

Darlington Safeguarding Partnership

Protecting Children and Adults

Forced Marriage Practice Guidance

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1. Introduction

A forced marriage is a marriage in which one or both spouses do not (or, in the case of some adults with learning or physical disabilities, cannot) consent to the marriage and duress is involved. Duress can include physical, psychological, financial, sexual and emotional pressure.

There is a clear distinction between a forced marriage and an arranged marriage. In arranged marriages, the families of both spouses take a leading role in arranging the marriage, but the final choice remains with the young people. In a forced marriage, one or both spouses does not consent to the marriage and some element of physical and emotional pressure is involved.

The terms 'honour crime' or 'honour-based violence' or 'izzat' embrace a variety of crimes of violence (mainly but not exclusively against women), including assault, imprisonment and murder, where the person is being punished by their family or their community. They are being punished for actually, or allegedly, undermining what the family or community believes to be the correct code of behaviour; to the perceived 'shame' or 'dishonour' of the family.

No single agency will be able to meet all the needs of a child or young person affected by forced marriage. Children Social Care will play a key role in protecting the interests of the child or young person. This can be achieved by co-operation and joint working between agencies including police, health and education professionals in line with child protection procedures.

The joint Foreign and Commonwealth Office and Home Office Forced Marriage Unit (FMU) was set up in 2005 to provide support and advice to victims and received reports of over 1,600 incidents of suspected forced marriage in 2008. Although many more cases also come to the attention of the police, social services, health, education and voluntary organisations, it is widely accepted that many other cases go unreported.

The Forced Marriage Unit offers information and support to those in the UK who fear they will be forced into marriage and can talk with them about their options. It can assist British nationals facing forced marriage abroad by helping them to a place of safety and helping them to return to the UK. It can assist non-British nationals facing forced marriage abroad by referring them to local organisations that can help. The Unit can also help those who have already been forced into marriage to explore their options, including assisting those who are being forced to sponsor a spouse's visa for settlement in the UK.

2. Incidence

Most cases of forced marriage involve young women and girls aged between 13 and 30, although there is some evidence that as many as 15 per cent of victims are male. Some cases of forced marriage take place in the UK and in others, the young person is taken overseas and forced to marry there.

The majority of cases involve South Asian families, 65% of the cases handled by the Forced Marriage Unit are from families of Pakistani origin and 25% of Bangladeshi origin,

but there have been cases from East Asia, the Middle East, Europe, and Africa. Forced marriage is considered an abuse of human rights and is not justified on any religious or cultural basis. It is condemned by every major faith. Freely given consent is part of Christian, Jewish, Hindu, Muslim and Sikh marriages.

While it is important to have an understanding of the motives that lead parents to force their children to marry, these motives should not be accepted as justification for denying them the right to choose a marriage partner and enter freely into marriage. Forced marriage is a violation of children's rights under the UN Convention on the Rights of the Child (UNCRC) as well as a form of violence against women and an abuse of human rights.

Forced marriage places children and vulnerable adults at risk of rape, emotional abuse and physical harm and possible death. The perpetrators, who are usually parents or family members, can be prosecuted for offences including threatening behaviour, assault, kidnap, abduction, imprisonment, and murder. Sexual intercourse within marriage, but without consent, is rape. Cases of forced marriage are difficult, complex and potentially very risky for the young person involved and any professionals dealing with such cases should get advice, support and consultation from specialist practitioners.

Forced marriage should be seen as a very specific form of domestic bullying, within specific communities. As with other forms of bullying, it covers a range of behaviour, from emotional blackmail, to domestic violence, culminating in murder in a tiny number of horrific cases. It is seldom an isolated episode, but usually forms part of a longer term pattern. However, honour crimes do differ significantly, while typical incidents of domestic violence involve men using force against their wives, honour-based abuses regularly involve a woman's own sons, brothers and sisters, as well as members of their extended family and in-laws.

The definition of domestic violence now includes any acts carried out by extended family members. The Government defines domestic violence as 'any incident of threatening behaviour, violence or abuse [psychological, physical, sexual, financial or emotional] between adults who are or have been intimate partners or family members, regardless of gender or sexuality.' An adult is any person aged 18 years and over and family members are defined as mother, father, son, daughter, brother, sister and grandparents, whether directly related, in-laws or step-family.

