

Appendix 29: Forced marriage (See Article 16)

The total number of forced marriages in the UK may be as high as 8,000 per year¹ and in 2011 the Forced Marriage Unit dealt with 1,500 cases, of which 400 involved children.² Women's NGO Iranian and Kurdish Women's Rights Organisation³ is aware of several marriages involving girls under the age of 16 being performed in this country. Behind this lies the fact that registration of religious marriage is not compulsory in the UK. Without appropriate legal safeguards, some religious leaders are conducting unregistered marriages where one of the parties does not consent or is too young to do so. Some will even conduct marriages where the bride is not present, as long as consent is given on her behalf by her father or brother. (See Appendix: 31)

Whilst we welcome the announcement in 2012 of a series of measures to strengthen current responses to forced marriage we have some major concerns about the Government's primary focus on a legislative solution:

(1) There may be unintended consequences that may undermine its effectiveness:

Children and young women often see legal interventions as a last resort, and are more likely to prioritise safety and empowerment. There is a distinction between an adult taking criminal action against an intimate partner compared to a child taking significant family members to court that may lead to a prison sentence.⁴ Some victims of forced marriage who responded to the Home Office consultation⁵ on these changes stated that they did not want to see parents going through the courts or imprisoned, and feared ostracism and reprisals from the family/community.⁶

(2) A number of forced marriage specialists have for a number of years expressed doubts about the merits of stand-alone legislation unless inadequacies in the system are addressed:

A report published prior to the proposals to criminalise forced marriage found that 50% of the respondents did not support a separate criminal offence, 64% felt that the existing legislation was sufficient and the majority (57%) felt that

¹ Travis, A. (2011) 'Forced marriages in England could number 8,000', *The Guardian* 11th December 2011, <http://www.guardian.co.uk/world/2011/dec/12/forced-marriages-england-number-8000>

² Taneer, P. (2012) 'Forced marriage: Girl aged 5 among 400 minors helped', *BBC news*, 30th March 2012 <http://www.bbc.co.uk/news/uk-17534262>

³ Iranian and Kurdish Women's Rights Organisation (IKWRO) <http://ikwro.org.uk/> Accessed: 22/04/13

⁴ Imkaan's response to the consultation on the criminalisation of forced marriage, which was endorsed by 47 NGOs. Imkaan (2012) *Imkaan response to the Government's forced marriage consultation*, <http://dl.dropboxusercontent.com/u/85173313/20120330%20%5BHome%20Office%5D%20Response%20to%20Criminalisation%20of%20Forced%20Marriage%20Consultation.pdf>

⁵ Home Office, Forced marriage consultation, <http://www.homeoffice.gov.uk/publications/about-us/consultations/forced-marriage/> Accessed 17/05/2013

⁶ Ashiana Network (2012) *Response to forced marriage consultation*, <http://www.ashiana.org.uk/attachments/article/5/Ashiana%20Network%20Response%20to%20Forced%20Marriage%20Consultation%202012.pdf>

criminalisation would make it more difficult for victims to come forward.⁷ The response from women's NGO Imkaan⁸ to the consultation was endorsed by 47 agencies who did not feel that criminalisation was the priority in effectively addressing forced marriage.⁹ We believe that resources would be better spent on a training; prevention and early intervention; specialist women's support services; and a co-ordinated campaign to raise awareness of and promote the consistent implementation of existing laws including the statutory guidelines.¹⁰

(3) Forced Marriage Protection Orders (FMPOs):

Since the implementation of the Forced Marriage (Civil Protection) Act 2007,¹¹ 50 applications were expected in the first year of operation. This was exceeded and 339 orders were made up by June 2011 and five breaches were recorded. This was a higher number than anticipated. This provides evidence that there is confidence in the legislation and victims are prepared to use it to obtain protection and other remedies.¹² However some concerns have been raised about the lack of support structures in place to protect girls who may be returned home despite being under a FMPO and a lack of enforcement and monitoring that would protect girls from further violence including repeat incidents of forced marriage. One women's NGO highlighted a recent case, "*We recently supported one young woman who has seven FMPOs against members of her family and an Imam [Islamic religious leader]. Following a court hearing she was threatened outside the court. Despite special measures, it was the support of her case worker that meant she returned safely to the refuge*".¹³ It is critical that civil remedies already being used by women are monitored, enhanced and robust and that they remain accessible alongside proposals to criminalise forced marriage. A thorough review has never been conducted to establish a robust evidence base, evaluating both the advantages and disadvantages of the civil protection system and to inform developments in policy and practice.

