

FORCED MARRIAGE: SAFEGUARDING CHILDREN AND YOUNG PEOPLE

**Safeguarding Children and Young People
North East England
Regional Inter-agency Procedures**

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In order to produce the documents, a regional project was initiated and sustained by a multi-agency partnership working across the twelve local authority areas in the North East of England. Extensive inter-agency consultation took place on the draft documents, with the final versions being amended on the basis of the responses.

Thanks are due to everyone involved, either in the project or reading the drafts and responding to them. Particular thanks for producing this document goes to Darlington Area Child Protection Committee.

PREFACE

Status of the Document

The procedures in this document apply to all staff of agencies represented on the Area Child Protection Committees (ACPCs) and Local Safeguarding Children Boards (LSCBs) in the North East of England. Staff of these agencies should:

- Comply with the procedures contained in this document, unless there are exceptional reasons, which should be recorded.
- Take account of the rest of the contents.

ACPCs/LSCBs and their constituent agencies should ensure that any other inter-agency or internal procedures/guidance/protocols are consistent with this document.

Principles

- All children and young people should be safe and able to develop to their full potential.
- The needs of the child or young person are paramount and should underpin all work to safeguard children and young people.
- All children and young people deserve the opportunity to achieve their full potential.
- All children and young people have the right to be safeguarded from harm and exploitation whatever their:
 - Race, religion, nationality, first language or ethnicity
 - Gender or sexuality
 - Age
 - Health or disability
 - Location or placement
 - Criminal behaviour, where this applies
 - Political or immigration status.
- Responsibility for the protection of children and young people must be shared because they are safeguarded only when all relevant agencies and individuals accept responsibility and co-operate with one another.
- Statements or allegations about abuse or neglect, made by children and young people, must always be taken seriously.
- The wishes and feelings of children and young people, which are vital elements in assessing risk and formulating protection plans, must always be sought and given weight, according to the level of understanding of the child or young person.
- During enquiries, the involvement and support of those who have parental responsibility for, or regular care of a child or young person, should be encouraged and facilitated, unless doing so compromises that enquiry or the immediate or long term welfare of the child or young person.

“The basic requirement that children are kept safe is universal and cuts across cultural boundaries. Every child living in this country is entitled to be given the protection of the law, regardless of his or her background. Cultural heritage is important to many people, but it cannot take precedence over standards of childcare embodied in law. Every organisation concerned with the welfare and protection of children should have mechanisms in place to ensure equal access to services of the same quality, and that each child, irrespective of colour or background, should be treated as an individual requiring appropriate care.”

Victoria Climbié Inquiry Report 2003.

