



FORCED MARRIAGE

GOOD PRACTICE GUIDANCE

LSCB NORTHAMPTONSHIRE

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1. Background and Context

1.1 Background

In February 2006 the Northampton Area Child Protection Committee hosted a seminar to promote awareness of the issue of forced marriage in the county. As a result of this seminar an inter-agency working group was established to raise awareness and develop resources.

This guidance has been written by the Forced Marriage Working Party in partnership with the Procedures and Practice Committee of the Local Safeguarding Children Board Northamptonshire (LSCBN).

Representatives from statutory, voluntary and community based organisations have been involved with the development of this guidance.

Its aim is to raise awareness of the issue of forced marriage and to offer assistance to practitioners in their decision making processes and planning actions to safeguard children or young people who are at risk of forced marriage or who have already been forced into marriage.

1.2 Definition of Forced Marriage

A forced marriage is when:

“One or both spouses do not consent to the marriage and some element of duress is involved”.

Forced marriage should be seen as a form of domestic abuse and, depending on age, child abuse (FCO and DH, 2007)

“... Conducted without the valid consent of one or both parties and is a marriage in which duress – either physical or emotional – is a factor... Forced marriage is an abuse of human rights, and a form of domestic violence and child abuse, when it involves young people.”

(Forced Marriage: A Wrong Not a Right, Forced Marriage Unit, June 2006, p.4).

A woman’s right to choose a spouse and enter freely into marriage is central to her life and her dignity and equality as a human being.

General Recommendation No 21, UN Convention on the Rights of the Child

Forced marriage is primarily but not exclusively an issue of violence against women. Most cases involve young women and girls between 13 and 30, although there is evidence to suggest that as many as 15% of victims are male.

An arranged marriage is:

A marriage where the families of both spouses take a leading role in choosing the marriage partner but the choice whether or not to accept the arrangement remains with the young people.

1.3 Legal Context

The Marriage Act 1949 states that the minimum age at which a person is able to consent to marriage is sixteen; a person between the ages of sixteen and eighteen may not marry without parental consent (unless the person is a widow/ widower).

The Matrimonial Causes Act 1973 Section 12c states that a marriage shall be voidable if “either party to the marriage did not validly consent to it, whether in consequence of duress, mistake, unsoundness of mind or otherwise”.

Although there is no specific criminal offence of “forcing someone to marry” within England and Wales, criminal offences may nevertheless be committed. Perpetrators, usually parents or family members, could be prosecuted for offences including threatening behaviour, assault, kidnap, abduction, imprisonment and in the worst cases, murder. Sexual intercourse without consent is rape, regardless of whether this occurs within the confines of marriage.

The Forced Marriage Civil Protection Bill will ‘make provision for protecting individuals against being forced to enter into marriage without their free and full consent and for protecting individuals who have been forced to enter into marriage without such consent. (May 2007, amended in Grand Committee).

1.4 Incidence of Forced Marriage

Currently some 300 cases of forced marriage are reported to the Forced Marriage Unit each year. Many more cases come to the attention of police, social services, health, education and voluntary organisations.

Locally, 21 cases have come to the attention of the Wellingborough and East Northants Women’s Aid in the last two years.

These are only the reported incidents.

1.5 Cultural traditions

The majority of cases emanate from South Asia: Pakistan, Bangladesh and India. Other countries may also have incidents of forced marriage and these include Cyprus, Jordan, Mauritius, Sri Lanka, Somalia, Mali, Norway, Bosnia, Hong Kong, the Middle East and Africa.

Forced marriage cannot be justified on religious grounds; every major faith condemns it and freely given consent is a prerequisite of Christian, Jewish, Hindu, Muslim and Sikh marriages. (Young People and vulnerable adults facing forced marriage: practice guidance for Social Workers 2004)

Many families living in this country believe that they are upholding their cultural traditions when in reality these are practices and values that are no longer endorsed in the countries from which they originate.

Where an agreement has been made about marriage when a child is in their infancy the issue of valid consent still applies.

