

**British Humanist Association response to  
Foreign and Commonwealth Office and Home Office consultation  
on  
*Forced Marriage, A Wrong Not a Right***

**About the British Humanist Association (BHA)**

The BHA is the principal organisation representing the interests of the large and growing population of ethically concerned but non-religious people living in the UK. It exists to support and represent people who seek to live good and responsible lives without religious or superstitious beliefs. It is committed to human rights and democracy, and has a long history of active engagement in work for an open and inclusive society. The BHA's policies are informed by its members, including philosophers, scientists and other eminent authorities in many fields, and by other specialists and experts who share humanist values and concerns.

As part of our research for this consultation we attended a seminar organised by Southall Black Sisters, where we heard from those directly involved with this problem. Most, though not all, of those present, wanted current laws that would protect young people from forced marriages to be properly implemented and resourced, rather than specific new legislation.

**Humanist principles**

Humanists defend as important ethical principles the right of each individual to live by her / his own personal values, and the freedom to make decisions about her / his own life so long as this does not result in harm to others. Though family relationships and marriage fall largely into the personal domain where state interference should be minimal, there are moral, social and legal issues involved in marriage and family life, particularly in protecting family members from harm and in ensuring that marriage is a relationship and contract willingly undertaken by both parties.

Humanists consider difficult moral issues using reason, experience and shared human values. We would empathise with and feel compassion for those forced unwillingly into marriage, and would never accept "tradition" or "culture" as any kind of justification for such a practice.

**The consultation questions**

The BHA has little or no direct experience of forced marriage and its consequences (humanists not being amongst the groups that force their young people to marry against their will). Consequently, we focus mainly on those questions dealing with ethical or social issues where humanist ideas are relevant and leave many of the questions about the legal and practical arrangements and implications to those with more direct experience. On this particular issue, it is clear that deterrence and prevention are crucial, and we would support any actions that would be effective in preventing forced marriages.

**Question 3:**

The state should do whatever is necessary to protect the right of its citizens not to be forced into marriage, even abroad. This could, for example, include insisting that other countries enforce human rights treaties and their own laws against forced marriage, and that these laws are widely known and understood in this country.

**Question 4:**

Many of the offences involved in forced marriage are already covered by the law, though some of the protections afforded to children under the age of consent could perhaps be extended to young adults in emergency situations. It is clear, however, that existing legislation that would protect young people is poorly known, poorly resourced and publicised, and therefore often not implemented.

Naming forced marriage as a specific example of abuse within current legislation or guidance on current legislation would help to highlight the abuse while locating it firmly within the general framework of criminal investigations, and would make it difficult to excuse or ignore such abuse in the name of cultural difference.

**Question 6:**

We agree absolutely that “difference, diversity and cultural sensitivity are no reason to let abuse go unchallenged.” If new or existing laws have disproportionate impacts on some communities, that is because minorities within these communities tend to offend against these laws. Public information campaigns and education can be used to make it clear that forced marriage is not only illegal and a human rights offence, but cruel and immoral too.

**Question 7:**

Again, education can clarify the difference between arranged or facilitated marriage, where spouses have the option of refusing a match, and forced marriage, where they do not. Young people in all kinds of school, including faith-based ones, should learn what their rights and the law vis-à-vis sexual relationships and marriage are in Citizenship and PSHE lessons. (We have particular concerns about how this could be achieved in privately run faith-based schools, which are not subject to the National Curriculum or national guidance.)

One aspect of Citizenship Education, for both young people in schools and new immigrants, should be to learn that the law applies to everyone, regardless of race, religion or culture.

We are sceptical about “engaging ...community leaders” who are often self-appointed and not as representative or as influential as they think they are. Forced marriage is not endemic in any one community – it tends to occur in individual, probably dysfunctional, families – and educational programmes will have to be universal in order to reach all potential victims.

**Question 8:**

It is clear to us that those working in the field believe that resources should be directed towards education, training and implementation of existing legislation rather

than towards a new law. There is also an obvious need for more safe refuges, and for confidential advice and assistance for those threatened with forced marriage.

**Question 11:**

Making it clear, through a publicity campaign and education, that forced marriage is already illegal, would probably be more effective than a new law that may not be adequately implemented. It is vital to set a standard of behaviour and make families pause to consider the consequences. Most people do not want to break the law, to be punished, to come into contact with social services, or to find that their children's marriages are not legally recognised. So a widely publicised reiteration of existing law, making it clear that forced marriage is covered by, for example, marriage law and legislation on domestic violence it, could have a deterrent effect.

**Question 13:**

Yes, a new criminal offence would send out a clear signal to all potential offenders that forced marriage is not acceptable, and could help to change public opinion by clarifying the issue for many – victims, families, the police, teachers, social workers, etc. But so equally might clarification and implementation of current law, with a publicity campaign focusing on forced marriage, perhaps as an aspect of domestic violence (which has recently been the focus of an advertising campaign<sup>0</sup>). The title of this consultation document would be a good one for such a campaign.

**Question 19:**

Because all the perpetrators are culpable and should bear some responsibility for forced marriage, Option D, of "prosecuting those facilitating or bearing witness a marriage in the knowledge or reasonable suspicion of the lack of consent of one of the parties" would seem effective and appropriate. It seems reasonable to insist that those who witness and solemnise a marriage ensure that consent is willingly given, though establishing willingness or unwillingness could be no easy matter. Prosecuting "those facilitating or bearing witness" would have the advantages of avoiding internal family conflict and making forced marriages more difficult in future.

Presumably, this is already covered by marriage law and guidance, but needs proper and universal implementation (and not only in civil marriages or civil preliminaries to a religious marriage).

**Question 20:**

In order to protect young people fully, the offences involved in forced marriage should be applicable, even abroad, and forced marriages contracted abroad should not be recognised.

**Question 23:**

One penalty, probably feasible without specific legislation on forced marriage, could be that a forced marriage is automatically declared void, rather than just "voidable". The unwilling party should not be required to petition for annulment. The knowledge that forced marriages would not be recognised as legal marriages should have a deterrent effect on parents. It should also act as a deterrent when the marriage is intended to by-pass immigration restrictions.

However, we recognise that once a forced marriage has occurred, spouses, particularly women, and ensuing children could be seriously disadvantaged by the voiding of a marriage.

**Question 24:**

Although forcing someone into a civil partnership seems an unlikely offence, for the sake of consistency, and in order to demonstrate even-handedness, this too should be against the law. It may not require a separate law, so much as inclusive language in any relevant legislation.

**Question 27:**

The key to communicating the message that forced marriage is wrong is education, education, education – of young people, parents, "community leaders", those officiating in marriage ceremonies, teachers, police and social workers.

**Question 29:**

Young people in particular need to know the law and their rights, and to acquire the ability to distinguish between what is right and what is traditional or cultural. The statement in the consultation document that "many victims do not realise that they are victims of a human rights abuse" is worrying.

Young people also need to have the skills to assert their rights to parents and other authority figures, and knowledge about where to go for help.

*Marilyn Mason, on behalf of the British Humanist Association*

*December 2005*



**British Humanist Association  
1 Gower Street, London WC1E 6HD**

www.humanism.org.uk  
General information: [info@humanism.org.uk](mailto:info@humanism.org.uk)  
Phone: 020 7079 3580