



Law Commission consultation on weddings law

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These are the views of:	<i>Welsh Women's Aid (Third Sector) - the national charity in Wales working to end domestic abuse and all forms of violence against women.</i>

About Welsh Women's Aid

Welsh Women's Aid is the umbrella organisation in Wales that supports and provides national representation for independent third sector violence against women, domestic abuse and sexual violence (VAWDASV) specialist services in Wales (comprising our membership of specialist services and members of the regional VAWDASV Specialist Services Providers Forums). These services deliver life-saving and life-changing support and preventative work in response to violence against women, including domestic abuse and sexual violence, as part of a network of UK provision.

As an umbrella organisation, our primary purpose is to prevent domestic abuse, sexual violence and all forms of violence against women and ensure high quality services for survivors that are needs-led, gender responsive and holistic. We collaborate nationally to integrate and improve community responses and practice in Wales; we provide advice, consultancy, support and training to deliver policy and service improvements across government, public, private and third sector services and in communities, for the benefit of survivors.

We also deliver the Wales National Quality Service Standards (NQSS), a national accreditation framework for domestic abuse specialist services in Wales (supported by the Welsh Government) as part of a UK suite of integrated accreditation systems and frameworks. (More information on the NQSS can be found here: <http://www.welshwomensaid.org.uk/what-we-do/our-members/standards/>)

Introduction

Welsh Women's Aid welcomes the opportunity to respond to this consultation on weddings law. We will not be responding to the full list of consultation questions but instead have written this briefing to highlight the key points relating to our work for the commission to consider when drafting its recommendations. As the national umbrella body in Wales working towards the prevention of violence against women, domestic abuse, and sexual violence, our comments will focus primarily ensuring the new W

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weddings law does not increase opportunity for coercive control or forced marriage.

Key consideration

1. Will any recommendations to a change in weddings law increase the opportunities for perpetrators to continue abuse?
2. Will any recommendations to a change in weddings Law limit opportunities for survivors to leave violent or abusive situations?

New proposed scheme points to consider

Welsh Women’s Aid does not outright object to the new proposed changes to the weddings law, but have concerns with some elements of the changes. Below we have outlined some of the potential consequences, which should be taken into consideration when drafting recommendations.

Current law	New proposed scheme	WWA points to consider
Civil Preliminaries		
A person must give notice of their intended wedding in person in the registration district where they have resided for the past seven days.	Individuals will be able to give notice of their intended wedding remotely, and choose the registration district where they attend to complete the preliminaries.	<ul style="list-style-type: none"> – Less face to face contact could potentially limit a survivors chance to disclose abuse. – Notice could be given on behalf of a partner against their will.
Notice of the intended marriage is posted at the local register office.	Upcoming weddings will be published online, accessible to the wider community.	<ul style="list-style-type: none"> – Consideration needs to be taken on the accessibility of the information and clear communicated to both parties the intention of this will be published online. – Consideration needs to be taken of the possible increase in malicious use of this information and how this could lead to harassment and abuse of the parties involved.
Types of wedding		
Couples must choose between a civil or a religious ceremony. There is no option to have a wedding according to beliefs that are nonreligious.	Our scheme would enable weddings conducted by non-religious belief organisations (such as Humanists) and/or independent celebrants, if Government decided to permit them.	<ul style="list-style-type: none"> - Consideration needs to be made to ensure that all weddings are undertaken in a manner that is open and transparent, ensuring the rights of participants to freely participate. Consideration of the role of an independent celebrant in ensuring that

		there is no undue pressure on either party to participate unwillingly in the wedding.
Location		
With few exceptions, all couples must have their wedding either in a place of worship or a licensed secular venue. Couples generally cannot marry outdoors, even in the garden of a licensed venue.	All weddings will be legally permitted to take place in a location chosen by the couple. Couples will be able to marry outdoors and in their own homes.	- Weddings inside the home may increase opportunities to conceal abuse or the nature of the marriage being forced, particularly if the ceremony is being conducted by a member of the family.
Ceremonies		
Civil weddings and some types of religious wedding are required to include prescribed Words.	There will be no prescribed words, giving couples greater freedom as to the form their wedding takes, enabling the law to recognise the variety of ceremonies that people use to mark their weddings, including religious ceremonies.	- This may increase opportunity to coerce an unwilling partner to take part in a ceremony if the other party is not legally obligated to (verbally) acknowledge their commitment to the marriage for it to be recognised as legally binding.
Couples cannot include elements in a civil wedding that reflect religious beliefs.	So long as it is still identifiable as a civil ceremony, couples will be able to have religious songs, readings and hymns as part of their civil weddings.	- No inherent concerns
Validity		
If a couple fails to comply with the legal requirements, either intentionally or without realising, the law might not recognise them as being legally married.	Fewer ceremonies will result in a wedding that the law does not recognise at all.	- This may increase opportunity to coerce an unwilling partner into a legally binding marriage if less scrutiny is given to legal process. - Conversely, if sufficient scrutiny and awareness is provided this may be beneficial to some in ensuring unofficial marriages are not imposed or used to control women.



Recommendations

- That all wedding officiators are required to have a knowledge of forced marriage and coercive control.
- That both parties must provide proof when giving notice of marriage that they are both willing for the marriage to go ahead.
- That the UK Government invest in ensuring information on forced marriage is made readily available by the Government, so people are aware of the rights and that forced marriage is illegal and have awareness of the support available.¹
- That there must be verbal acknowledgement in the ceremony from both parties that they agree to the marriage before it is considered legally binding.
- In the case where people are unable to verbally acknowledge due to a disability, an alternative form of formal acknowledgement is put in place, developed in partnership with specialist disability organisations.

About forced marriage

Forced marriage is when one or both people do not or cannot consent to the marriage.² It can include forcing someone to marry through coercion, pressure or abuse from family members or others.

People can be physically, emotionally, psychologically and financially pressured to marry a person that they do not consent to marry. Physical pressure can include threats, actual physical violence and sexual violence. Emotional and psychological pressure can make someone feel like they will bring shame on the family. Financial pressure can be when someone's wages are removed or their access to money is restricted.

A forced marriage is not the same as an arranged marriage. In an arranged marriage, whilst family members can match the couple to be married, either party has a choice as to whether or not to agree consent for the marriage.

Forced marriage is not an issue that is specific to any religion, ethnic group or culture.

Women's experience of abuse often does not end with the pressure to marry. Many women are also subjected to different forms of abuse within the context of their marriage. This can range from emotional, psychological and financial abuse to sexual and physical violence.³

About coercive control

It is a criminal offence in England and Wales for someone to subject you to coercive control.⁴ Coercive control is when a person you are personally connected with repeatedly behaves in a way that makes

¹ <https://www.welshwomensaid.org.uk/wp-content/uploads/2018/07/Forced-Marriage-and-the-Law.pdf>

² <https://www.welshwomensaid.org.uk/information-and-support/what-is-forced-marriage/>

³ <https://www.welshwomensaid.org.uk/wp-content/uploads/2018/07/Forced-Marriage-and-the-Law.pdf>

⁴ <https://www.welshwomensaid.org.uk/information-and-support/what-is-coercive-control/>





you feel controlled, isolated or scared. This could include isolating you from friends and family, controlling your finances, monitoring what you do and where you go, putting you down and making you feel worthless or threatening to harm you, your child or your property. There is not a definitive list of behaviours, as the abuser will use various means to establish controlling or coercive behaviour.