Many young people turn to a professional as a last resort and they can be very reluctant to talk about their worries for fear that their families will find out. The entire family may be involved, with a wider network of relatives and even non-relatives also complicit. At this point the issue of forced marriage may not even be mentioned and the practitioner has to be very alert and sensitive to any underlying signals and risk factors. Young people living under the threat of a forced marriage, or living within one, may face significant harm if their families realise that they have asked for help. All aspects of their safety need to be carefully weighed up at every stage and whether it is safe for them to return home is a key decision from the start. The young person will need practical help such as accommodation and financial support, but also emotional support and information about their rights and choices.

3. Forced marriage in different situations

Typically a young person fears they may be forced to marry in the UK or overseas, they may have been told that they are going to visit relatives, attend a wedding or that a grandparent or close family relative is ill, but they suspect that the ulterior motive is to force them to marry. The family deny this, but then move the child or bring forward the travel arrangements and the forced marriage. There may be a family history of forced marriage with other siblings or missing persons within the family. There may be evidence of domestic violence, self-harming, family disputes, and unreasonable restrictions on the young person such as removal from education or house arrest.

It is helpful to obtain a photo of the young person and details of their passport if possible and any other useful information. Legally the young person can be accommodated under s.20 of the Children Act 1989 (in which case the child will be looked after), or by the provision of services, including accommodation, under s.17 of the Children Act. If this is the case it may not be in their best interest to be fostered with a family from their own background or community or placed in the immediate geographical area.

Some families go to considerable lengths to find their children who run away and young people who leave home to escape a forced marriage, or the threat of one, are at risk of significant harm if they are returned to their family. They may be reported as missing by their families, but no mention is made of the forced marriage. So if the young person is found it is very important that practitioners explore the underlying reasons before any decisions are made.

A referral may be made about a young person who has already been taken abroad for a forced marriage, perhaps on the pretext of a family holiday, the wedding of a relative or the illness of a grandparent. However once they arrive, their documents and passports have been taken away and outside communication is prevented.

If the family realises that an investigation is taking place there is always a risk that the young person will be moved, hidden or hurt, so be careful how much information is given to the overseas police that could place the young person in further danger. The Foreign & Commonwealth Office will work with partner organisations to find the best way to support the victim and their consular staff will work with the local police to do what they can to help the victim. The normal course of action is to try and get the young person back to the jurisdiction of England and Wales by making them a ward of court.

When a young person is repatriated to the UK following a forced marriage they are likely to be very traumatised and frightened. They may have been held against their will for many months and experienced emotional and physical abuse. If the marriage has already taken place, the young person may have been raped and some will have had to leave their children behind. Sometimes they have risked their life to escape and their family may go to considerable lengths to find them. This makes all victims particularly vulnerable when they return to the UK.

The choices available to the young person are limited; they can leave their family, start a new life and remain in hiding. They may choose to bring a prosecution or they may return to the family and hope the situation can be resolved. Before they do so it is very

important to fully assess the level of risk and make sure they are safe. The young person may need to be rehoused and relocated to a different area and if they are involved as a witness in criminal proceedings they will probably need to be part of a witness protection scheme and given legal advice about changing their name.

Some cases of forced marriage may initially be reported as cases of domestic violence where someone has been forced into marriage and suffered years of abuse, but up till this point they have been too frightened to leave because of the fear of losing their children, a lack of family support, nowhere to live, no economic independence or other social circumstances. The fact that they were forced to marry may only become apparent years after the marriage has taken place.

A person who has been the victim of a forced marriage can initiate nullity or divorce proceedings to end the marriage and young people can also take action to protect themselves under the Family Law Act 1996.

4. Potential indicators

There are five main areas to assess in relation to forced marriage.

Family history:

- Siblings who have been forced to marry
- Early marriage of siblings
- Self harm or suicide of siblings
- Death of a parent
- Family disputes or evidence of domestic violence and abuse
- Running away from home
- Unreasonable restrictions such as house arrest and financial restrictions

Employment:

- Poor performance, poor attendance
- Limited career choices or not allowed to work
- Unable to attend business trips or functions
- Subject to financial control such as confiscation of wages/income
- Leaving work accompanied
- Unable to be flexible in their working arrangements

Education:

- Absence and persistent absence
- Request for extended leave of absence and failure to return from visits
- Fear about forthcoming school holidays
- Surveillance by siblings or cousins at school
- Decline in behaviour, engagement, performance or punctuality
- Being withdrawn from school by those with parental responsibility
- Removal from a day centre of a person with a physical or learning disability
- Not allowed to attend extra curricular activities

- Sudden announcement of engagement to a stranger
- Prevented from going on to further/higher education

Health:

- Accompanied to doctor's or clinics
- Self-harming, attempted suicide, eating disorders, depression, isolation
- Substance misuse
- Early/unwanted pregnancy
- Female genital mutilation

Police Involvement:

- Victim or other siblings within the family reported missing
- Reports of domestic abuse, harassment or breaches of the peace
- Female genital mutilation
- The victim reported for offences e.g. shoplifting or substance misuse
- Threats to kill and attempts to kill or harm
- Reports of other offences such as rape or kidnap
- Acid attacks

5. What to do

All organisations should have 'a lead person with overall responsibility for safeguarding children, protecting vulnerable adults or victims of domestic abuse; the same person should lead on forced marriage'. Although front line staff should contact this specialist as soon as possible, there may be occasions when they will need to gather some information from the person to establish the facts and assist the referral.

