

PART 30

FORCED MARRIAGE GUIDANCE

Aims of this guidance

What is a forced marriage

Honour Based Violence

Legal Position

Impact on Children and Young People

Warning Signs of a Victim

**Arrival of a young person in the UK for
the purpose of a Forced Marriage**

Practical Guidance on initial disclosure

Information required for all cases

What happens after a referral

Referral Flowchart

1. Aims of this guidance

This guidance is for professionals working with children and young people from all agencies in Staffordshire. It details how concerns about young people who are facing the prospect of a Forced Marriage, or have married under duress, should be dealt with at the referral stage. Detailed guidance for professionals from Health, Police, Education and Social Care is currently available and will be updated in a multi agency format in 2009¹. This should also be referred to by professionals, particularly with regard to continuing protection of the young person. Much of the information in this SSCB guidance comes from the draft multi-agency practice guidance produced by the Government and focuses on why, when and how all agencies should refer concerns about forced marriage when they relate to young people living in Staffordshire who are under 18 years of age. Many of the concerns and procedures would also apply to vulnerable adults and those over the age of 18 years who are potentially subject to forced marriage. However, the Local Authority have specific responsibilities in respect to young people and this practice guidance reflects these statutory duties².

There are some significant differences between the referral of a concern about a young person being forced into marriage and other child protection referrals. Professionals must be aware that sharing information with a young person's parents, extended family or members of their community, could put the young person in a situation of significant risk. Any disclosure that indicates a young person may be facing a forced marriage must be taken seriously by professionals who should also realise that this could be 'one chance to save a life'.³

2. What is a 'Forced Marriage'

A clear distinction must be made between a forced marriage and an arranged marriage. Forced marriage is a marriage without the full and free consent of both parties. It is a form of domestic violence and an abuse of human rights. In an arranged marriage the family will take the lead in arranging the match but the couples have a choice as to whether to proceed. In forced marriage, one or both spouses do not (or, in the case of some disabled young people and some vulnerable adults, cannot) consent to the marriage and some element of duress is involved. Duress can include physical, psychological, sexual, financial and emotional pressure.

Forced marriage can happen to both men and women although most cases involve young women and girls aged between 15 and 30. The majority of cases of forced marriage reported to date in the UK involve South Asian families. This is partly a reflection of the fact that there is a large, established

¹ <http://www.fco.gov.uk/en/fco-in-action/nationals/forced-marriage-unit/info-for-professionals>

² Working Together to Safeguard Children 2006

³ Foreword – Forced Marriage Statutory Guidance Publication – The Right to Choose: Multi agency statutory guidance for dealing with forced marriage. HM Government 2008

South Asian population in the UK. However, it is clear that forced marriage is not solely a South Asian problem and there have been cases involving families from East Asia, the Middle East, Europe and Africa. 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.

Young People facing the prospect of a Forced Marriage may also, if they resist, be subjected to so called 'honour based violence'.

3. Honour Based Violence

The Association of Chief Police Officers in 2007 defined Honour Based Violence (HBV) as: 'a crime or incident, which has or may have been committed to protect or defend the honour of the family and/or community'.

So called HBV is a fundamental abuse of Human Rights. There is no honour in the commission of murder, rape, kidnap and many other acts, behaviour and conduct that make up 'violence in the name of honour'. The simplicity of the above definition is not intended in any way to minimise the levels of violence, harm and hurt caused by the perpetuation of such acts.

4. Legal Position

The minimum age of consent to marriage is 16. Young people between the age of 16 and 18 can only marry with parental consent unless they are a widow or widower. Although there is not a criminal offence of 'forcing someone to marry' within England and Wales there are a number of criminal offences which may be committed including:

- Threatening behaviour
- Theft (e.g. of passport)
- Assault – physical and sexual
- Kidnap, abduction and/or imprisonment
- Rape

The Forced Marriage (Civil Protection) Act 2007 received royal assent on 26th July 2007. The aim of the Act is to provide protection to those at risk of forced marriage and provide recourse for those who have already been forced into marriage. The Act gives the courts a wide discretion to deal flexibly with the circumstances of each individual case, without necessarily criminalising members of the family.