1. LEGISLATION - MAIN ACTS

The Children Act 1989

Marriage Act 1949

Matrimonial Causes Act 1973

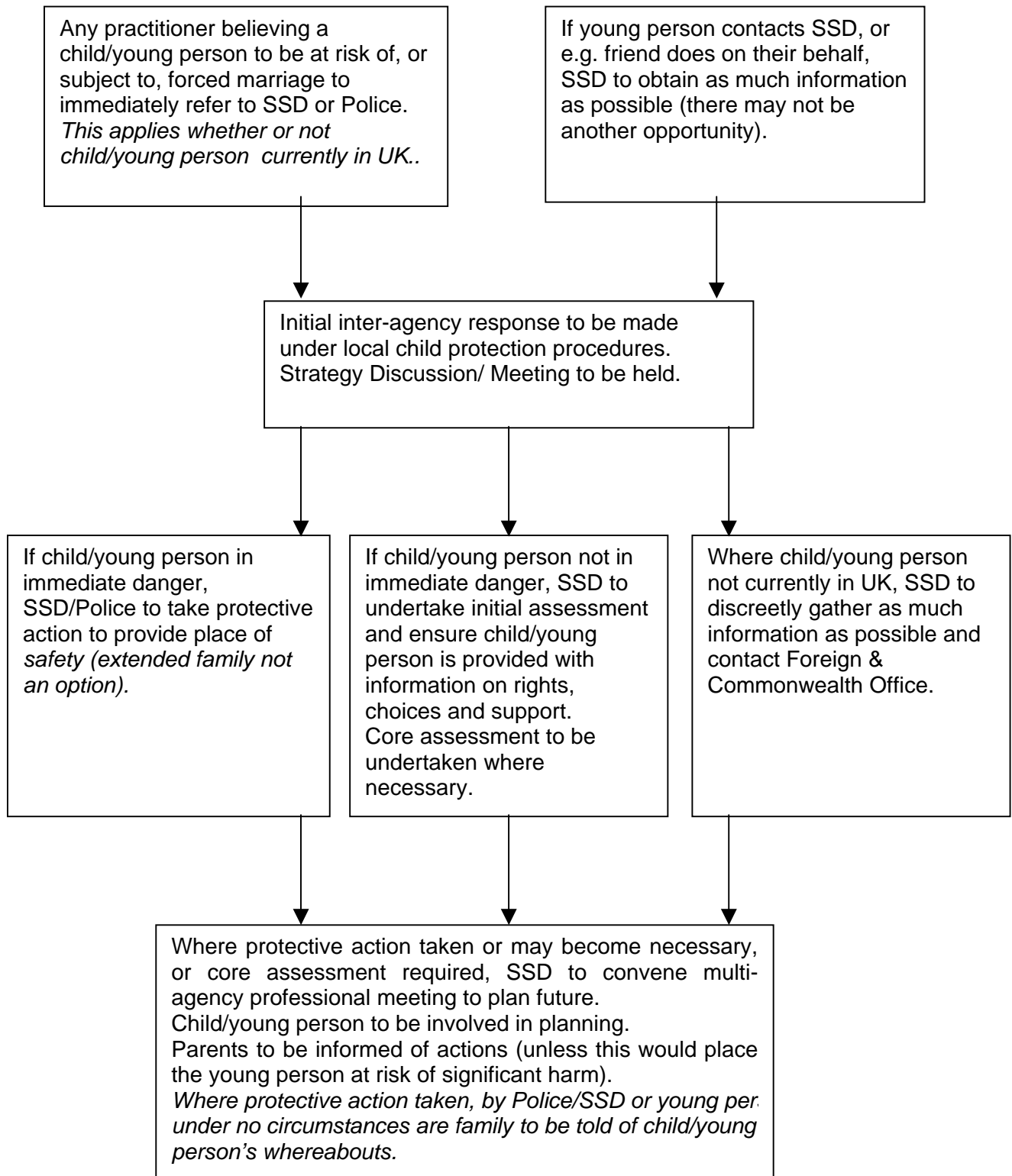
Offences

Possible Legislation

(See Appendix 1 for further information).

2. INTER-AGENCY PROCEDURES

2.1 Flowchart Forced Marriage



2. INTER-AGENCY PROCEDURES

2.1 Flowchart Forced Marriage

See Flowchart on previous page.

2.2 What Forced Marriage Means

In forced marriage, one or both spouses do not consent to the marriage and some element of duress is involved. Duress includes both physical and emotional pressure.

Forced marriage is primarily, but not exclusively, an issue of violence against females. Most cases involve young women and girls aged between 13 and 30, although there is evidence to suggest that as many as 15 per cent of victims are male. These procedures are aimed at dealing with forced marriage for children/young people aged under 18 years old.

Forced marriage is a human rights abuse. It can constitute both child abuse and sexual abuse. The United Nations considers it a form of trafficking, sexual slavery, and exploitation. Some, however, still see it as a private, personal, domestic, family, religious, or cultural issue. It is none of these – it is an example of abuse.

A clear distinction must be made between a **forced** marriage and an **arranged** marriage. The tradition of arranged marriages has operated successfully within many communities and many countries for a very long time. In arranged marriages, the families of both spouses take a leading role in arranging the marriage but the choice of whether or not to accept the arrangement remains with the young people.

2.3 National Guidance

These Procedures are for all staff of ACPC/LSCB agencies in the North East. Staff employed by Social Services, Police and Education should also note the more detailed requirements of their specific national guidance:

- 'Young People & Vulnerable Adults Facing Forced Marriage; Practice Guidance for Social Workers'
- 'Dealing with Cases of Forced Marriage: Guidelines for Police'
- 'Dealing with Cases of Forced Marriage: Guidance for Education Professionals'

2.4 Confidentiality

Confidentiality is an extremely important issue for any child/young person threatened with, or already in, a forced marriage.

Very careful consideration must be given in relation to who is to be given what information, which must be on a 'need to know' basis only. This applies to practitioners as well as members of the family or the community. Any disclosure, which could lead to the child/young person being traced, could put her or him at considerable risk of harm from family or others.

Approaches must not be made to the child/young person's family, friends or those with influence within the community, without the express consent of the child/young person.

Information is not to be shared with anyone, without the express consent of the child/young person, unless it is necessary to do so in order to protect her or him. The best interests of the child/young person must be the paramount consideration.

In order to trace the whereabouts of a child/young person, sometimes families use organised networks, which can include family and community members, bounty hunters, taxi drivers, shop keepers and people who have access to records such as staff from Benefits Offices, GP Surgeries and Housing Departments. Information on case files and database files should be kept strictly confidential and preferably restricted to named members of staff only, in all involved agencies. All professionals and particularly those in Social Services, should very carefully consider, in these special circumstances, what information is placed on accessible computer systems, own agency records, and reports to, and records of, inter-agency discussions/meetings.

Social Workers and other practitioners may be placed under pressure from relatives, councillors, MPs and those with influence within the community to say where a young person is. Under no circumstances is this information to be divulged.

