

SECTION 21

FORCED MARRIAGE

This section sets out –

- The distinction between arranged marriage and forced marriage;
- Matters which must be addressed in cases where forced marriage, or the possibility of a forced marriage, is an issue; and
- Specific guidance on issues which arise if the young person intends to stay at home, decides to leave home, is being taken overseas or arrives in the UK from overseas.

1. GUIDANCE

- The Right to Choose: Multi-Agency Statutory Guidance for Dealing with Forced Marriage
- Multi-Agency Practice Guidelines: Handling Cases of Forced Marriage

Both of these documents are available from the Foreign and Commonwealth Office website - www.fco.gov.uk

- Forced Marriage (Civil Protection) Act 2007: Guidance for local authorities as relevant third party and information relevant to multi-agency working.

This is available from the Ministry of Justice website – www.justice.gov.uk

2. INTRODUCTION

2.1 A forced marriage is a marriage conducted without the full consent of both parties and where duress is a factor - duress includes both physical and emotional pressure. This section draws attention to the child protection issues which arise in the context of the forced marriage of a young person under the age of 18. **Forced marriage involving a young person under the age of 18 is a child protection issue.** All agencies must work together under these procedures to address this issue.

2.2 A clear distinction must be made between arranged marriage and forced marriage. In an arranged marriage, each spouse is involved in the choice of partner. In a forced marriage, one or both of the spouses do not consent to the marriage and/or there is some element of compulsion, which may take the form of physical and/or emotional pressure. Forced marriage is often, but not exclusively, an issue of violence against women.

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- 2.3 Parents may have a variety of reasons for forcing their children to marry, such as breaking up “unsuitable” relationships, making long-term care arrangements for a disabled young person or keeping inherited property in the family. These motives must not be accepted as justification: a young person who is under threat of a forced marriage is at risk of sexual, emotional and physical abuse.
- 2.4 Forced marriage may not be the initial problem presented – it may later become clear as a factor in a matter originally referred because of poor school attendance, self harm, domestic violence, a young person reported missing, etc. In addition, practitioners should be aware that when a person flees a forced marriage, the family may try to engage the authorities in locating them, e.g. by reporting them missing or accusing them of crime.
- 2.5 There will generally be a need for interagency action in dealing with this issue; the police, housing, children’s social care and voluntary organisations will need to work together to address the young person’s need for information, protection, financial support, accommodation and emotional support.
- 2.6 All practitioners working with victims of forced marriage need to be aware **there may be only one chance to speak to a victim**. If the victim is allowed to leave without the offer of support, the one chance to intervene may be lost.
- 2.7 The risk of significant harm may be increased if it becomes known that the young person has sought assistance. If forced marriage seems to be an issue –
- **Do not** notify the young person’s family (or other members of their community) that you intend to refer the matter to the police or children’s social care.
 - **Do not** attempt to mediate.
- 2.8 Any practitioner who becomes aware of a possible forced marriage involving a young person under 18 must immediately notify the designated senior manager for child protection.

3. IDENTIFICATION AND REFERRAL

- 3.1 Forced marriage involving a young person under the age of 18 is a child protection issue –
- If there are grounds to suspect that a young person under 18 has been, or is at risk of being, forced into marriage this must be notified to children’s social care and/or the police as soon as possible.

- If you are unsure and need advice, consult your designated senior manager for child protection.
 - It may also be appropriate to make a referral to children's social care when an adult has been forced into marriage and this has implications for younger siblings.
- 3.2 Forced marriage typically involves criminal offences. Although there is no specific criminal offence of "forcing a person to marry", perpetrators may be prosecuted for a variety of offences, such as threatening behaviour, assault, kidnap, abduction, rape and murder. Any suspicion of a criminal offence should be reported to the police, and any concerns about the safety of children should be referred to children's social care and the police.
- 3.3 In addition to the standard referral information, in cases of forced marriage the following details should be included in the referral as far as is possible:
- Full details of the allegation, including details of any threats or hostile actions against the young person, and the names of those responsible;
 - Full details of any action already taken to progress the forced marriage, e.g. travel plans; and
 - Passport details;
If the young person has dual nationality, details of both passports.