5. Impact on children and young people

Isolation is one of the biggest problems facing those trapped in, or under threat of, a forced marriage. They may feel they have no one to speak to about their situation. These feelings of isolation are very similar to those experienced by victims of other forms of domestic abuse and child abuse. Only rarely will someone disclose fear of forced marriage. Therefore, they will

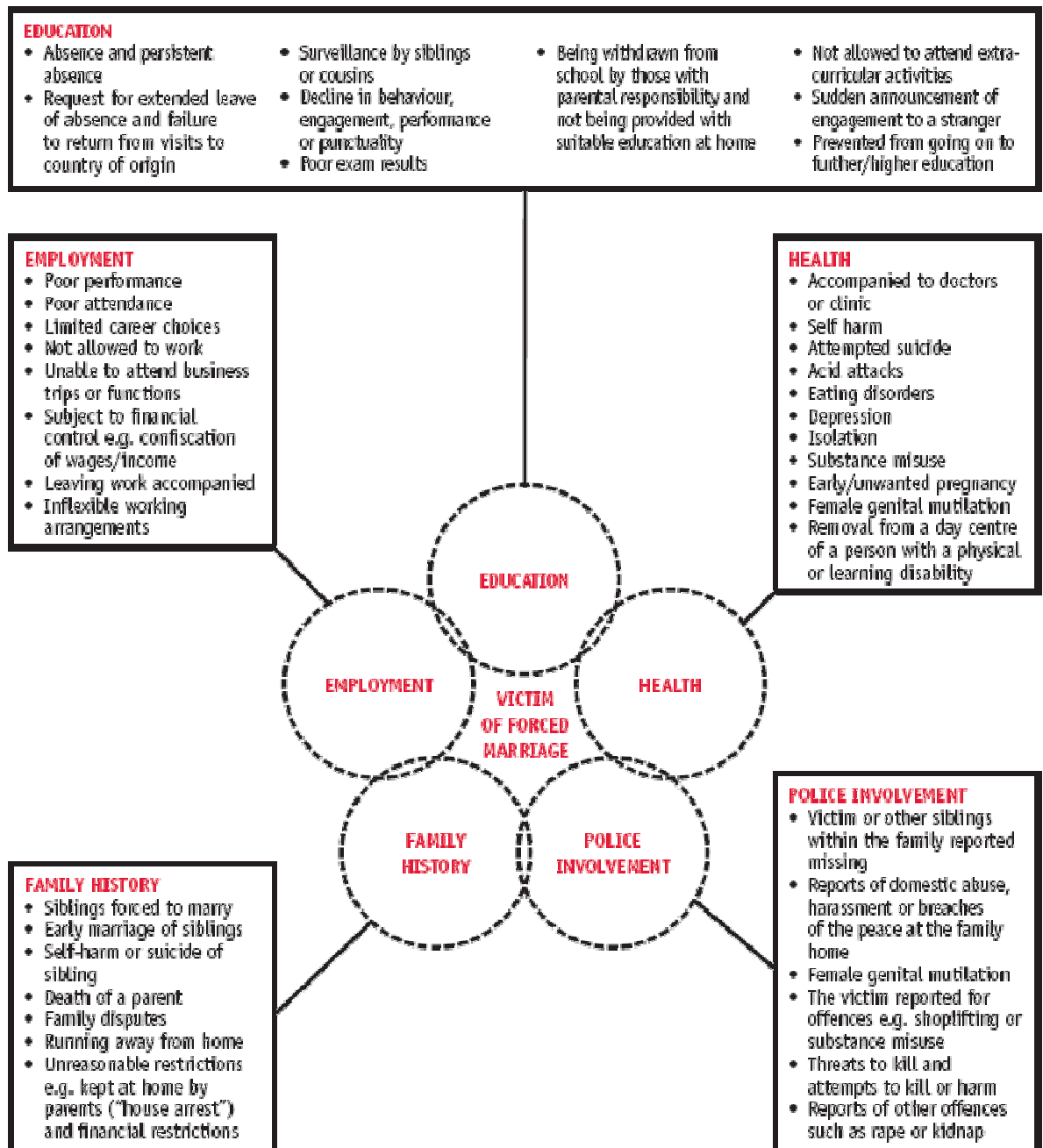
often come to the attention of health professionals, police, social care services or education professionals for various behaviours consistent with distress.