2.5 Referral to Social Services or Police

Information about a possible or actual forced marriage may come from the child/young person concerned or a friend or relative. It may also become apparent in relation to other family issues, such as domestic violence, self-harm, teenage pregnancy, child abuse or neglect, family conflict or when a child/young person has gone missing.

Any practitioner, from any agency, or any member of the public, who has reason to believe that a child/young person may be at risk of forced marriage, or has been subject to forced marriage, whether or not the child/young person is thought currently to be in this country, must immediately refer to Social Services or the Police.

Where the Police are the first to be informed, they are to refer to Social Services without delay.

2.6 Social Services Response to Referral

If the first contact to Social Services is by the child/young person, or a friend on their behalf, every effort is to be made to obtain as much information as possible at that point, as there may not be another opportunity.

Forced marriage places children and young people at considerable risk of rape and possible physical harm, including murder. Due to the complex and sensitive issues involved in relation to forced marriage, such referrals are to be brought to the attention of the Social Services Child Protection Manager (or equivalent) without delay. Either the Child Protection Manager or a Social Worker specialising in forced marriage should give advice in handling the issues raised and provide continuous consultation and supervision for the Social Worker(s) who work with the child/young person.

All referrals about possible/actual forced marriage are to initially be dealt with under child protection processes and an inter-agency Strategy Meeting/Discussion held.

2.7 Strategy Meeting/Discussion

A Strategy Meeting/Discussion must be held within one working day. The need for immediate protection and placement away from home must be considered. If the young person is in immediate danger, then protective action must be taken, either through Police Protection or an Emergency Protection Order. Note that extended family are not an option for placement and it may be that placement needs to be out of the local authority area, in order to protect the child/young person.

Decisions are to be made in relation to legal proceedings and advice sought, from the local authority Legal Adviser, as to the most appropriate legal steps to be taken.

Where the professionals involved in the Strategy Meeting/Discussion consider that the child/young person is not in immediate danger, arrangements should be made for an initial or core assessment, as per the 'Framework for Assessment of Children and their Families' (DOH 2000) also for the child/young person to be provided with information on rights, choices and support services in relation to forced marriage.

Parents should be informed of actions, unless to do so would place the young person at risk. **If protective action has been taken, parents are not to be informed of a young person's whereabouts.**

Where the child/young person concerned is not in the United Kingdom, the professionals at the Strategy Meeting/Discussion are to make arrangements for as much information as possible to be discretely gathered and for the Community Liaison Unit at the Foreign and Commonwealth Office to be contacted. (See Appendix 2: Useful Contacts).

2.8 Further Planning

Wherever there is protective action, or a core assessment, there is to be a multi-agency professional meeting to plan the future for the child/young person. This should be held at the earliest opportunity. The child/young person is to be fully involved in the planning.

Parents should be informed of actions, unless to do so would place the young person at risk.

2.9 Medical Examination

If it is necessary to arrange a medical examination for emotional or physical illness or to give attention to injuries, this should be undertaken in accordance with local child protection procedures. However, there must be consideration as to whether using any medical practitioner from the local ethnic community may jeopardise or threaten the security of the young person. If there is seen to be a risk, then medical assistance is to be sought through another route.

2.10 Interpreters

Where necessary, the services of an Interpreter should be sought. Careful consideration needs to be given as to the choice of the Interpreter and to the information to which s/he is to be made party. There must be consideration as to whether using an Interpreter from the local ethnic community may jeopardise or threaten the security of the young person. If there is seen to be a risk, then interpreting services should be sought elsewhere.

Interpreters should be subject to references and Criminal Records Bureau checks. A written agreement regarding confidentiality of information should be signed. Wherever possible, the interpreter should be interpreting from his or her first language.

3. INFORMATION TO ASSIST GOOD PRACTICE

The information in this section is taken from 'Young People & Vulnerable Adults Facing Forced Marriage'.

3.1 Religion and Culture

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.

Some parents believe that they are upholding the cultural traditions of their home country when in fact practices and values have changed. Some parents come under significant pressure from their extended families to get their children married.

3.2 Key Motives

Some of the key motives that have been identified are:

- Controlling unwanted behaviour and sexuality (including perceived promiscuity, or being gay, lesbian, bisexual 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 ideals.
- Protecting perceived religious ideals (which are misguided).
- Preventing 'unsuitable' relationships, e.g. outside the ethnic, cultural, religious or caste group.
- Assisting claims for residence and citizenship.
- Fulfilling long-standing family commitments.

