

Justice Committee**Supplementary Legislative Consent Memorandum on the Anti-social Behaviour, Crime and Policing Bill****Written submission from Kate Fennell**

I do not support the proposed changes to forced marriage (Civil Protection) (Scotland) Act 2011 Act.

It is difficult for people at risk of forced marriage to report their parents and families to the police or even to pursue civil protection. They often need to be reassured that the protection they seek can be obtained in the family courts, and, thus, that their families will not be prosecuted, before they will agree to make a formal statement. Many are reluctant to report their experiences to the authorities for fear that their family will face criminal sanctions. Criminalisation of forced marriage may therefore further deter vulnerable persons from coming forward and may negatively impact on the use of the existing civil legislation.

I support Scottish Women's Aid's position that

- the current legislative response in Scotland meets the Istanbul Convention's requirements.
- there is no need for a specific criminal offence and a better approach would be to introduce forced marriage as an aggravating feature during the sentencing stage of criminal proceedings in Scotland.
- the focus should be on existing civil and criminal laws and guidelines on forced marriage to ensure that they are robustly implemented.

Kate Fennell
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