1.6 What Parents Want

There is a presumption that parents want the best for their children, however, this may result in a conflict between their wishes and the child or young person's. Where parents force their children to marry the justification of their actions often falls within the following:

- Controlling unwanted behaviour and sexuality (including perceived promiscuity, or being gay, lesbian, bi-sexual or transgender) – particularly the behaviour and sexuality of women;
- Protecting “family honour”;
- Responding to peer group or family pressure;
- Attempting to strengthen family links;
- Ensuring land, property and wealth remain within the family;
- Protecting perceived cultural and/or religious ideals (which is often misguided or out of date);
- Preventing “unsuitable” relationships e.g. outside the cultural, ethnic, religious or caste group¹;
- Assisting claims for residence and citizenship;
- Fulfilling long standing family commitments;
- Debt repayment;
- Alleviation of poverty;
- Appeasement of an aggrieved family.

¹ Within families there can be long standing pressure to uphold traditions and family honour, the justifications of which will have been part of family discussions since an early age. Consequently, the young person may feel less able to refuse or break away

1.7 Case Study 'Hina's' Story

Hina had planned to leave home from the age of ten when she met her future husband. At 14 she had become engaged. However Hina waited until she was 17 years old to make her escape days before she was due to travel overseas with her family in order to marry. Hina had turned to her school for help but they refused to get involved. Her parents later withdrew her from college when she turned to them for help at the age of 16. Hina was extremely depressed and suicidal. She started to see a therapist in secret who referred her to social services.

Although social services eventually placed Hina in care she came under tremendous pressure to hold mediation meetings with her parents which at times were organised without her consent. Hina's mother had been married at the age of ten so her family did not feel they were in the wrong. They had often subjected Hina to horrific violence.

Even at mediation meetings Hina's parents would threaten her with violence in their language which the social workers did not understand. When Hina told social workers she was not believed. Hina refused to return home and is no longer under the care of social services. However she remains in hiding and is in the process of changing her whole identity as her family have continued to look for her and have from time to time threatened and attempted to assault her upon discovering her whereabouts.

Southall Black Sisters Forced Marriage Interim Report July 2001

1.8 Links to domestic abuse and 'honour crime'

Individuals who have been forced to marry can often find themselves in a cycle of abuse with serious long-term consequences. Many women forced into marriage suffer several years of domestic violence - Manchester Citywide NHS domestic violence project 2006.

For some individuals who escape from or refuse a forced marriage there may be added risks. A family may feel that the young person has dishonoured them and in order to regain honour they may harm or even kill the young person. This 'honour-based' crime is illustrated by the fact that three times as many Asian women aged between 16 and 24 commit suicide as the national average (Times, 2007) A contributory factor being the weight of expectation of the role of women and their marriages.

The Home office now includes forced marriage within their definition of domestic abuse as do the Crown Prosecution Service. This definition is:

“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” (Home Office 2004)

1.9 Links to Female Genital Mutilation (FGM)

In many cases dealt with by practitioners in this county, there are significant links between Forced Marriage and Female Genital Mutilation (FGM). Anecdotal evidence from local practitioners indicates that in many of the cases they are working on FGM is a precursor to forcing the girl into marriage. Given that FGM has implications around chastity, purity and marriagability, then the motivation behind mutilation, prior to forced marriage, becomes all the more clear.

1.10 Links to No Recourse to Public Funds (NRPF)

Those who enter the United Kingdom as a spouse or fiancé (e) of a person who is present and settled in the UK are granted limited leave to remain. Their initial two-year leave to remain is subject to a condition that they have no recourse to public funds (NRPF). NRPF means that they will not be able to claim most benefits, tax credits or housing assistance that are paid by the state. Victims in the forced marriage group are therefore particularly vulnerable, trapped in a pattern of violence which they are unable to leave because their immigration status. This makes them totally dependant on their abuser(s).