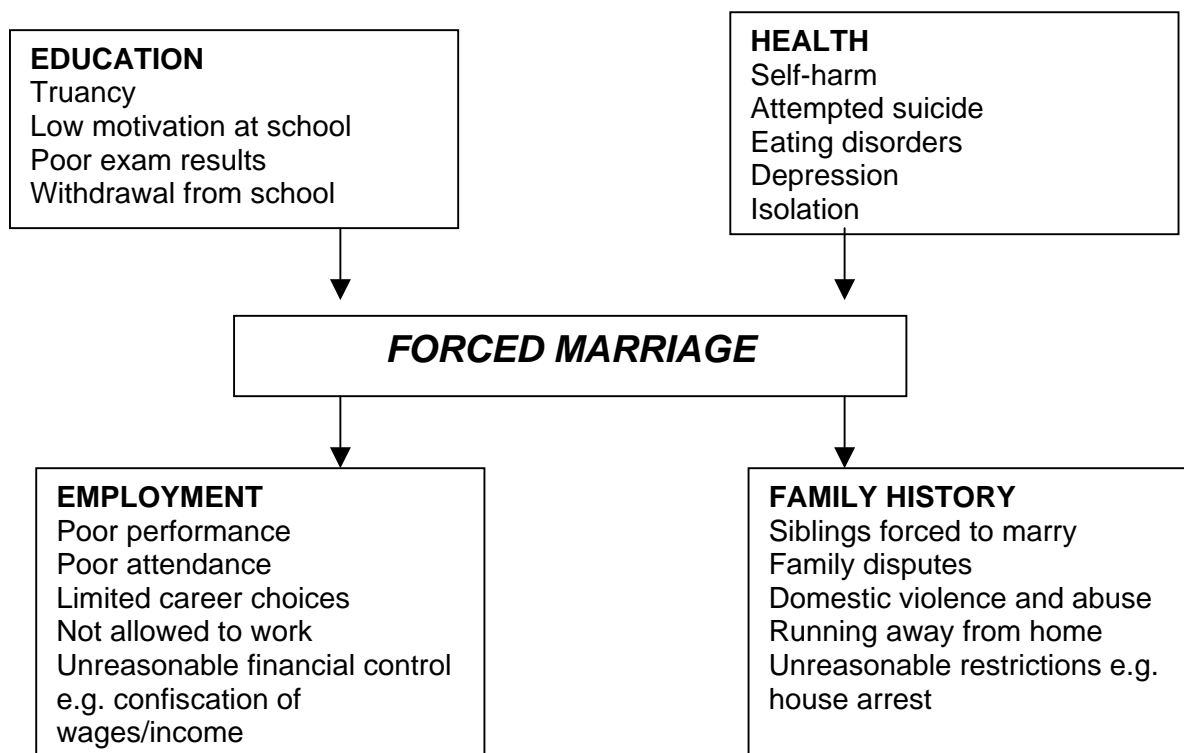
While it is important to have an understanding of the motives that drive parents to force their children to marry, these motives should not be accepted as justification for denying them the right to choose a marriage partner.

3.3 Incidence of Forced Marriage

Around 250 cases of forced marriage are reported to the Foreign & Commonwealth Office each year. Many more cases come to the attention of the Police, Social Services, health, education and voluntary organisations. Many others go unreported. With greater awareness, the number of cases reported is likely to increase.

The majority of cases of forced marriage encountered in the UK involve South Asian families. This is partly a reflection of the fact that there is a large, established South Asian population in the UK. Indeed, 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. These guidelines deal with these different situations.

3.4 Awareness



Source: 'Young People & Vulnerable Adults Facing Forced Marriage; Practice Guidance for Social Workers'

The factors in the above diagram collectively or individually, may be an indication that a young person fears they may be forced to marry, or that a forced marriage has already taken place. (It should not however be assumed that a young person is facing forced marriage simply on the basis that they present with one or more of these factors).

3.5 A Multi Agency Approach

The needs of victims of forced marriage cut across service providers' boundaries. It is very unlikely that any one agency will be able to meet all the needs of a young person where forced marriage is an issue.

3.6 Education

Education staff are expected to work to the guidance contained in 'Dealing with Cases of Forced Marriage: Guidance for Education Professionals' (DfEs 2005).

Forced marriage directly impedes a school's ability to fulfil its duty under the Race Relations (Amendment) Act 2000 to promote equality of opportunity for all its pupils.

The Foreign and Commonwealth Office (FCO) witnesses a severe upturn in cases being reported in the run up to the summer holidays. This is because the holidays are an extended break, ideal for taking young people overseas to force them into marriage. As a result this is a key period of the year for identifying cases of the abuse and taking action to prevent forced marriages going ahead.

