

FORCED MARRIAGE IN HONG KONG:

What If “Yes” Isn’t Really “Yes”?

We worked with women who said “yes” — but **never felt they had a choice**.

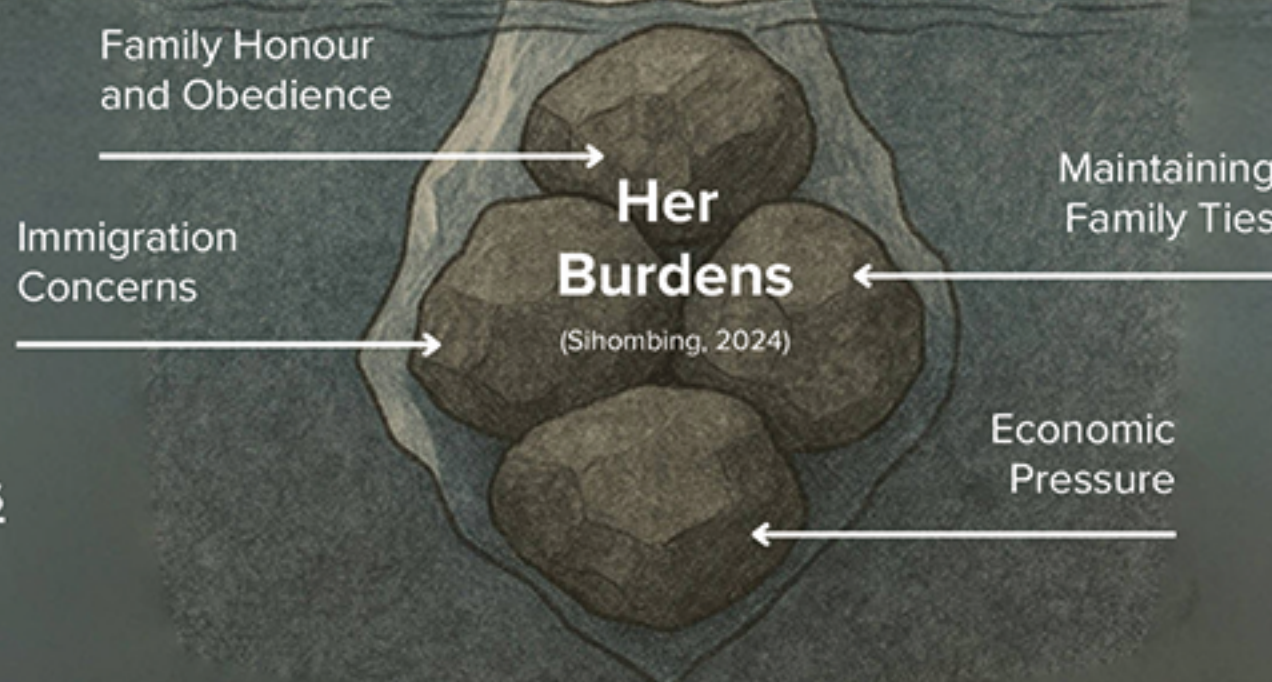
Some pursued **divorce**.

Few knew Hong Kong law allows for **nullity**.

But the law now sees coercion only when it’s visible.

Coercion Hidden Beneath the Surface

(Based on 11 interviews with ethnic minority women in HK — Sihombing, 2024)



“Spectrum of Consent”

Valid	Consent Freely given, informed, voluntary
Where feminist legal theory locates coercion	Compliance Reluctant agreement made to avoid guilt or conflict. Pressure Agreement shaped by duty, manipulation or social expectation
Legally recognised coercion	Coercion No meaningful choice due to threat, fear, or consequence. Force No consent; submission under violence, control, or physical restraint.

Case illustration: *RM v AY* [2023] HKFC 59
(Litigated by our internship host)
First HK case to annul marriage on ground of coercion
Court recognised “fear of physical harm” — but definition remains narrow.

Part 1: Consent Is a Process

Conceptual visual by author. Informed by Sihombing (2024); see also Chantler et al. (2009), Ford et al. (2025).