2. Professional Response

2.1 Signs and Indicators

The following may be signs that a child or young person is being subjected to a forced marriage. They should be considered in the context of the family assessment framework and may be in addition to signs and indicators that a child is likely to be suffering significant harm or in need of other support services. These include:

- Family History
- Siblings forced to marry
- Family disputes
- Domestic violence and abuse
- Running away from home
- Unreasonable restrictions e.g. house arrest
- Sibling who suddenly disappeared or went abroad

- Early marriage of siblings
- Self harm of siblings
- Death of parent
- Family mental health and/or physical disability
- Health
- Self Harm
- Attempted Suicide
- Eating disorders
- Depression
- Isolation
- Substance misuse
- Accompanied to doctors
- Mental and physical disability
- Early/unwanted pregnancy
- Education
- Truancy
- A sudden decline in education performance, aspirations or motivation
- Frequent authorised school absences or withdrawal
- Inability to concentrate
- Talk of an extended family holiday
- Not allowed to attend extra curricular activities
- Poor exam results
- Employment
- Poor performance
- Poor attendance
- Limited career choices

- Not allowed to work
- Unreasonable financial control e.g. confiscation of wages/income
- Unable to attend business trips

The Police may have information about:

- Other siblings within the household reported missing
- Reports of domestic violence or breaches of the peace at the family home
- Female Genital Mutilation
- Threats to kill
- Reported for offending e.g. shoplifting or substance misuse

Health Practitioners should be aware that::

Children and young people under threat of forced marriage may feel unable to go against the wishes of their parents and consequently may appear anxious and emotionally withdrawn, often leading to depression and self-harm.

They may present to health professionals with behaviours such as self harming, eating disorders or challenging behaviour, rarely will they disclose concerns about a forced marriage. Therefore practitioners should be alert to potential warning signs, and consider that forced marriage could be the reason.

2.2 Response When a Young Person is in fear of Forced Marriage

Practitioners may become involved at this stage either:

Following a direct disclosure from the young person;

As a result of recognising signs and indicators; or

Through a third party.

Practitioners should not make assumptions (i.e. imminent family holiday will result in forced marriage) without further clarification where possible, from the young person or third party of the full facts. If it is believed that information gathering would place a young person at risk advice should be sought from the Children and Young Peoples Service Directorate (CYPSPD), the Police or the Forced Marriage Unit (FMU).

The choices available and risks to the young person are likely to be:

Remain with their family and try and resolve the situation.

Mediation and reconciliation may put the child at considerable risk of physical abuse, the worse scenario being the young person is murdered ('honour' killing').

Intervention can also place emotional pressures on the young person with the family being able to reinforce their beliefs and wishes.

Accede to the family's wishes.

The young person remains in a potentially abusive situation.

Remove self from the family home.

Signposting and/or an action plan should be offered at this point.

The family may also report the young person as missing.

Seek legal protection.

If a child is under 16 then local authority legal services can provide advice. If the young person is over 16 civil forms of protection can be sought.

It is not unusual for families to deny that forced marriage was the intention. Once aware of your concern they may move the child, bringing forward both travel arrangements and the marriage.

2.3 Response when a Young Person has already been forced into marriage

Due to the likelihood of reprisals and/or threats from the family, young people are frequently reluctant to inform practitioners that a forced marriage has taken place.

This results in forced marriages occurring that authorities are not aware of. However, the difficulties for the young person do not end here.

Pressure from the family may resume in situations where the spouse makes an application to enter the UK.

In these situations the young person has the following choices:

- To stay within the marriage;
- To leave the marriage and the family home;
- To discuss the issues with their family and seek support from other agencies; (this can place the young person at risk from reprisals or emotional pressure);
- To try and withhold support for the visa application without letting the family know. Support from other agencies is vital at this point as the applicant party will soon become aware.

2.4 Referral

All adults working with children or parents must make a referral to the local CYPSPD referral team if there are signs that a child under the age of 18 years:

- Is experiencing or may already have experienced abuse or neglect;
- Is likely to suffer significant harm in the future.

The timing of such referrals must reflect the level of perceived risk, but should usually be within one working day of the recognition of risk.

In urgent situations, out of office hours, the referral should be made to the Out of Hours Team. (See appendix three). The Out of Hours Team will undertake the initial child protection enquiries, transferring the case on the following working day.

