

Foreign and Commonwealth Office
Home Office
Department for Children Schools and Families
Department of Health
Department for Communities and Local Government
Department for Business, Innovation and Skills
Ministry of Justice
Welsh Assembly Government
Association of Chief Police Officers



Multi-agency practice guidelines:
Handling cases of Forced Marriage

Forced marriage is an abuse of human rights

Acknowledgements

Written by Eleanor Stobart on behalf of the Forced Marriage Unit (a joint Foreign & Commonwealth Office and Home Office Unit) in collaboration with the Association of Chief Police Officers, Crown Prosecution Service, Department for Children, Schools and Families, Department for Communities and Local Government, Department for Business, Innovation and Skills, Department of Health, Ministry of Justice and the Welsh Assembly Government.

The Forced Marriage Unit would like to express their gratitude to all those involved in the drafting of these guidelines.

and an abuse of the rights of the child.

“Marriage shall be entered into only with the free and full consent of the intending spouses.”

(Universal Declaration of Human Rights, Article 16(2))

“No marriage shall be legally entered into without the full and free consent of both parties.”

(UN Convention on consent to marriage, minimum age for marriage and registration of marriages, Article 1)

“In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child should be a primary consideration.”

(United Nations Convention on the Rights of the Child,

“Children should be protected from all forms of sexual exploitation including unlawful sexual activity.”

(United Nations Convention on the Rights of the Child, Article 34)

“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, Comment Article 16 (1) (b), UN Convention on the Elimination of All Forms of Discrimination Against Women)

Contents

1	THE PURPOSE OF THE PRACTICE GUIDELINES	6		
1.1	Aims	6		
1.2	Audience	6		
1.3	The status of this document	7		
1.4	Definitions	7		
2	UNDERSTANDING THE ISSUES AROUND FORCED MARRIAGE	10		
2.1	The difference between forced and arranged marriage	10		
2.2	Frequency of forced marriage	10		
2.3	Motives prompting forced marriage	11		
2.4	Aggravating factors	11		
2.5	The victim	12		
2.6	Consequences of forced marriage	12		
2.7	Potential warning signs or indicators	13		
2.8	The “one chance” rule	14		
2.9	Chart of potential warning signs or indicators	14		
2.10	Difficulties when a forced marriage takes place overseas	14		
2.11	Dual Nationality	16		
2.12	The legal position	17		
2.13	The Forced Marriage Unit	18		
3	GOOD PRACTICE: KEEPING A VICTIM SAFE FOLLOWING A DISCLOSURE OF FORCED MARRIAGE	19		
3.1	Awareness raising and prevention	19		
3.2	A victim-centred approach	19		
3.3	The danger of involving the family and community	20		
3.4	Where to hold interviews	20		
3.5	Explaining the options available to people facing forced marriage	21		
3.6	Future contact and meetings	22		
3.7	Confidentiality and sharing information safely	22		
3.8	Medical examinations	24		
3.9	Making enquires	24		
3.10	The dangers of family counselling, mediation, arbitration and reconciliation	25		
3.11	Personal safety advice and devising a strategy for leaving home	25		
3.12	Missing persons and those who run away	27		
3.13	Repatriation	29		
3.14	Keeping records	30		
3.15	Legal remedies	30		
3.15.1	Police protection	31		
3.15.2	Emergency protection orders	32		
3.15.3	Care and supervision orders	33		
3.15.4	Inherent jurisdiction	35		
3.15.5	Applications for wardship	36		
3.15.6	Tipstaff orders	36		
3.15.7	Forced marriage protection orders	36		
3.15.8	Non-molestation order	37		
3.15.9	Occupation order	38		
3.15.10	Injunction against harassment	38		
4	MULTI-AGENCY GUIDELINES: ACTIONS TO BE TAKEN IN ALL CASES	39		
4.1	First steps in all cases	39		
4.2	Additional steps	39		
5	INFORMATION REQUIRED FOR ALL CASES	41		
5.1	Information required for all cases	41		
5.2	Information required if the individual is going overseas imminently	42		
6	GUIDELINES FOR HEALTH PROFESSIONALS	44		
6.1	Why the main focus of this chapter is on women’s needs	44		
6.2	How health professionals can make a difference	44		
6.3	How to use routine and opportunistic enquiries to recognise cases	46		
6.4	How to create opportunities to make enquiries	47		
6.5	What to do when a woman discloses that she has been, or is about to be, forced to marry	48		
6.6	What to do when a woman is under the age of 18 or has children under the age of 18	49		
6.7	What to do when a woman is going overseas imminently	49		
6.8	What to do when a woman has already been forced to marry	50		
6.9	Keeping records	50		
6.10	Confidentiality, referrals and sharing information safely	50		