⁷ Gill, A. (2011) *Exploring the Viability of Creating a Specific Offence for Forced Marriage in England and Wales: Report on findings*. University of Roehampton: London
http://www.pfjc.org.uk/images/stories/Forced-Marriage-Legislation-Survey_Report%20of%20Findings_Gill_14July11_printversion_FIN.pdf

⁸ Imkaan <http://imkaan.org.uk/> Accessed 17/05/2013

⁹ Imkaan, Resources, <http://imkaan.org.uk/resources> Accessed 17/05/2013

¹⁰ Imkaan, Equality Now and City University. (2011) *The Missing Link: A joined up approach to addressing harmful practices in London*. Greater London Authority: London
<https://www.dropbox.com/sh/4zq0jgk4xyez91i/9xvCKa5r0H/The%20Missing%20Link%20Exec%20Summary%20September%202011.pdf>; Gill, A. (2011) *Exploring the Viability of Creating a Specific Offence for Forced Marriage in England and Wales: Report on findings*. University of Roehampton: London http://www.pfjc.org.uk/images/stories/Forced-Marriage-Legislation-Survey_Report%20of%20Findings_Gill_14July11_printversion_FIN.pdf; Wind-Cowie, M., Cheetham, P. and Gregory, T. (2012) *Ending forced marriage will take more than a change in the law*. DEMOS: London http://www.demos.co.uk/files/Forced_marriage_-_web_4_.pdf?1335277742

¹¹ Forced Marriage (Civil Protection) Act 2011
<http://www.legislation.gov.uk/ukpga/2007/20/contents>

¹² Diversity Subcommittee of the Family Justice Council, (2012) *Submission to the Home Response to the forced marriage consultation*
http://www.judiciary.gov.uk/JCO%2FDocuments%2FFJC%2Fconsultations%2FHBFVM_submissionns.pdf

¹³ Ashiana Network (2012) *Response to forced marriage consultation*
<http://www.ashiana.org.uk/attachments/article/5/Ashiana%20Network%20Response%20to%20Forced%20Marriage%20Consultation%202012.pdf>

As is the case with any other form of gender-based violence, prosecution cannot work on its own and must run parallel with other sources of support to improve rates of disclosure among women and girls. (See General Recommendation 19) The Government must implement a robust package of support alongside the new legislation.¹⁴

Forced marriage prevention

The Government has introduced statutory guidance¹⁵ which obliges public bodies to protect children and adults from forced marriage. A recent review of the guidance found that “schools, further education colleges, health services, local authorities and local authority housing departments will need to do more”.¹⁶ Schools have a particularly important role to play, and the 2011 Home Affairs Select Committee report called on the Department for Education (DfE) to “provide more active support to teachers to enable them to carry out a role which may risk upsetting cultural sensibilities but is nonetheless vital for child protection”.¹⁷ The Committee called on the DfE to remind schools of their responsibilities in relation to forced marriage. So far, however, the DfE has refused to comply and girls in schools are not getting the information and assistance they need. (See Article 10)

We welcome the Government’s plans to work with schools. Embedding a whole-school approach should be a critical component for addressing violence against women and girls (VAWG). There is a growing evidence base on the positive impact of prevention. (See General Recommendation 19) In the UK, the average cost of a murder investigation is over £1,000,000, and over one hundred women in the UK are killed every year, by a current or former partner. However, some of the costs associated with doing prevention work are significantly lower. For example, one school programme to prevent forced marriage, led by the Ashiana Network¹⁸ in London, cost only £31,000, and has resulted in 95% of girls feeling more confident about forming healthy relationships has prevented a number of forced marriages from taking place, and increased the confidence of staff.¹⁹ The work of Southall

¹⁴ Southall Black Sisters (2012) *Response to the Home Office Consultation on the Criminalisation of Forced Marriage*. SBS: London

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/157829/forced-marriage-response.pdf

¹⁵ Forced Marriage Unit (2008) *The Right to Choose: Multi-agency statutory guidance for dealing with forced marriage* <http://www.fco.gov.uk/resources/en/pdf/travel-living-abroad/when-things-go-wrong/fmu-right-to-choose.pdf>

¹⁶ Forced Marriage Unit (2012) *Report on the Implementation of the Multi-Agency Statutory Guidance for Dealing with Forced Marriage (2008)*. Foreign and Commonwealth Office and Home Office: London

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/136371/Guidance_for_dealing_with_forced_marriage_A4_v1.6_WEB.PDF.