2.5 Initiating the referral

Referrals should generally be made to the relevant CYPSP referral team where the child is living or is found.

(See Section Three of the LSCBN Inter Agency Child Protection Procedures 2010).

2.6 Response when Adults are at risk of, or have been forced to marry

The options for adults are similar to those outlined above. Where an adult may be regarded as being vulnerable issues of capacity to consent under the Mental Capacity Act should be addressed.

Under the Sexual Offenders Act 2003, compelling, inciting or facilitating a person with impaired capacity for choice to engage in sexual activities, without consent, is an offence.

If the individual is a disabled person or vulnerable adult you should refer to Northamptonshire Safeguarding of Vulnerable Adults Procedures.

If there is a suspicion of a crime having taken place then a prompt referral to the police should be made.

2.7 Information Sharing

Refer to Section One of the LSCBN Inter Agency Procedures 2010 for further guidance on Information Sharing.

You Should	You Should Not
<p>Offer a private and confidential place to discuss concerns;</p> <p>Treat the individual with respect and dignity, listen to what they are saying and believe them;</p>	<p>Put yourself or the young person at unnecessary risk;</p> <p>Minimise the allegations and return the person to the family without further investigation;</p>

You Should	You Should Not
<p>Establish that they are happy to continue to talk to you or whether they would prefer someone of a different gender or race;</p> <p>Ensure that if they would prefer to be accompanied during the discussion that issues of confidentiality are fully discussed;</p> <p>Inform the young person/adult at all times with whom you are sharing your concerns or information (individuals may be linked to family or community);</p> <p>Explore the options with the young person and assess what support they may need to take the next step</p> <p>Ensure that if there are any presenting medical or health needs they are attended to immediately;</p> <p>Provide the young person with appropriate information around sources of help and support;</p> <p>Recognise the contributions which other agencies are able to make;</p> <p>Establish the individuals ability to understand and process the information being shared (Fraser guidelines 1985);</p> <p>Empower the young person to make an informed decision and choices about their life;</p> <p>Consider using an advocate or alternative in accordance with Northamptonshire Safeguarding of Vulnerable Adults Board Procedures where a vulnerable adult is involved;</p>	<p>Ignore what has been disclosed or overlook the need for possible immediate protection;</p> <p>Approach the family, friends or people within the community with influence without the express consent of the person involved;</p> <p>Breach confidentiality except where necessary in order to ensure the young person/adult's safety</p> <p>Attempt to be a mediator. Mediation can be extremely dangerous.</p> <p>There have been cases of women being murdered by their families whilst mediation was being undertaken. Forced marriage should not be viewed as a 'generational or cultural clash' that can be solved by mediation.</p>

You Should	You Should Not
<p>Follow the LSCBN Inter-Agency Child Protection Procedures 2010 if the person is a child;</p> <p>Ensure all discussions and information are recorded promptly;</p> <p>Ensure all relevant information is shared when and if the need arises;</p> <p>Where you consider that your intervention may result in exposing the young person/ adult to greater danger seek advice from CYPS or the Forced Marriage Unit.</p>	

2.8 Information Gathering

If a practitioner considers that the child or young person may be at risk, they should take a proactive role to establish whether forced marriage is the issue, by utilising routine and opportunistic enquiries.

Subject to the need for safety and confidentiality, if you feel it is likely that a forced marriage will take place you should obtain as much as possible of the following information:

- Name as shown on passport;
- Passport number, date and place of issue (a copy would be ideal);
- Date of birth and parents' names;
- Address and telephone number in the UK;
- Address and telephone number in the country to be visited if known;
- Names and addresses of any other relatives the person may be visiting abroad;
- The expected date of return to the UK;
- Details of a trusted friend or relative in the UK;
- Potential spouse's name;
- Date of proposed wedding;
- Name of potential spouse's father;

- Details of any travel plans;
- A written statement by the young person or adult that they wish the authorities to act on their behalf if they do not return by a specific date;
- Existence of secret boyfriend/girlfriend, pregnancy or already secretly married;
- Possibility of obtaining a recent photograph;
- Establish the level and nature of risk.