7 GUIDELINES FOR SCHOOLS, COLLEGES AND UNIVERSITIES 54

- 7.1 How staff can make a difference 54
- 7.2 What to do when you are concerned that a student may be forced to marry 56
- 7.3 What to do when a student seeks help 56
- 7.4 What to do when a student is going overseas imminently 57
- 7.5 What to do when you suspect that a student may be forced to marry 58
- 7.6 What to do when a student stops attending school 58
- 7.7 Making referrals 59
- 7.8 Other resources 60

8 GUIDELINES FOR POLICE OFFICERS 62

- 8.1 How police officers can make a difference 62
- 8.2 What to do when someone fears they may be forced to marry 62
- 8.3 What to do when a third party reports that someone has been taken overseas for the purpose of a forced marriage 64
- 8.4 What to do when someone has already been forced to marry 66
- 8.5 What to do when a spouse has come to the UK from overseas 67

9 GUIDELINES FOR CHILDREN'S SOCIAL CARE 70

- 9.1 How children's social care can make a difference 70
- 9.2 What to do when a child or young person fears they may be forced to marry 70
- 9.3 What to do when a third party reports that a child or young person has been taken overseas for the purpose of a forced marriage 72
- 9.4 What to do when a child or young person has already been forced to marry 73
- 9.5 What to do when a child or young person is repatriated to the UK from overseas 74
- 9.6 What to do when a spouse has come to the UK from overseas 77
- 9.7 Safeguarding children and young people with disabilities 79

10 GUIDELINES FOR ADULT SOCIAL CARE 81

- 10.1 How social workers can make a difference 81
- 10.2 What to do when a disabled adult with support needs fears they may be forced to marry 82
- 10.3 What to do when a third party reports that a disabled adult with support needs has been taken overseas for the purpose of a forced marriage 84
- 10.4 What to do if a disabled adult with support needs has already been forced to marry 85
- 10.5 What to do when an adult with support needs is repatriated to the UK from overseas 86
- 10.6 What to do when a spouse who is an adult with support needs has come from overseas 88

11 GUIDELINES ON HOUSING FOR LOCAL AUTHORITIES 90

- 11.1 How local housing authorities can make a difference 90
- 11.2 Accommodating children and young people 91
- 11.3 Accommodating adults 93
- 11.4 No recourse to public funds 95

APPENDICES 96

- One: Domestic violence provisions in the immigration rules 96
- Two: British High Commissions and Embassies 97
- Three: National support agencies 100

Chapter 1

THE PURPOSE OF THE PRACTICE GUIDELINES

1.1 AIMS

These practice guidelines have been developed alongside the statutory guidance “The Right to Choose” issued under s.63 Q(1) Forced Marriage (Civil Protection) Act 2007. The statutory guidance sets out the responsibilities of Chief Executives, directors and senior managers within agencies involved with handling cases of forced marriage. It covers issues such as staff training, developing inter-agency policies and procedures, raising awareness and developing prevention programmes through outreach work.

This document seeks to supplement the Statutory Guidance with advice and support to front line practitioners who have responsibilities to safeguard children and protect adults from the abuses associated with forced marriage. As it is unlikely that any single agency will be able to meet all the needs of someone affected by forced marriage, this document sets out a multi-agency response and encourages agencies to cooperate and work together closely to protect victims.

Forced marriage is a form of child/domestic abuse and violence against women; it should form part of existing child and adult protection structures, policies and procedures.