Young people forced to marry, or those who fear they may be forced to marry, are frequently withdrawn from education, restricting their educational and personal development. They may feel unable to go against the wishes of their parents and consequently may suffer emotionally, often leading to depression and self-harm. These factors can contribute to impaired social development, limited career and educational opportunities, financial dependence and lifestyle restrictions.

6. Symptoms and indicators

People facing forced marriage may appear anxious, depressed and emotionally withdrawn with low self-esteem. They may come to the attention of professionals for a variety of reasons some of which are described in the diagram:

WARNING SIGNS OF A VICTIM OF FORCED MARRIAGE



There have been occasions when women have presented with less common warning signs such as cutting or shaving of a woman's hair as a form of punishment for disobeying or perhaps "dishonouring" her family. In some cases, a girl may report that she has been taken to the doctors to be examined to see if she is a virgin. There have been reports of women presenting with symptoms associated with poisoning.

Professionals should be alert to potential warning signs and consider that forced marriage could be the reason. However, they should be careful not to assume that forced marriage is an issue simply on the basis that an individual presents with any of these problems. Of course, some of these warning signs could be indicative of other forms of abuse or neglect.

7. Arrival of a young person in the UK for the purpose of Forced Marriage

A young person may arrive in the UK for the purpose of a forced marriage, or may already have been forced into a marriage. However, the Home Office have raised the age of sponsorship for a marriage visa from 18 years to 21 years (November 2008), so this should reduce the number of young people presenting in this circumstance. These young people are in an extremely vulnerable position. They may not know anyone in this country who is not involved in the marriage. They may be frightened of the authorities, and be at risk of so-called 'honour based' violence if they are sent back to their countries of origin.

8. One Chance to Save a Life Practical guide for initial disclosure – Forced Marriage and Honour Based Violence (HBV)

Forced Marriage places children and young people at risk of rape and possible physical harm. Some reluctant spouses have been murdered. All agencies need to be aware of Forced Marriages and HBV, and the possibility of having to address the issues. Where information is available to any agency which gives rise to concerns about a forced marriage or HBV involving a child or young person under 18 it should be referred to the First Response Unit or the Police child abuse central referral unit, in line with the Staffordshire Safeguarding Children Board Referrals procedures⁴. **However, never inform the parents that the referral has been made.**

DO

- Believe the person. It is a life changing decision for the victim or person reporting to have come forward. You are their last resort.
- See the young person immediately in a private and confidential place where the conversation cannot be overheard
- See the young person on their own, even if they initially attend with others
- Obtain full details to pass on to First Response team and/or a trained specialist. See paragraph 8 for further guidance.
- Obtain a recent photograph and document any distinguishing features such as tattoos, birthmarks etc
- Establish the level of risk to safety (e.g. are they pregnant, do they have a secret girlfriend/boyfriend. are they secretly married)

⁴ www.staffscb.org.co

- Refer matter without delay either personally or via the Designated Person for child protection/safeguarding children (as per your agency procedures) who will contact the First Response team or the Police child abuse central referral unit
- Reassure the young person about confidentiality but make them aware of your duty to share information with social care/police if they may be at significant risk
- Establish a way of contacting them discreetly in the future e.g.
 - establish a code word to ensure you are speaking to the right person
 - if asked to send text messages, post or emails consider the risks of interception
 - establish a safe place to meet e.g. public place such as a library
 - contact via a trusted third party chosen by the young person
- Consider the need for immediate protection. (Only the Police can take the young person into immediate protection using Police Protection Powers)
- Develop a safety plan in case they are seen with you – e.g. prepare another reason why you are meeting
- Establish if there is a family history of forced marriage
- Advise them not to travel overseas if it can be avoided
- Maintain a full record of the decisions made and the reasons for those decisions
- Information from case files and database files should be kept strictly confidential and preferably restricted to named members of staff only.
- Give the person information leaflets/contact numbers for the Forced Marriage Unit⁵ and local support agencies e.g. Karma Nirvana⁶
- Give personal safety advice e.g.
 - Who they go to in the case of an emergency
 - leaving copies of important documents such as passport, National Insurance number and birth certificate with police, social care services or a trusted friend
 - leaving spare clothing and cash etc. with a trusted friend
 - Keeping helpline numbers close at hand
 - Having a telephone card or change for urgent phone calls

