](#) and [Matrimonial Causes Act 1973 section 11\(a\)\(ii\)](#)).

If you are between 16 and 18 then you can only marry with your parents' consent (unless you have been married before and are a widow/widower) ([Marriage Act 1949, section 3](#)).

A marriage in Pakistan would usually be recognised in England and Wales, provided two criteria are satisfied: the marriage was in accordance with the proper formalities required by Pakistani law and each of the people involved have the legal capacity to marry (Home Office, *A choice by right*, June 2000). If you are under 16 then you would not have the necessary legal capacity and so any marriage would not be recognised as legal in England.

Forced Marriage and Enforcement

The courts have the power to stop someone from forcing someone else to marry against their will. An Act of Parliament called the [Forced Marriage \(Civil Protection\) Act 2007](#) provides the courts with powers to make Forced Marriage Protection Orders to stop somebody from forcing another person into marriage. The details of how those powers can be used are set out in the [Family Law Act 1996](#).

Anyone threatened with forced marriage or forced to marry against their will can apply for a Forced Marriage Protection Order. Third parties, such as relatives, friends, voluntary workers and police officers, can also apply for a protection order with the permission or "leave" of the court (section 63C(2) and (3)), as can local authorities but without needing the court's permission.



An order can be granted to prevent a marriage occurring or, where a forced marriage has already taken place, to offer protective measures. Orders may contain prohibitions, restrictions or requirements (section 63B(1)). Examples of what the court might order are:

- To prevent a forced marriage from occurring;
- To hand over passport or travel documents and not to apply for a new passport;
- To stop intimidation or violence;
- To reveal the whereabouts of a person;
- To stop someone from being taken abroad;
- To enable a person to return to the UK within a given timescale.

The court can attach a power of arrest to the order where violence or a threat of violence has been found ([section 63H](#)).

In deciding whether to grant a protection order, the court would have to take account of all the circumstances including the need to protect your health, safety and well-being (section 63A(2)) and they would have to take account of your wishes and feelings, as far as it is possible to establish them (section 63A(3)).

Breach of a Forced Marriage Protection Order is contempt of court and is punishable in a range of ways, including up to two years imprisonment ([section 63Q](#)).

In addition, a person who forces you to get married may be guilty of a criminal offence. There are several actions that may happen in the process of forcing someone to marry which are criminal offences, for example:

- Assault: trying to or threatening to harm someone physically (under section 39 of the Criminal Justice Act 1988 or sections 18, 20 or 47 of the Offences against the Person Act 1861);
- Abduction: taking a person away illegally by lying to them or by violence (under [section 1 of the Child Abduction Act 1984](#));
- Kidnap: taking a person away illegally by force, against that person's will;
- Imprisonment: keeping a person somewhere against their will;



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- Rape: making someone have sex against their will (under the [Sexual Offences Act 2003](#)).

People who commit these crimes – even if they are your relatives – could be prosecuted.

Forced Marriage and Human Rights

Forced marriage may include a range of human rights abuses and is prohibited by a number of international conventions and other instruments.

The right to free and informed consent in marriage is a basic human right enshrined in the major human rights conventions.

The Universal Declaration of Human Rights states that marriage is to be entered into only with the free and full consent of the people getting married (Article 16(2)).

The UN Committee on the Elimination of All Forms of Discrimination against Women states that a woman's right to choose a husband and enter freely into marriage is central to her life and her dignity and equality as a human being ([General Recommendation No. 21](#)). It also recommends that marriage under the age of 18 should not be allowed as children do not have the full maturity and capacity to act.

The [Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages](#) (1964), also emphasises consent (Article 1) and a minimum age for marriage (Article 2).

Various articles in the [UN Convention on the Rights of the Child](#) seek to protect children and young people from activities which may include forced marriage:

- all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse (Article 19);
- all forms of sexual exploitation and sexual abuse (Article 34);
- the abduction of, the sale of or traffic in children for any purpose or in any form (Article 35);
- the right to protection from all forms of exploitation prejudicial to any aspect of the child's welfare (Article 36).



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What you can do:

We are sure that you would like to resolve this situation without damaging your relationship with your parents or getting them into trouble. The difficulty is that once you are out of the country it becomes much harder to stop a forced marriage. Because of this, it is important that you seek advice as soon as possible from the Forced Marriage Unit (FMU), who will treat your information in confidence. They will prepare a plan with you that best meets your needs.

There are a number of forms of legal protection that may be available to you. As somebody threatened with forced marriage you (or someone on your behalf like a friend, police authority, or support agency) can apply to the court for a Forced Marriage Protection Order (see above). The order would protect you by, for example, preventing a forced marriage from happening, stopping your parents/family from taking you abroad, or requiring them to hand over your passport or travel documents.

There are also other forms of legal protection which may be suitable as alternatives or additionally, depending on the specific circumstances:-

- Police Protection under section 46 of the Children Act 1989 - which would remove you from your family home to other accommodation and keep you under police protection for up to 72 hours;
- Emergency Protection Order (EPO) under section 44 of the Children Act 1989 - which would remove you from your family into other accommodation and into the protection of whoever applied for the order;
- Care proceedings - which would mean that Social Services, rather than your parents, would have the job of looking after you and making the decisions about what should happen in your life although they would still consult your parents about important things;
- Wardship – which would mean that no important decision could be taken about you without the High Court's consent;



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- Prohibited Steps Order – would specify certain actions which your parents/family could not take without the court's consent (sections 8 – 11 of the Children Act 1989).

Whatever you think you may want to do, you should talk about your worries with an adult you feel you can trust on this issue. They will be able to give you advice and support and importantly will contact organisations that can help, like the FMU and the police. These organisations can prepare a plan to monitor and support you to prevent you from being taken out of the country. The school, for example, would be able to monitor your attendance and investigate straight away if you did not turn up to school. The FMU or police would also be able to give you practical advice about what to do in various situations so that you would know what to do if your parents did try to take you to Pakistan.

Otherwise, if you do not feel there is someone you are able to talk to in confidence, you can contact the FMU or a number of [other organisations](#) directly for the same confidential help, support and advice. They can advise you about your options and how you may be able to stop the marriage going ahead. Importantly they can advise you on what to do before you go abroad.

If you decide to go to Pakistan or have to go, then there are a number of things you could do before you go to make it easier to get help while you are away.

- [Contact the FMU](#); they will give you advice and will need you to give them certain information so that they can help you.
- Make a copy of your passport. If you have dual nationality you should take a copy of your British passport and try and travel using your British passport. This will make getting help abroad easier.
- Find out your flight details and make a copy of the tickets if possible.
- Find out where you will be staying, if possible.



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- Take the address and contact details of the British High Commission/ Embassy in Pakistan. If whilst in Pakistan you are scared you will be forced into marriage, they will get in touch with the FMU and try to return you back to the UK safely and provide safe accommodation and transport in the meantime. They can also issue you with an emergency passport if necessary.
- Take some money with you in pounds and the local currency and a spare mobile phone that will work overseas.
- Take the address and contact details of a friend or someone else you feel you can trust and keep in contact with whilst overseas. Give them details of your passport, flight, where you will be staying and the FMU's contact details.