4. INVESTIGATION AND ASSESSMENT

- 4.1 Cases of forced marriage involve complex and sensitive issues; any such case which involves a young person under 18 should be treated as a child protection issue, and a strategy discussion arranged.
- 4.2 All practitioners should be aware of the **factors which can increase the risk of harm**. They are:
- Failure to recognise that the young person is at risk of physical and/or sexual abuse;
 - Failure to share information between agencies appropriately, promptly and safely;
 - Failure to act promptly;
 - Inappropriate involvement of family members in sharing information and making decisions about the young person;

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- Breaches of the young person's confidentiality; and
 - Any attempt to use family counselling, mediation, arbitration or reconciliation.
- 4.3 If forced marriage has been identified as a possible issue, the team manager in children's social care will consult the Assistant Head of Safeguarding about who should chair the strategy discussion.
- 4.4 Any assessment of the risk to the young person should take the following issues into account –
- A young person who is facing, or has already undergone, a forced marriage may be at risk of domestic violence, imprisonment, abduction, and rape.
 - Particular risk factors include a family history of forced marriage and abuse, a secret boy/girlfriend, pregnancy, and self harming.
 - A young person who opposes a forced marriage may face "honour-based violence" and, in extreme cases, "honour killing".
 - There may be a current or future risk to siblings.
 - The risk cannot be controlled by the removal of an alleged perpetrator.
 - The young person may need a "cover story" - a plausible alternative reason for them to be at the social work office, police station etc, in case they are seen there.
- 4.5 An assessment may raise concerns that a vulnerable adult has been, or is at risk of being, forced into marriage. Any such concerns must be referred to the Safeguarding Adults Team in the Adults and Communities Directorate.
- 4.6 The young person should be interviewed in a secure and private place, on their own. They may be fearful of talking to someone from their own cultural community. If any other person is present during the interview the social worker will ensure that they understand the need for confidentiality, especially with regard to the young person's family.
- 4.7 The social worker must quickly establish the young person's views on how they can best be protected and who in their family and community is likely to contribute to their safeguarding. A young person challenging the threat of forced marriage faces a difficult choice with limited options. In summary, they are:
- To leave the family.
This requires legal proceedings and there may be very limited options for the young person to return.

Or

- To remain in (or return to) the family where the immediate threat appears to be addressed and there is ongoing work with the family; There may be serious risks in this course of action, including an increased risk that the young person will be taken to the parents' country of origin.

Both options have risks and our duty is to work with the young person to identify the course of action with the lowest risk.

5. INTERVENTION

- 5.1 All practitioners must understand the extreme nature of the risks that young people face in challenging a forced marriage, and the limited options for action to safeguard their welfare.
- 5.2 If a child protection conference is arranged, particular attention must be paid to the arrangements for the involvement or exclusion of the family. The significance of this will depend on the circumstances – whether the family is aware of the referral, and whether the young person has left home or remains there.
- 5.3 When it is agreed that a child protection plan is needed to safeguard the young person, the plan must address the following issues:
- Who will hold the responsibility for contact with the young person over the medium to long term;
 - If the young person is to remain in the family home, how contact can be made without placing them increased at risk of harm; This should include a code word to ensure that contact has been made with the right person.
 - How the young person can make contact; They should consider the security of their mobile phone - e.g. who has access to the bill? It may be necessary to keep a telephone card or change for urgent phone calls.

And

- Plans for the possibility that the young person may need to flee from the family home (See Chapter 6 below);

6. IF THE YOUNG PERSON DECIDES TO LEAVE HOME

- 6.1 All staff should be aware that in cases of forced marriage, the response to the young person leaving home may be potentially very violent, and that this may continue into the long term.