Potential warning signs for educational professionals:

- A sudden drop in performance, aspirations and motivation e.g. “What’s the point? I’ll be married in a year”.
- A student coming to school but then truanting from lessons. Often young people at risk of a forced marriage are living in virtual imprisonment so school time is their ‘free’ and ‘unsupervised’ time to do ordinary adolescent activities that others do on weekends with their friends.
- Considerable absence authorised by parents for reasons of sickness and family commitments or other commitments overseas. There could be a history of extended family holidays overseas often interrupting the school term.
- History of older siblings also leaving education early and marrying early.
- Self-harming, anxious and depressive behaviour including anorexia, mental health disorders, self cutting, substance abuse, shoplifting, very withdrawn behaviour, very low self-esteem and difficulties in expressing own needs and making decisions.
- The student seems to be subject to excessive restriction and control. This can include:
 - Not being allowed to attend extra-curricular or after school activities.
 - Being accompanied to and from school and during lunch-breaks - never being left alone.
 - Being excessively worried about being seen in company of opposite sex or of different racial and religious groups.

In dealing with situations of possible forced marriage, schools and colleges may be able to provide further detailed information about a young person’s family and the area overseas from which they originate.

3.7 Health

Cases of forced marriage may come to the attention of any health professional. Indicators may include:

- Self harm
- Attempted suicide
- Eating disorders
- Depression
- Isolation
- Injuries as a result of domestic violence.

Some young people who are disabled or have learning disabilities may be forced to marry.

(This does not mean an assumption can be made that a young person is facing forced marriage simply on the basis that one or more of the above factors is relevant).

3.8 Connexions

Connexions staff may identify children/young people who are at risk of, or subject to, forced marriage.

3.9 Housing Departments and Benefit Agencies

These departments may be able to provide Social Services and Police with useful information relating to the families of a child/young person who may have been forced to marry. Housing Departments consider forced marriage an aspect of domestic violence and this ensures these young people are given priority when considering accommodation.

There are many parallels between fleeing from domestic violence and child abuse. It is possible that the systems and partnerships already in place for victims of domestic violence and child abuse can be used for victims of forced marriage.

The Homelessness (Priority Need for Accommodation – England) Order 2002 came into effect on 31st July 2002. It extended the number of homeless people with a 'priority need' for accommodation who are entitled to be housed under the homelessness legislation. The aim of these changes is to ensure that the greatest protection is given to the most vulnerable people and to those who historically have been found to be at greatest risk of ending up on the streets.

3.10 Local Support/ Counselling Services

Community based organisations, namely Youth and Children's Groups, Advocacy Services for children and young people and other local groups have a wealth of expertise and knowledge. These services are widely seen to be non-judgemental and understanding and are often accessible due to reasons of gender, culture or language. These organisations may be able to offer victims long term support, counselling and advocacy. The guidance to Social Workers says that care should be taken to ensure that these services act in the best interests of the child/young person.

3.11 The 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 professionals. 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.

The staff can offer advice and assistance to individuals who:

- Fear that they are going to be forced into a marriage (in the UK or overseas).
- Fear for a friend or relative who may be forced into a marriage (in the UK or overseas).
- Have been forced into a marriage and do not want to support their spouse's visa application.

The staff can assist professionals by:

- Providing information about existing networks within the UK, including Social Services, Police and non-governmental organisations.
- Providing advice about legal remedies in the UK and overseas.

(Monday – Friday 09.00 – 17.00)
The Forced Marriage Unit
Room G/55
Old Admiralty Building
Whitehall SW1A 2PA
Telephone: 020 7008 0135/0230/8706
Email: fmu@fco.gov.uk

For out of hours emergencies telephone 020 7008 1500 and ask to speak to the Foreign & Commonwealth Office Response Centre

3.12 Police

Police Officers are expected to work to the guidance in 'Dealing with Cases of Forced Marriage: Guidelines for Police' Foreign and Commonwealth Office and Association of Chief Police Officers 2004.

In dealing with situations of possible forced marriage, the Police can assist Social Services in gathering information about a child/young person and their family. They may have documented evidence of previous incidents relating to other siblings. They can assist in protecting a child/young person if they are at risk of significant harm and in need of immediate protection.

Where there is reasonable cause to believe that a child/young person is at risk of significant harm, a Police Officer can (with or without the co-operation of Social Services) remove the child/young person from the parent and place them under Police Protection' (s46 Children Act 1989) for up to 72 hours. Social Services have a duty to find safe and secure accommodation for a child/young person taken under Police Protection. (Note that Home Office guidance states that a child remaining under Police Protection for the full statutory limit of 72 hours should be the exception not the norm and where possible an Emergency Protection Order should be sought by Social Services as soon as possible).

Police Officers dealing with a child/young person involved in a forced marriage situation are expected to ensure that they inform the Police Child Protection Unit/Vulnerability Unit (or equivalent). Police Officers are also expected to respect the wishes of the child/young person in respect of the gender of the Police Officer they speak with and whether or not they wish to speak with a Police Officer from their own community.

The Police are required to consider whether a child/young person making allegations about forced marriage should be interviewed in accordance with Achieving Best Evidence in Criminal Proceedings; Guidelines for vulnerable or intimidated witnesses, including children Home Office 2001.