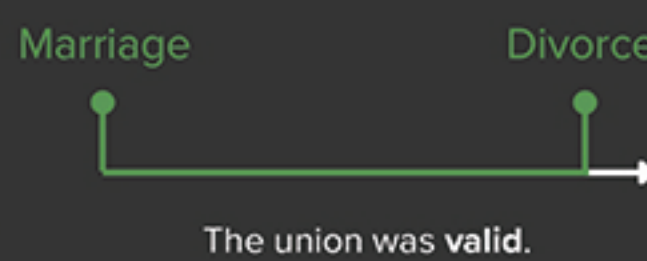


The law: Was there “consent” at that specific moment?

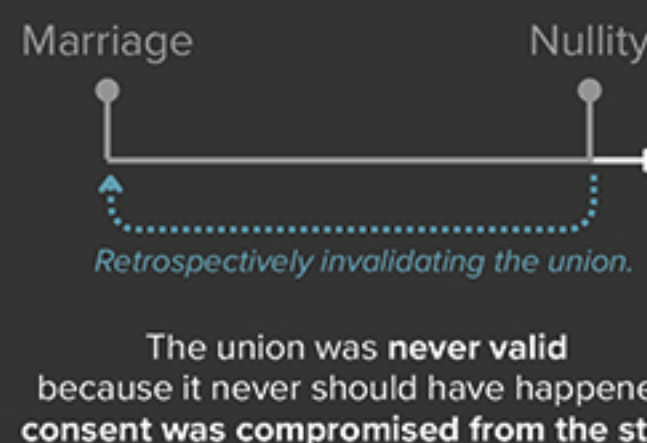
Problem: Law’s “event-based” focus misreads forced marriage by overlooking coercion without immediacy — a **build-up of structural pressure** over time (Ford et al., 2025; Gill & Harvey, 2017; Chantler et al., 2009).

Feminist theory: Consent is a process — **situational and intersectional** (Chantler et al., 2009). Rather than a free act of will, consent can reflect a lifetime of narrowed options, shaped by honour, duty, or gender roles (Honkala, 2017).

If the marriage ends in **Divorce**:



If the marriage ends in **Nullity**:



Part 2: Nullity vs Divorce

Conceptual visual by author. Legal distinctions referenced from *The Family Court Practice 2024* (Black, 2024).

Feminist legal scholars: What law names — or refuses to name — matters. Law’s categories do not just resolve disputes: they construct social meaning (MacKinnon, 1989).

Consequence: Legal categories are not purely objective; they reflect dominant social power. What the law calls “private” or “consensual” often **conceals subordination** underneath (MacKinnon, 1989) — public/private divide that shields gendered coercion (Honkala, 2017).

Implication: The law’s failure to treat gendered coercion and resistance as political reflects its own gendered bias. (Honkala, 2017).

As future legal professionals, we must advocate for doctrinal reform that reflects lived experiences of coercion — beyond what surfaces in the courtroom.

- Black, D. (2024). *The family court practice 2024*. Jordan Publishing.
- Chantler, K., Gangoli, G., & Hester, M. (2009). Forced marriage in the UK: Religious, cultural, economic or state violence? *Critical Social Policy*, 29(4), 587–612. <https://doi.org/10.1177/0261018309341905>
- Ford, J. V., Shah, A., Reiss, F., & Hirsch, J. S. (2025). Missing pieces: A critical review of research on forced marriage and a call for family scientists to study forced marriage. *Journal of Family Theory & Review*, 17(1), 1–20. <https://doi.org/10.1111/jftr.12605>
- Gill, A. K., & Harvey, H. (2017). Examining the impact of gender roles in forced marriage. *Feminist Criminology*, 12(1), 72–100. <https://doi.org/10.1177/1557085116646192>
- Honkala, N. (2017). She, of course, holds no political opinions: Gendered political opinion ground in women’s forced marriage asylum claims. *Social & Legal Studies*, 26(2), 166–188. <https://doi.org/10.1177/0964663916681067>
- MacKinnon, C. A. (1989). *Toward a feminist theory of the state*. Harvard University Press.
- Sihombing, S. (2024). *Time to UnMute: Understanding forced marriage in Hong Kong*. The Zubin Mahtani Gidumal Foundation.



SUSTAINABLE DEVELOPMENT GOALS