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- 6.2 A young person who wishes to leave the family home will need a leaving strategy. This will include issues such as -
- Where could they go in an emergency?
The police public protection unit can advise about this.
 - What would they need to start a new life?
For example clothing, cash and important documents (passport, National Insurance number, birth certificate).
- And
- The implications of a complete break with their extended family.
- 6.3 When a young person leaves home, the family may make strenuous efforts to find them, e.g. by reporting them missing or accusing them of a crime. It may be necessary to issue instructions about the way that records are compiled and stored.
- 6.4 Unsupervised contact between the victim and their family is extremely risky. Direct contact should not happen unless, exceptionally, it is arranged in highly structured circumstances by police and/or social care managers acting within the national guidance.

7. YOUNG PERSON ARRIVING IN THE UK

- 7.1 A young person arriving in the UK for the purpose of a forced marriage, or following a forced marriage, will be in an extremely vulnerable position - they may have no contacts in the UK who are not involved in the forced marriage; they may not be fluent in English; and they may not have indefinite right to remain. Returning to their country of origin may cause the young person to be ostracised and exposed to a high risk of violence. Police/social care should consider referring any young person in this situation to an immigration adviser, e.g. a law firm with a family law and immigration franchise.

8. IF THE YOUNG PERSON IS GOING OVERSEAS

- 8.1 A young person may ask for help because they are going on a family holiday overseas and suspect that they will be forced to marry. In this situation, police and/or social care managers who are familiar with the national guidance will give instructions about the information to be obtained from the young person and how it should be recorded, and about the advice to be given to the young person.
- 8.2 When a forced marriage takes place overseas the victim may be under constant supervision and unable to communicate with the world outside the family. Even if the authorities in the UK are aware of their whereabouts, it may not be possible to reach the area or to rescue them. Consequently, where there is a clear and imminent risk of forced marriage it may be necessary to take emergency action to remove the young person from home in order to protect them.

8.3 The Forced Marriage Unit at the Foreign and Commonwealth Office has experienced workers who can offer advice and assistance on matters relating to forced marriages abroad. Contact details will be found in Paragraph 14.2 below.

9. YOUNG PERSON REPATRIATED TO THE UK FROM OVERSEAS

9.1 Sometimes the Foreign and Commonwealth Office will ask the police and/or social care for assistance when a British national is being repatriated to the UK from overseas. Due to the urgency of the situation it may not be possible to give a great deal of notice of the young person's arrival.

9.2 In these cases the victim is extremely vulnerable. They may be traumatised and frightened, having suffered physical and emotional abuse over a long period. They may have risked their life to escape and their family may go to considerable lengths to find them.

9.3 Children's social care should:

- Arrange for someone (e.g. a social worker or police officer) to meet the young person at the airport;
- If the young person is to arrive at Heathrow or Gatwick, contact "Travel Care" (see Paragraph 14.4 below);
- Make plans with the police in case family members try to abduct the young person at the airport or to locate them later ;
- Organise safe and secure accommodation; and
- Consider whether it is appropriate to apply for an emergency protection order, an interim care order or a forced marriage protection order.

9.4 In these situations it is particularly important to ensure that the young person's identity and all records relating to them are kept confidential. This may involve witness protection schemes or seeking legal advice about the young person changing their name and National Insurance number.

10. YOUNG PERSON WHO HAS RUN AWAY FROM HOME

10.1 Any young person who has run away from home should be interviewed on their own to establish why they ran away. Issues related to forced marriage may come to light at this time. If the young person is at risk of being forced into a marriage, it may not be in their best interests to disclose any information to their family, friends, or members of their community until their continued safety has been secured.

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10.2 Young people who leave home to escape a forced marriage, or the threat of one, pose particular difficulties. Agencies may face criticism for providing support and protection to a young person who has run away from home, and for failing to share information about the young person's whereabouts with the family. However, the first consideration must be for the young person's safety and welfare.