3.13 Social Services

Social Workers and their managers, dealing with cases of possible forced marriage, are expected to be familiar with, and work to, the comprehensive guidance set out in 'Young People and Vulnerable Adults Facing Forced Marriage: Practice Guidance for Social Workers' DfES, Foreign & Commonwealth Office, ADSS, DOH 2004.

Cases of forced marriage can involve complex and sensitive issues. It is expected by the national guidance that such cases receive the attention of the Social Services Manager responsible for child protection. This further states that, if the child/young person attends Social Services, s/he is to:

- Be seen immediately in a secure and private place.
- Be seen alone, even if they attend the office with others.
- Have all the options explained to them and have their wishes recognised and respected.
- Be reassured of confidentiality by Social Services.
- Be considered for immediate protection and placement away from home.

It stresses that in all cases 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. Further, that wherever possible the following should be obtained:

- Details of the person making the report and their relationship with the young person.
- Details of the young person concerned, including:

- Nationality
- Date and place of birth
- Passport details
- School details
- Employment details
- Name and address of parents.
- Full details of the allegation.
- Friends and family members who the young person can trust.
- Any background information such as schools attended, involvement by Police, Doctors or other health services.
- Recent photograph or other identifying documents.
- Whether there is a family history of forced marriage and abuse and whether any other family member is at risk of forced marriage.
- Whether the young person is pregnant or has a secret boyfriend/girlfriend, is already secretly married or is self-harming.

Additional factors in all cases are that:

- Information should be kept strictly confidential and be restricted to named members of staff only.
- Where possible, the young person should have the choice of gender and race of the Social Worker who deals with their case.
- The young person should be:
 - involved in discussion, together with the Police and other relevant professionals
 - given personal safety advice (which is detailed within the national guidance)
 - informed of their right to seek legal advice and representation
 - given contact details for their Social Worker/Manager.
- There should be liaison with the Social Services legal representatives.
- Any injuries should be documented and a medical examination undertaken where appropriate.
- A code word should be established to ensure that the Social Worker is speaking to the right person.

The national guidance stresses that the following must **not** happen:

- The matter being treated as a domestic issue, with the young person being sent back to the family home.
- Ignoring what has been said or dismissing the need for immediate protection.
- Approaching the young person's family, friends or those with influence within the community, unless there is the express consent of the young person.
- Contacting the family in advance of any enquiries, either by telephone or letter.
- Sharing information outside child protection processes without the express consent of the young person.
- Breaching confidentiality except where this is to ensure the young person's safety.
- Placing the child/young person with extended family.
- An attempt at mediation or reconciliation (which can be extremely dangerous to the child/young person).

3.14 Main Types of Situation

The document 'Young People & Vulnerable Adults Facing Forced Marriage; Practice Guidance for Social Workers' gives comprehensive information about the five types of situation that professionals are likely to encounter when dealing with cases of forced marriage, the choices for the young person and the actions that professionals can take. Brief outlines are given below:

3.15 A young person who fears they may be forced to marry in the UK or overseas

A young person may approach an agency because they are going on a family holiday overseas and they are concerned that there is an ulterior motive, which is to force them to marry.

The guidance cautions against making an assumption that there is a risk of forced marriage simply because an extended family holiday is being planned, as assumptions and stereotyping can cause considerable distress. It is expected that the Social Worker will make all efforts to establish the full facts at the earliest opportunity and, as necessary, liaise closely with the Community Liaison Unit at the Foreign and Commonwealth Office.

Choices for the child/young person

- Remain with their family and try to resolve the situation – this can however place the young person in danger.
- Accede to the family's wishes – this means the young person returning to an abusive situation.
- Flee the family – which will likely mean that the family will report the young person to the Police as missing.
- Seek legal protection.

Social Services/Police response and legal options (as given in national guidance)

Protection can be afforded by one or more of the following:

- Police Protection under Section 46 of the Children Act 1989.
- Emergency Protection Order (EPO) under Section 44 of the Children Act 1989.
- Care proceedings.
- Wardship.
- Prohibited Steps Order.

An application may be made to court for an Emergency Protection Order, without giving notice to the parents if this is necessary to protect the young person. In exceptional cases, where the application is particularly urgent, it can be made by telephone.

3.16 A report by a third party of a young person having being taken abroad for the purpose of a forced marriage

Sometimes young people are taken overseas on the pretext of a family holiday, the wedding of a relative or the illness of a grandparent; however, on arrival their documents and passports are taken away. In these cases, it may be a concerned friend or relative or teacher who reports the young person is missing.

Social Services response (as given in national guidance)

The guidance gives the following main points:

- That confidentiality and discretion are crucial.
- Intelligence about the family should be gathered discreetly.
- There should be close working with the Community Liaison Unit at the Foreign and Commonwealth Office and through them the local Embassy/British High Commission.
- There should not be an attempt to immediately contact an overseas organisation to make enquiries, as this could increase the risk to the child/young person.