⁵ Forced Marriage Unit, Foreign and commonwealth Office Tel. 020 7008 0151;
 email: fmf@fco.gov.uk
 Web: www.fco.gov.uk/forced marriage

⁶ Karma Nirvana: 0800 5999 247, Refuge: Burton – 01283 510887, Stoke – 01782 814573; mobile – 07725245383; The Freephone 24 hour National Domestic Helpline: 0808 2000 247

DO NOT

- X Treat such allegations as merely a domestic issue and send the young person home
- X use an interpreter who is a member of the family, a friend or member of the local community
- X contact the family in advance of any section 47 enquiry
- X approach the young person's family, friends or those people with influence in the community
- X attempt any form of mediation
- X share information outside of child protection information-sharing protocols
- X Breach confidentiality except where necessary in order to safeguard the young person

9. Information required for all cases

Subject to the need for safety and confidentiality in making enquiries, the following information and documentation should be acquired if possible. It is important to get as much information as possible when a case is first reported, as there may not be another opportunity for the individual reporting to make contact. The case may be reported by a third party or the individual under threat. Whoever reports the case you should record:

- the date of disclosure
- details of third party if disclosure about another person
- name of person under threat
- address
- nationality
- age
- date and place of birth
- passport details if known
- school/college details
- employment details
- full details of allegation
- names and address of parents or those with parental responsibility
- national insurance number if known
- driving licence number if applicable
- names and contact details of friends and family who the young person feels can be trusted

If a young person discloses that they are being taken overseas and suspect that it is in order to be forced into marriage, additional information should be obtained when possible:

- ✓ A photocopy of their passport for retention. Encourage them to keep details of their passport number and the place and date of issue.

- ✓ As much information as possible about the family (this will need to be gathered discreetly), including:
 - Any address where they may be staying overseas
 - Potential spouse's name (if known)
 - Date of the proposed wedding (if known)
 - The name of the potential spouse's father (if known)
 - Addresses of the extended family in the UK and overseas.
- ✓ Information that only the person would be aware of (this may assist any subsequent interview at an Embassy/British High Commission in case another person of the same age and gender is produced pretending to be them)
- ✓ Details of any travel plans and people likely to accompany them
- ✓ Names and addresses of any close relatives remaining in the UK
- ✓ A safe means by which contact may be made with the person e.g. a mobile telephone that will function overseas. Record the number
- ✓ An estimated return date. Ask that the person contacts you **without fail** on their return
- ✓ A written statement by the person explaining that they want the police, children's social care, a teacher or a third party to act on their behalf if they do not return by a certain date.

REMEMBER

If the family are approached, they may deny that the young person is being forced to marry, move them, expedite any travel arrangements and bring forward the forced marriage. You may also be putting the young person at risk of so called 'Honour based'⁷ violence which has, on occasions, resulted in murder.