11. YOUNG PERSON APPROACHING 18 YEARS

11.1 If the young person is almost 18 years old and is likely to meet the definition of vulnerable adult, then the Adults and Communities Directorate must be involved in planning as set out in Section 5 of these procedures. If the young person does not meet the definition of vulnerable adult, then the Police will take the lead in any ongoing work beyond their 18th birthday.

12. CONFIDENTIALITY

12.1 Confidentiality and information sharing are extremely important issues in relation to forced marriage. Practitioners need to be clear about when confidentiality can be offered and when information given in confidence can be shared - **breach of confidentiality may put the young person in serious danger** if the family discover that they have sought help. On the other hand, it is necessary to share information with other agencies in order to protect the young person, and there are strict limits to the service which can be offered to a child without informing the parents.

12.2 Practitioners must not disclose any information to any member of the young person's family or community unless they are sure, after consulting the young person, that the person is safe. If the family discover that the young person has sought help they may bring forward the marriage, expedite any travel arrangements and punish the young person for seeking help, while at the same time denying that a forced marriage is planned.

12.3 All agencies should take into account the possibility that written communications may be intercepted, and that telephone communications may be detected, e.g. through the phone bill.

12.4 In these cases particular care is needed to keep recorded information about the young person and their whereabouts confidential. Access should preferably be restricted to named members of staff. This includes both paper based and computer records.

13. FORCED MARRIAGE PROTECTION ORDERS

13.1 The court may make a Forced Marriage Protection Order in order to protect:

- A person from being forced into a marriage, or
- A person from attempts to force them into a marriage; or
- A person who has been forced into a marriage.

13.2 The order may contain any prohibitions, restrictions, requirements and other terms which the court considers appropriate. These terms may apply to anyone who forces, attempts to force, a person into marriage, or who is involved in any other way. So the court can tailor the terms of an order to meet the specific needs of the victim.

13.3 An application for the order may be made by the person who is to be protected by the order, by anyone who has the court's permission to act on the victim's behalf, or by the local authority.

14. CONTACTS

14.1 Advice about support and counselling for young people facing a forced marriage is available from

- Birmingham and Solihull Women's Aid
Ryland House
44 – 48 Bristol Street
Birmingham B5 7AA
Helpline and Single Referral Route: 0800 0732 606
Web: www.bswaid.org
- Bharosa (Asian women's helpline)
Tel: 0121 303 0368/0369,
- The Children's Society
Tel: 0121 356 7919

14.2 The Forced Marriage Unit (a joint initiative by the Foreign and Commonwealth Office and the Home Office) has experienced workers who can offer confidential advice and assistance to persons who

- Have been forced into marriage overseas; or
- Are at risk of being forced into marriage; or
- Are worked about friends or relatives who have been, or are at risk of being, forced into marriage.

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Telephone: 0207 008 0151

For out of hours emergencies call 020 7008 1500
and ask for the Global Response Centre

Email: fm@fco.gov.uk

Web: www.fco.gov.uk/forcedmarriage

14.3 The Jarrett Community is a therapeutic community run by the Salvation Army for women over the age of 16 who have been trafficked for sexual exploitation. In some cases they can provide a service for the victims of forced marriage. However they cannot accept a referral if the woman is pregnant or has children that she is currently caring for. To make a referral an agency should telephone 0845 434 9159.

14.4 Gatwick Travel Care and Heathrow Travel Care provide services to ensure that young people are able to leave the airport and arrive at their destination safely. They can be contacted about victims of forced marriage who may require assistance when they arrive at Heathrow or Gatwick.

Gatwick Travel Care

Tel: 01293 504283

Web: www.gatwick-airport-guide.co.uk/disabled-facilities.html

Heathrow Travel Care

Tel: 020 8745 7495

Web: www.heathrowtravelcare.com

RESPONDING TO FORCED MARRIAGE