All practitioners working with victims of forced marriage and honour-based violence need to be aware of the "one chance" rule. That is, they may only have one chance to speak to a potential victim and thus they may only have one chance to prevent harm or save a life.

Do:

- Talk to the young person immediately on their own, even if they come with others, in a safe and private place
- Give the young person, where possible, the choice of the race and gender of the worker who deals with their case
- Inform them of their right to seek legal advice and representation. Know where to find it.
- Explain all the options to the young person, including the child protection process and listen to their point of view. Then decide what to do to keep the young person safe, involving them in the decisions as far as possible and explaining what will happen next.
- Assess the risk of harm facing the young person, any other siblings or young family members, give safety advice and agree a personal safety plan.

- Consider the need for immediate protection and placement away from the family and hold a strategy meeting if there is a risk of significant harm.
- Talk to the young person about the need for a medical examination and if they need treatment for injuries or any emotional or physical illness. Keep detailed documentation of any injuries or history of abuse, as the police may require this for any subsequent prosecution.
- Assess the level of information that it is safe to disclose to their families, friends or members of the community.
- Seek specialist advice, for example from the Forced Marriage Unit. The Unit will always talk to frontline practitioners handling cases of forced marriage at any stage in a case. It can offer information and advice on the range of tools available to combat forced marriage, including legal remedies, overseas assistance and how to approach victims.. Contact the Forced Marriage Unit on 020 7008 0151. Or visit the website for further details. www.gov.uk/guidance/forced-marriage
- Consider the need for legal advice or action. Although there is no specific criminal offence of 'forcing someone to marry' within England and Wales, criminal offences may nevertheless be committed.
- Make a referral to the Children's Social Care.

Do Not:

- Contact the family in advance of any enquiries by the police, adult or children's social care or the Forced Marriage Unit, either by telephone or letter.
- Have family members or others present at the interview.
- Use family members, friends, neighbours or those with influence in the community as interpreters; people may feel embarrassed to discuss personal issues in front of them and sensitive information may be passed on to others and place the person in danger. Furthermore, such an interpreter may deliberately mislead practitioners and/or encourage the person to drop the complaint and submit to their family's wishes
- Put the young person or yourself at risk of harm.
- Send the young person back to the family home against their wishes or ignore what they have told you.
- Contact or approach the young person's family, friends or people with influence within the community, unless you are sure it is safe to do so and you have agreed this with the young person.
- Breach confidentiality, except where absolutely necessary, in order to ensure the young person's safety.

The Danger of Family Counselling, Mediation, Arbitration and Reconciliation

Mediation, arbitration, reconciliation and family counselling as a response to forced marriage can be extremely dangerous and may increase the young person's vulnerability and place them in danger. Any unsupervised contact with their family needs to be carefully assessed as it can place the young person at risk of further emotional abuse or lead to pressure being placed on them to return home. However if the young person does wish to go home or talk to their family all the risks should be explained and a safety plan put in place.

Forced marriage is closely linked to honour based violence and honour killings. All those involved will want to bear in mind mediation as a response to forced marriage can be extremely dangerous. There have been cases of victims being murdered by their families during mediation. Mediation can also place someone at risk of further emotional and physical abuse.

6. Resources and Reference List

[Home Office Forced Marriage Unit](#)

[Anti-social Behaviour, Crime and Policing Act 2014](#)

[Family Law Act 1966](#)

[UN Convention on the Rights of the Child \(UNCRC\)](#)

[Children Act 1989](#)

[Forced Marriage Civil Protection Act 2007](#)

[HM Government Multi-agency Practical Guidelines on Forced Marriage \(June 2014\)](#)

[HM Government 2014 - The right to choose Multi-agency statutory guidance for dealing with forced marriage.](#)

[HM Government 2010 - Forced Marriage and Learning Disabilities – Multi-agency practice guidance](#)

[Forced Marriage – A survivors Handbook](#)