10. What happens following a referral (also see flowchart overleaf)

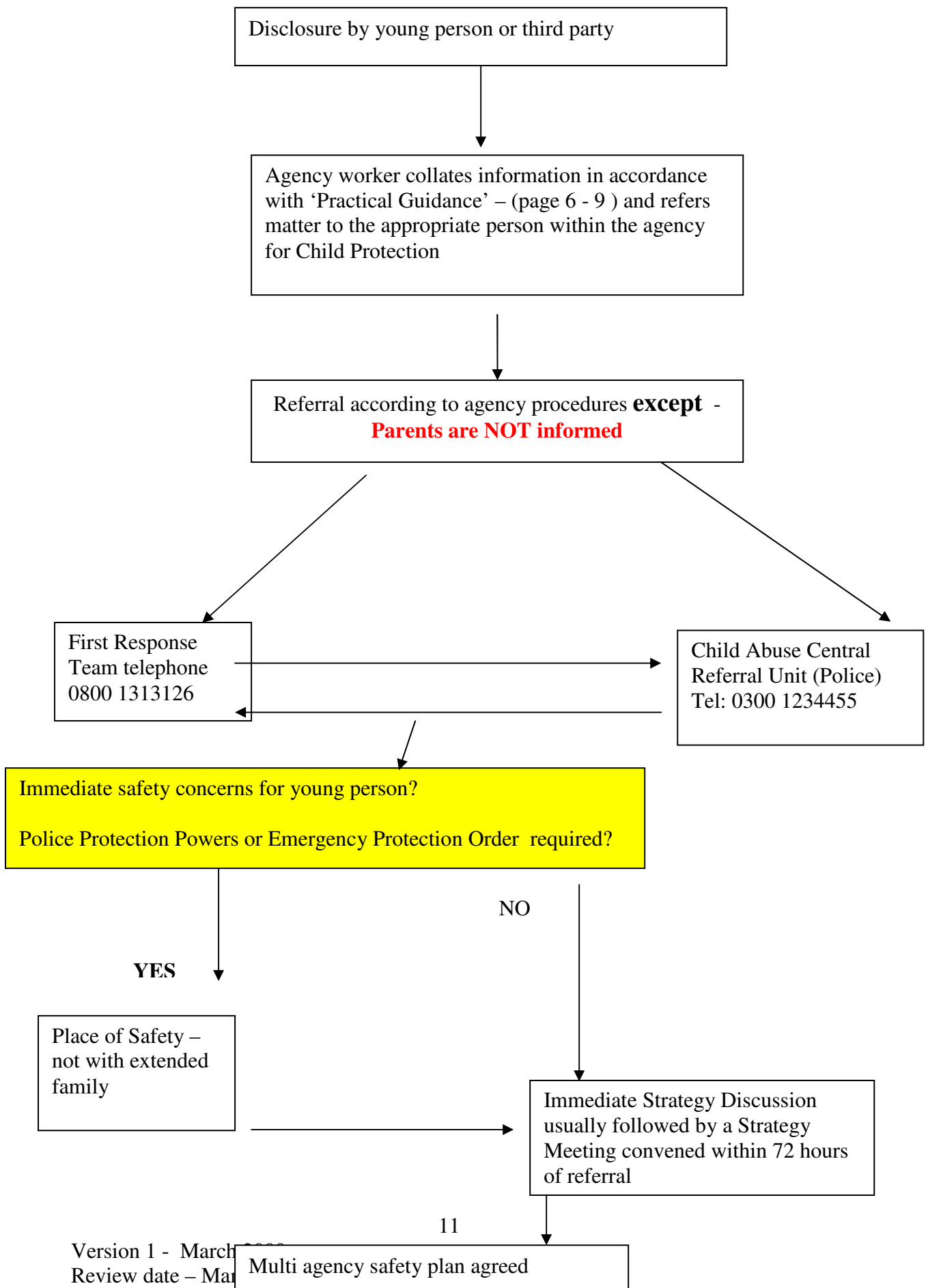
Section 47 enquiries will be made by Children's Social Care and the Police. If the young person wishes to remain in the family home it is essential to devise a way of contacting them discreetly without placing them at increased risk. This should include an agreed code word. A plan will need to be put in place for a young person who may wish to leave the family home if the situation deteriorates. This will need to address issues such as a place of safety. If a child is in immediate danger, it will be necessary to remove them from the family home by means of Police Protection Powers or an Emergency Protection Order. In this situation it is not appropriate to rely on the external family to provide a place of safety. It may be necessary to place the young

⁷ See section 3 for definition

person in a placement outside of their community, or in a different local authority area.

Following referral and initial enquiries there will be a section 47 strategy meeting to include Police, Children's Social Care, Health and, where applicable, Education representatives. Information about how the child is to be protected will be shared at this time, and any actions for individual agencies agreed. The safety of any siblings in the family will also need to be considered.

Flow Chart: Referral



References:

The Right to Choose – Multi-Agency Statutory Guidance for dealing with Forced Marriage: <http://www.fco.gov.uk/resources/en/pdf/3849543/forced-marriage-right-to-choose>

Working Together to Safeguard Children – 2006 (HM government)

Multi-Agency Practice Guidelines: Handling Cases of Forced Marriage 2009
<http://www.fco.gov.uk/resources/en/pdf/3849543/forced-marriage-guidelines09.pdf>

Staffordshire Safeguarding Children Board Interagency Procedures:
www.staffsscb.org.uk