¹⁷ Home Affairs Select Committee (2011) *Home Affairs Committee - Eighth Report: Forced marriage*. Home Affairs Select Committee: London

<http://www.publications.parliament.uk/pa/cm201012/cmselect/cmhaff/880/88002.htm>. Paragraph 27.

¹⁸ Ashiana Network <http://www.ashiana.org.uk/> Accessed: 08/05/13

¹⁹ Imkaan, Equality Now and City University (2011) *The Missing Link: A joined up approach to addressing harmful practices in London*. Greater London Authority: London <https://www.dropbox.com/sh/4zq0jgk4xyez91i/9xvCKa5r0H/The%20Missing%20Link%20Exec%20Summary%20September%202011.pdf> see also Ashiana Network (2011) *Journey Towards Safety*.

Black Sisters,²⁰ who carried out a pilot study using the 'whole schools approach' in preventing violence against Black, minority ethnic and refugee (BMER) women, including forced marriage, found a high success rate in increasing levels of awareness amongst teachers, young people and governors. In particular, it helped to change attitudes and behaviour amongst young people, who were more willing and informed about how to help victims.²¹ A key stumbling block is a major disconnect between this position and the UK Government's approach which emphasises 'localism' and promotes self-direction in education, health, criminal justice and local government priorities. In practice, this means that VAWG is either excluded from the curriculum completely, or tagged on to activities in an occasional lesson, 'drop-down' days and assemblies. This also means that local VAWG services, who have developed/adapted prevention programmes, and who are often poorly funded, are only able to get the work into schools when there is interest from the school's leadership.²²

The fact that many Muslim marriages go unregistered²³ also facilitates the practice of polygamy, and makes it more difficult for Muslim women to obtain their rights through the courts in the event of marital breakdown. In turn, this increases the likelihood that women will have to resort to bodies such as the Islamic Shariah Councils or Muslim Arbitration Tribunals in order to access divorce and obtain closure. (See Appendix: 31)

Forced marriage and health (See Article 12)

The health consequences of forced marriage have not been adequately addressed. Women and girls may experience self-harm, panic attacks, depression, psychosis and trauma and where there are gaps in responses this can result in either an exacerbation of perceived, or hidden mental health needs and issues. (See Appendix: 22) As well as education, health professionals have been identified as being less engaged on forced marriage yet should play a key role in identifying girls at risk. The recently published review of multi-agency guidelines found that "health services do not engage or work proactively to ensure staff are able to identify cases of forced marriage".²⁴

WRC: London

http://www.ashiana.org.uk/attachments/article/5/Ashiana%20SROI%20Report_2011.pdf

²⁰ Southall Black Sisters <http://www.southallblacksisters.org.uk/> Accessed: 22/04/13

²¹ Report forthcoming, contact Southall Black Sisters <http://www.southallblacksisters.org.uk/>

²² M. Larasi (2012) A different world is possible: United Nations commission on the status of women; fifty-sixth session 27 February – 9 March 2012, New York; interactive expert panel: Elimination and prevention of all forms of violence against Women and girls. Primary prevention of all forms of violence against women and girls; Marai Larasi, Co-chair End violence against women coalition, Director, Imkaan, United Kingdom; available at http://gender.wrp.org.tw/Uploads/%7B73D4320B-D270-4F67-81A2-88EA3B288877%7D_panel-proirity-theme-Marai-Larasi.pdf

²³ Talwar, D. (2010) 'Wedding trouble as UK Muslim marriages not recognised', *BBC News*, 3rd February 2010 <http://news.bbc.co.uk/1/hi/8493660.stm>

²⁴ Forced Marriage Unit (2012) *Report on the Implementation of the Multi-Agency Statutory Guidance for Dealing with Forced Marriage (2008)*. Foreign and Commonwealth Office and Home Office: London https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/136371/Guidance_for_dealing_with_forced_marriage_A4_v1.6_WEB.PDF

Early intervention

Despite well-established child protection policy in the UK, professionals often lack the confidence, skills and knowledge to utilise existing systems and therefore there is often an over-reliance on girls to come forward. Given that disclosure is more complex, i.e. girls are more likely to frame forced marriage in the context of a family/community expectation and have fewer opportunities for accessing external support, it is essential that agencies that are likely to come into contact with girls are more pro-active and skilled in identifying and appropriately responding to girls at risk. We are pleased that there are plans to embed forced marriage into child protection policy and practice. We would want to ensure that professionals receive consistent, good quality training, and that any guidelines are routinely implemented and that quality assurance mechanisms are robust to ensure consistency in practice.