- There should be extreme care not to disclose information to overseas police or any other overseas organisation that could place the young person in further danger e.g. disclosure about previous/current boyfriends or partners in the UK.

Legal position

The normal course of action is to seek the return of the young person to the jurisdiction of England and Wales by making them a Ward of Court. An application for wardship is made to the High Court Family Division, and may be made by a relative, a friend close to the young person, or by the Forced Marriages Team of the Foreign and Commonwealth Office. If the Foreign and Commonwealth Office makes the application, they may also be able to arrange repatriation once the young person has been made a Ward of Court and located abroad.

3.17 A young person who has already been forced to marry

Although many cases of forced marriage come to light when a young person is reported missing or there are allegations of abuse and domestic violence, some cases are brought to attention if a young person is forced to act as a sponsor for their spouse's immigration to the UK. The young person is frequently reluctant to tell the Immigration Service that it was a forced marriage because of threats and fear of reprisals from the family. A person whose application to enter the UK as a spouse is refused has a right to know the reasons why – and the right to appeal against the decision. This can place the young person in a difficult situation.

Choices for the child/young person

These are:

- To stay with the marriage
- To leave the marriage, and probably, the family home.
- To confront their family and seek their backing, together with support from agencies – which can be extremely risky and further pressure may be put on them to support the visa application.
- To try to withhold support for the visa application without letting the family know – in reality, the parties concerned will become aware.

Social Services response (as given in national guidance)

Social Workers are expected to consider:

- Maintaining contact using community workers, health workers etc.
- Referring the young person to a Police Officer with responsibility for domestic violence, victim liaison, vulnerable victims or family protection.
- Using legal remedies to protect the young person from family members if s/he decides to leave the family home or wishes the spouse to leave the family home.

Legal position

A spouse who is the victim of forced marriage can initiate nullity or divorce proceedings to end the marriage.

Other possible steps are:

- A Non-molestation Order under s.42 of the Family Law Act 1996, which forbids the use of violence or other behaviour amounting to harassment.
- An Occupation Order under the Family Law Act 1996 which seeks the removal of the spouse from the house.
- An injunction under the Protection from Harassment Act.

3.18 A young person repatriated to the UK from overseas

Sometimes the Foreign & Commonwealth Office may ask Social Services for assistance when a young person is repatriated to the UK from overseas. In these cases, the young person may be extremely traumatised and frightened. They may have been held against their will for many months. They may have suffered emotional and physical abuse, and if the marriage has already taken place, the young person may have been raped. This makes all victims particularly vulnerable when they return to the UK.

Choices for the child/young person

The choices are limited:

- To leave their family, start a new life and remain in hiding – which can make the young person extremely vulnerable.
- To leave their family, start a new life and prosecute their family – for many young people this would simply not be considered.
- To return to the family and hope the situation can be resolved – which may present serious risks to the young person.

Social Services response (as given in national guidance)

Social Services are expected to give support and practical help, which may necessarily include a placement outside the boundaries of the local authority (the local authority within which the young person had their last permanent residence should provide funding).

Legal position

Depending on the circumstances and the young person's age, the local authority may:

- Apply for a Care Order.
- Accommodate the young person if s/he is too old to be the subject of a Care Order

The young person may also:

- Apply for a Non-molestation Order
- Take action under the Protection from Harassment Act 1997.

3.19 A spouse who has come to the UK from overseas

A spouse may come to the UK from overseas and report that s/he has been forced to marry overseas. Often the young person may not speak English and may not be aware of the support to which they may be entitled. S/he may be extremely frightened by contact with any statutory agency, believing they may be deported or have their children taken from them. Extreme sensitivity to such fears is required of all practitioners.

Choices for the child/young person

The choices available are:

- To stay within the marriage – which means returning to a potentially dangerous and abusive situation.
- To flee the marriage and apply to be allowed to remain in the UK indefinitely (those without indefinite leave to remain).
- To flee the marriage (those with indefinite leave to remain).
- To flee the marriage and return home to their country of origin – where they may be ostracised, subjected to violence or killed.

Social Services response (as given in national guidance)

If a child/young person under the age of 18 is in the United Kingdom without their family and states that they were forced into marriage and do not wish to remain with their spouse, Social Services should consider the young person in the same manner as an unaccompanied asylum-seeking minor, and should accommodate the young person under s.20 of the Children Act 1989. This applies whether or not the young person has children.

APPENDIX 1: LEGISLATION – FURTHER INFORMATION

1 Children Act 1989 Section 17

A child is defined as 'in need' by Section 17 of the Children Act (1989) if:

- S/he is unlikely to achieve or maintain, or to have the opportunity of achieving or maintaining, a reasonable standard of health or development without the provision for him/her of services **or**
- His/her health or development is likely to be significantly impaired, or further impaired, without the provision for him/her of such services **or**
- S/he is disabled.

