

APPENDIX B

Based on the Multi-agency statutory guidance for dealing with forced marriage
<http://www.fco.gov.uk/resources/en/pdf/3849543/forced-marriage-right-to-choose>

Notes on Forced Marriages and Honour Based Culture

Forced marriage is closely linked to violence tolerated by Honour Based Cultures (HBC). It relates to “personal and family dignity, honour and prestige” and is often particularly related to the perceived behaviour of girls and women. Where someone is perceived to be “dishonouring” their family or community, violence, imprisonment or extreme emotional pressure, may be used against them, to make them conform. In the more extreme cases it can involve enforced suicide and murder. This can be with the community's tacit consent.

Forced Marriage can be defined as:

“a marriage where one or both spouses do not (or, in the case of some vulnerable adults, cannot) consent to the marriage and duress is involved.

Duress can include physical, psychological, financial, sexual and emotional pressure”.

Forced marriage always involves one or more elements of physical abuse, sexual abuse, emotional abuse and neglect. It can lead to suicide or murder.

The problem of forced marriages needs to be understood in terms of:

1. lead up to the marriage;
2. circumstances of the marriage;
3. circumstances after the marriage.

1. The Lead up to the Forced Marriage.

There is a strong cultural tradition in some south asian communities of:

- promising children as marriage partners at birth or a very early age (particularly to cousins);
- believing that girls should be married as soon as they reach puberty to protect their “honour”;
- demanding that girls should follow the instructions of their parents without question;
- withdrawing young people (particularly girls) from education;
- threatening disownment if children do not conform.

Families where children might be subject to forced marriage may not exhibit any problems. They are often very loving families where the parents' capacity to provide safety, emotional warmth and stability is excellent. The children are often high achievers at school, their health is good, they are well integrated into the local community and have good relations with the wider family .

Both male and female victims of forced marriage may feel that running away is their only option. However this may lead to social ostracism and harassment from the family and community. For many, this is simply not a price they are prepared to pay.

Families may solicit the help of others to find their runaways, or involve the police by reporting them missing or falsely accusing the young person of a crime (for example theft). Some families have traced individuals through medical and dental records, bounty hunters, private investigators, local taxi drivers, members of the community and shopkeepers, or through National Insurance numbers, benefit records, school and college records.

Social services may consider the family to be stable and loving and therefore see the young person as the problem. Not appreciating the threat, they can collude with the family in enforcing a return.

2. The Marriage

Some forced marriages take place in the UK with no overseas element, while others involve a partner coming from overseas or a British citizen being sent abroad.

Those forced marriages that take place in this country are often "religious" marriages not officially registered. However the couple are above the age of consent and proving that such marriages are forced is extremely problematic. The psychological and emotional pressure used by family and "friends" is usually sufficient to ensure compliance.

Where a forced marriage takes place overseas the young person involved may leave the country thinking they are going on a family holiday (although many may be either forewarned or realise what is going on). It may be the first experience of travelling abroad for the young person (who in some cases may be below the UK age of consent). If they are being held against their will, and forced to marry, there are various difficulties they may encounter if they want to return to the UK.

- they may find it impossible to communicate by telephone, letter and e-mail;
- they may not have access to their passport and money;
- women may not be allowed to leave the house unescorted;

- they may be unable to speak the local language;
- often individuals find themselves in remote areas where even getting to the nearest road can be hazardous;
- they may not receive the assistance they expect from the local police, neighbours, family, friends or taxi-drivers;
- some individuals may find themselves subjected to violence or threats of violence.

3. After the Marriage

Women forced to marry may find it very difficult to initiate any action to end the marriage and may be subjected to repeated rape (sometimes until they become pregnant) and ongoing domestic abuse within the marriage. In some cases, they suffer violence and abuse from the extended family often being forced to undertake all the household chores for the family. Victims frequently end up trapped in a relationship marked by physical and sexual abuse.

Some are left abroad for extended periods, which isolates them from help and support. Their interrupted education limits their career choices. Even if the woman manages to find work, however basic, they may be prevented from taking the job or their earnings may be taken from them. This leads to economic dependence, which makes the possibility of leaving the situation even more difficult. Some may be unable to leave the house unescorted – living virtually under house arrest.

The Local Authority

As forced marriage is a form of child/adult/domestic abuse, it should form part of existing child and adult protection structures, policies and procedures, and be responded to using existing frameworks for safeguarding children, protecting vulnerable adults and victims of domestic abuse.

Local authorities have a duty to make enquiries to decide whether they should take action to safeguard or promote the welfare of children who are suffering, or likely to suffer, significant harm.

Some procedures may inadvertently place a victim at risk of harm. In particular there can be danger in involving families, breaches of confidentiality and all forms of family counselling, mediation, arbitration and reconciliation. This is because these close knit communities co-operate in enforcing the Honour code.

The “One Chance Rule”.

Those with the power to intervene may only have one chance to speak to a potential victim and thus one chance to save a life. Only rarely will an individual disclose fear of forced marriage. Someone who fears they may be forced to

marry will often come to the attention of health professionals, police, social care services, education services or other professionals for various behaviours consistent with distress.

The Law

There are a number of civil and family orders that can be made to protect those threatened with, or already in, a forced marriage. For children, an application for a care or supervision order can be made under the Children Act 1989 or wardship proceedings may be issued in the High Court. Adults can seek an order for protection from harassment or non-molestation.

A Forced Marriage Protection Order can be sought under the Forced Marriage (Civil Protection) Act 2007 to protect both adults and children at risk of being forced into marriage and to offer protection for those who have already been forced into marriage. This Act is designed to enable the courts to tailor the terms of an order to protect and meet the specific needs of victims of forced marriage or potential forced marriage.

There are 3 types of applicant who may apply for a Forced Marriage Protection Order. They are:

- the victim;
- anyone on their behalf with the permission of the court;
- a relevant third party. (Local authorities can act as a relevant third party).