BMER specialist women's services have historically held the expertise and experience of working on forced marriage and are frequently the very services that women and girls trust and are most likely to disclose to.²⁵ 99% of BMER women who had stayed in a specialist BMER women's refuge stated that it made them feel safer and protected and women were also more likely to engage with the criminal justice system once they had accessed support from a BMER specialist service.²⁶ Yet, services have remained fragmented and non-existent in some areas and inevitably women and girls will have fewer opportunities for safe disclosure and support. There are gaps in therapeutic support and consistent support for women at different points including points at which they are most at risk, i.e. disclosure, during legal proceedings, longer-term resettlement and support. For example, there are only two specialist forced marriage refuges in London.²⁷ (See Appendix: 5)

Levels of reporting are also low among some groups where factors such as age, disability, ethnic background and sexuality have an impact on disclosure. Targeted policy and service responses are lacking that address and respond to key risk factors including disability and sexuality. Equally, forced marriage affects a wide range of communities, including Irish Traveller, Afghan, South Asian, Kurdish, Iraqi Kurdish, Arab and some African communities. Yet, current service structures, policy approaches and messages reinforced by the media have led to a perception that this is an issue largely affecting Asian communities. The stereotyping and labelling of certain communities as being disproportionately affected by forced marriage, in turn prevents women and girls from some BMER groups who face similar issues from seeking assistance. Current levels of reporting

²⁵ Imkaan, Equality Now and City University (2011) *The Missing Link: A joined up approach to addressing harmful practices in London*. Greater London Authority: London
<https://www.dropbox.com/sh/4zqOjgk4xyez91i/9xvCKa5r0H/The%20Missing%20Link%20Exec%20Summary%20September%202011.pdf>

²⁶ Thiara, R. & Roy, S. (2012) *Vital Statistics 2*. Imkaan: London
<http://dl.dropboxusercontent.com/u/85173313/Vital%20Statistics%20Two%202012%20%28Low%20res%29.pdf>

²⁷ Imkaan, Equality Now and City University (2011) *The Missing Link: A joined up approach to addressing harmful practices in London*. Greater London Authority: London
<https://www.dropbox.com/sh/4zqOjgk4xyez91i/9xvCKa5r0H/The%20Missing%20Link%20Exec%20Summary%20September%202011.pdf>

highlight disparities in reporting among some groups and should be better integrated within future awareness-raising, policy and service planning.

Questions we would like the Committee to ask the UK Government:

- 1. Are there plans within this financial year for the Ministry of Justice to thoroughly review and evaluate the effectiveness and impact in the use of FMPOs?**
- 2. Will there be a national review of the impact of the new legislation – specific criminal offence?**
- 3. What mechanism would the Government have in place to provide long-term support services to under 18 year-olds who decide to report their parents/others to the police?**
- 4. What support measures will be in place to ensure adequate protection of victims and witnesses who are engaged in criminal proceedings?**
- 5. What quality assurance mechanisms will be in place to review the impact of changes within the child protection system and the training of staff?**
- 6. How will the Government ensure that the statutory and practice forced marriage guidelines are implemented?**
- 7. Will the Government work with the Department of Health to address gaps in health responses?**
- 8. What will be done to address the significant gaps in specialist BMER support services that address the need for crisis-based accommodation, ongoing and consistent case work support, outreach, resettlement and therapeutic support needs of women and girls? What will the Government do to ensure Local Authorities include forced marriage as a strategic priority within local VAWG/DV strategies?**
- 9. What will the Government do in response to the stereotyping of certain BMER groups which has a direct impact on lower levels of disclosure among some groups who are similarly affected by forced marriage but remain under-represented within current services?**
- 10. Will the Government develop a strategy on prevention to ensure that work in schools is delivered on a consistent level and how will VAWG experts be engaged in the delivery?**
- 11. Will the Government ensure that training is delivered to external professionals to an agreed quality standard to ensure quality responses to women and girls?**