2. Children Act 1989 Section 47

Where a local authority has reasonable cause to suspect that a child who lives, or is found, in their area is suffering, or is likely to suffer, significant harm, the authority shall make, or cause to be made, such enquiries as they consider necessary to enable them to decide whether they should take any action to safeguard or promote the child's welfare.

'Harm' is defined as:

- Ill treatment, which includes sexual abuse, physical abuse and forms of ill-treatment which are not physical, for example, emotional abuse or
- Impairment of health (physical or mental) or
- Impairment of development (physical, intellectual, emotional, social or behavioural).

This may include seeing or hearing the ill treatment of another (s120 Adoption and Children Act 2002).

3. Marriage Act (1949)

The minimum age at which a person is able to consent to marriage is 16; a person between the ages of 16 and 18 may not marry without parental consent (unless the young person is a widow/widower).

4. Matrimonial Causes Act (1973)

Section 12c of the Matrimonial Causes Act 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". Voidable means the marriage is valid until it is challenged by one of the parties, at which time the court can award a decree of nullity invalidating the marriage.

5. Offences

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 murder. Sexual intercourse without consent is rape.

The Crown Prosecution Service (CPS) defines domestic violence as "any criminal offence arising out of physical, sexual, psychological, emotional or financial abuse by one person against a current or former partner in a close relationship, or against a current or former family member".

Possible offences include:

- Common Assault
- Cruelty to persons under 16 (including neglect and abandonment)
- Failure to secure regular attendance at school of a registered pupil
- Theft (passport)
- Child Abduction
- Abduction of unmarried girl under the age of 16 from parent or guardian
- Rape
- Aiding and abetting a criminal offence
- Kidnapping
- False imprisonment
- Murder
- Any offence that identifies a child is suffering or likely to suffer significant harm.

The above list is not exhaustive.

6. Possible Legislation

Late in 2004 the Government announced its intention to consult in relation to drawing up a new criminal offence of forcing young people into marriage.

APPENDIX 2: USEFUL CONTACTS

The 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 professionals. 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.

The staff can offer advice and assistance to individuals who:

- Fear that they are going to be forced into a marriage (in the UK or overseas).
- Fear for a friend or relative who may be forced into a marriage (in the UK or overseas).
- Have been forced into a marriage and do not want to support their spouse's visa application.

The staff can assist professionals by:

- Providing information about existing networks within the UK, including Social Services, Police and non-governmental organisations.
- Providing advice about legal remedies in the UK and overseas.

How to contact the Forced Marriage Unit:

(Monday – Friday 09.00 – 17.00)

The Forced Marriage Unit
Room G/55
Old Admiralty Building
Whitehall SW1A 2PA
Telephone: 020 7008 0135/0230/8706
Email: fmufco.gov.uk

For out of hours emergencies telephone 020 7008 1500 and ask to speak to the Foreign & Commonwealth Office Response Centre.

Asian Family Counselling Service: 020 8571 3933

A national service offering counselling on marital and family issues for Asian men and women.

Children's Legal Centre (Helpline): 01206 873820 (Helpline)

Operates a free and confidential legal advice and information service covering all aspects of law and policy affecting children and young people.

Careline: 020 8514 1177

A national confidential counselling line for children, young people and adults on any issue including family, marital and relationship problems, child abuse, rape and sexual assault, depression and anxiety.

Child Line: 0800 1111

A service for any child or young person with a problem.

Citizens Advice bureau

Offering free, confidential and impartial information on, for example, benefits, immigration, family and personal matters – see local telephone directory .

Language Line: 020 7520 1430

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

Local Women's Aid refuge services : www.womensaid.org.uk

Refuge projects, which can include advice centres, drop-in centres, outreach services.

**Muslim Women's Helpline: 020 8904 8193 or 020 8908 7615 (advice lines)
020 8908 3205 (administration)**

NSPCC Asian Child Protection Helpline: 0800 096 7719

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.

NSPCC Child Protection Helpline: 0808 800 500 Text Phone: 0800 056 0566

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.

Reunite International Child Abduction Centre: 0116 2556234 (Advice line) 0116 2555345 (administration) 0116 255 6370 (Fax).

Leading charity specialising in international parental child abduction. Operates a 24 hour advice line, services include provision of information and support on the issue of forced marriage.

Shelterline: 0808 800 4444

Provide emergency access to refuge services.

Southall Black Sisters 020 8571 9595

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

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www.hri.org

Foreign & Commonwealth Office and Association of Chief Police Officers 2004 'Dealing with Cases of Forced Marriage: Guidelines for Police'

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Hussein S. INTERIGHTS 'Abduction for Forced Marriages: Rights and Remedies'

Laming H. 'The Victoria Climbié Inquiry Report'

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