If the young person is unable to avoid travel abroad these extra steps may help provide them with some form of protection:

- Encourage the young person to memorise at least one telephone number and email address;
- Encourage them to provide details of the trusted friend or advocate with whom they will be keeping in contact, and who can be approached if they do not return;
- Make contact with that person prior to departure and request a written statement of support;
- Agree with the young person a coded word or song which may be used for identification purposes;
- Encourage them to take emergency money in case problems arise in the country of destination;
- Where possible advise them to secrete a mobile phone that will work overseas;
- Give them a copy of the foreign and commonwealth leaflet;
- Provide them with the address and telephone number of the British embassy, high commission or consulate in the country they are visiting;
- Inform the Forced Marriage Unit.

2.9 Working Together

When addressing the issue of forced marriage there should be an inter-agency approach, therefore a commitment from all practitioners to raise awareness within their organisations is paramount.

As the needs of (potential) victims of forced marriage are likely to span agency boundaries there is a requirement to have an agreed inter-agency approach to working with young people and families.

Best practice suggests that working with the community, non government groups and faith groups will raise awareness of the issues presented by forced marriages.

2.10 Record Keeping

Safeguarding children, young people and vulnerable adults requires information to be shared across agencies and between practitioners.

Assessment of risk must be made on the basis of this information. To this end, records should be clear, accessible and comprehensive; written in straightforward language without jargon or abbreviations. They should be accurate not only in fact but also in differentiating between judgement and opinion; all entries should be dated and signed; particular emphasis should be made on recording decisions or outcomes following a referral or any form of meeting.

See also Section One of the LSCBN Inter Agency Child Protection Procedures 2010.

2.11 Confidentiality in cases of forced marriage

Confidentiality is an extremely important issue for anyone threatened with or already in a forced marriage.

Practitioners need to be clear about when confidentiality can be offered, what it means to have a confidential relationship with a client and when information given in confidence should be shared or disclosed.

Disclosure could lead to the young person being at an even greater risk of significant harm and lead to estrangement for the family.

Prior to disclosing any information practitioners should consult with their line manager. Always record what you have shared, with whom and why.

2.12 Flowchart for Practitioner response

Seek advice from line manager /child protection supervisor /lead professional for child protection / Children and Young People's Service Directorate (CYPSD) /Police Child Protection Unit (CPU) / Vulnerable Adults Lead Officer/ Domestic Abuse Unit/ Forced Marriage Unit or Northamptonshire Women's Aid Groups

If still concerned make referral to:

Under 18

Refer to Children and Young Peoples Service Directorate/ Police Child Protection Unit

Over 18

If a vulnerable adult, refer to adult protection team

If not a vulnerable adult refer to support organisations that may be listed in local contacts.

These agencies will adhere to local, agency and national guidance.

Relevant legislation will apply.

Discuss concerns and possible actions with child or young person. Agree appropriateness and safety implications of talking to parents.

The practitioner making the referral has the responsibility to follow up the outcome, record information, ensure appropriate representation at inter agency professional meetings and if not satisfied seek advice from child protection lead.

3. Support Services and Further Information

3.1 Forced Marriage Unit

The Forced Marriage Unit (FMU) is the Government's central unit dealing with forced marriage casework, policy and projects.

The FMU provides confidential information and assistance to potential victims and concerned practitioners. It works with partners both in the UK and overseas to ensure that all appropriate action is taken to prevent a forced marriage-taking place.

The FMU also provides advice and information to individuals who have already been forced to marry. All caseworkers in the FMU have wide experience of the cultural, social and emotional issues surrounding forced marriage. A handbook for survivors is available from the unit.

The Forced Marriage Unit

Room G55

Old Admiralty Building

Whitehall

SW1A 2PA

Telephone: 02070 080151

Emergency Officer: 02070 081500

Email: fmufco.gov.uk

3.2 Local Support Services

Wellingborough and East Northamptonshire Women's Aid (24 hours)

01933 224943

Northampton Women's Aid

Northampton: 0845 1232311

Daventry: 0845 123 2395

Kettering: 0845 123 2396

Corby

0845 123 2394

Nene Valley Christian Family Refuge

01604 230311

Northamptonshire Police

03000 111 222

Child Abuse Investigation Unit

01933304378

01933304426

Northamptonshire Sunflower Centre

A multi-agency support centre for victims of domestic abuse and offers confidential help and support.

Northampton office

01604 233684

Corby office

01536 204691

Victim Support Northampton

01604 603477

Citizen's Advice Bureau Northampton and District

0844 855 2122

Citizen's Advice Bureau Rushden

0844 855 2122

Citizen's Advice Bureau Nene Valley (Wellingborough and District)

0844 855 2122

Citizen's Advice Bureau Kettering

08701 264077

Advice Daventry

0844 855 2122

MIND Wellingborough

01933 223591

MIND Northampton

01604 634310

MIND Kettering

01536 523216

MIND Rushden

01933 418872

3.3 CYPSPD Referral Teams

Wellingborough

01933 220700

Kettering/Corby

01536 313000

Daventry and Northampton Initial Contact Team

0300 126 1006

Out of Hours Team

01604 626938

3.4 Other National Support Services

Women's Aid

A confidential Freephone 24 hour line for advice and accommodation

0808 2000 247

Victim Support UK

0845 3030 900

Asian Family Counselling

0208 5713933 or 020 8813 9714

Careline

A national confidential counselling line for children, young people and adults on any issue including marital and family problems.

0208 5141177

Childline

0800 1111

Children's Legal Centre

Operates a free and confidential legal advice and information service.

Child Law Advice Line: 0808 802 0008

Community Legal Advice - Education: 0845 345 4345

Young Person's Freephone: 0800 783 2187

Children's Commissioner for England

0844 8009113

Language Line

Can provide an interpreter on the telephone immediately in 100 different languages 24 hours a day.

0800 169 2879

NSPCC

A free confidential service for anyone concerned about children at risk of harm, also connects vulnerable young people, particularly runaways to services that can help.

0808 800 5000

Southall Black Sisters

Resource centre offering information, advice and practical help to black and minority ethnic females, also specialising in forced marriage.

0208 571 0800

Shelterline

Provide emergency access to refuge services.

0808 8004444

Karma Nirvana (Derby)

Helps male and female survivors of forced marriage and honour-based violence.

0800 5999 247

Roshni Asian Women's Aid (Nottingham)

Provides refuge for South Asian women and children experiencing domestic violence.

0115 988 1414

Ashiana Project (Sheffield)

Offers emotional and practical help and accommodation for women and children escaping violence.

Ashiana Project London: 020 8539 0427

Ashiana Sheffield: 0114 255 5740

The Doli Project: Birmingham: 0845 658 1057

Domestic Violence Helpline Greater Manchester: 0161 636 7525

4. References and Useful Sources of Information

DfES, Foreign and Commonwealth Office (2005: a) Dealing with cases of Forced Marriage- Guidance for Education Professionals

Foreign and Commonwealth Office (2004) Young People and vulnerable adults facing forced marriage - Practice Guidance for Social Workers

Foreign and Commonwealth Office, ACPO (2005: b) Dealing with cases of forced marriage - Guidance for police officers

Manchester Citywide NHS domestic violence project (2006) Forced Marriage guidelines for health care professionals in Manchester

Newcastle ACPC (2005) Forced marriage: Safeguarding children and young people

LSCB Bedfordshire (2005) Multi agency protocol on Forced marriage

Sussex ACPC (2006) Forced marriage of a child

Foreign and Commonwealth Office (2006) Forced Marriage: a wrong not a right

Gillick v Norfolk NHS Trust (1985) Fraser Guidelines

Northamptonshire Adult protection Committee Procedures

Local Safeguarding Children Board Northamptonshire, Inter-Agency Child Protection Procedures 2010

The Children Act 1989