In line with other publications on domestic abuse, these guidelines focus mainly on women’s needs and not men’s. This is because 85% of cases referred to the Forced Marriage Unit involve women and the consequences for women are different than those for men.

Although these guidelines focus on women, much of the guidance applies to men facing forced marriage – and men should be given the same assistance and respect when they seek help.

The document addresses specific areas where practitioners may inadvertently endanger a victim and gives advice on the steps practitioners can take to reduce the risk of harm to victims. The topics covered include:

- A victim-centred approach
- The dangers of family counselling, mediation, arbitration and reconciliation
- The importance of sharing information with other agencies
- Venues for interviews
- Future contact and meetings
- Personal safety advice and devising a strategy for leaving home
- Missing persons and young people who run away
- Confidentiality and security of information
- Record keeping

1.2 AUDIENCE

These practice guidelines should be used by all front line practitioners and volunteers within agencies that work to:

- Safeguard children and young people from abuse
- Protect adults from abuse

Although chapters six to eleven are aimed at professionals working within health, education, police, children’s social care, adult social care and local housing authorities, much of the information in the guidelines will be of use to those working within other agencies that have responsibilities to safeguard children and protect adults.

The information and advice in these guidelines may also be relevant to non-governmental organisations and voluntary organisations working directly with people trapped in, or threatened by, forced marriage.

1.3 THE STATUS OF THIS DOCUMENT

These practice guidelines, developed by the Forced Marriage Unit, are intended to provide advice and support to front line practitioners. The statutory guidance on forced marriage states that front line practitioners dealing with cases of forced marriage are strongly recommended to consult such practice guidelines issued by the Forced Marriage Unit.

Forced marriage is a form of child/domestic abuse and should be treated as such. Therefore, ignoring the needs of victims is not an option. Forced marriage affects people from many communities and cultures. Cases should be tackled using existing structures, policies and procedures designed to safeguard children, adults with support needs and victims of domestic abuse.

Existing strategic bodies should ensure that their member agencies work effectively using agreed policies and procedures to tackle this issue. This includes Local Authorities, Local Councils, Crime and Disorder Reduction Partnerships, Local Strategic Partnerships, Local Safeguarding Children Boards, Children's Trusts, Multi-agency Risk Assessment Conferences, Learning Disability Partnership Boards, Local Criminal Justice Boards, Local Family Justice Councils and Multi-Agency Adult Protection Management Committees.

1.4 DEFINITIONS

For the purpose of this guidance, the following definitions are used:

Adult

'Adult' means a person aged 18 years or over.

Child abuse and neglect

Throughout this document, the recognised categories of maltreatment as set out in Working Together¹ have been used. These are:

- Physical abuse
- Emotional abuse
- Sexual abuse
- Neglect.

Child, children and young people

As defined in the Children Acts 1989 and 2004, child means a person who has not reached their 18th birthday. This includes young people aged 16 and 17 who are living independently; their status and entitlement to services and protection under the Children Act 1989 is not altered by the fact that they are living independently.

Child in need

Children who are defined as being "in need" under s.17 Children Act 1989, are those whose vulnerability is such that they are unlikely to reach or maintain a satisfactory level of health or development, or their health or development will be significantly impaired, without the provision of services (s.17 (10) Children Act 1989), plus those who are disabled. Local authorities have a duty to safeguard and promote the welfare of children in need.

¹ Working Together to Safeguard Children HM Government, 2006 and Safeguarding Children

Domestic abuse

The government defines domestic abuse² as: “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.” This includes issues of concern to black and minority ethnic (BME) communities such as so called ‘honour based violence’, female genital mutilation (FGM) and forced marriage.

An adult is defined as any person aged 18 years or over. Family members are defined as mother, father, son, daughter, brother, sister, and grandparents, whether directly related, in-laws or stepfamily.

Forced marriage

A forced marriage is a marriage in which one or both spouses do not (or, in the case of some adults with learning or physical disabilities, cannot) consent to the marriage and duress is involved. Duress can include physical, psychological, financial, sexual and emotional pressure.

Honour-based violence

The terms “honour crime” or “honour-based violence” or “izzat” embrace a variety of crimes of violence (mainly but not exclusively against women), including assault, imprisonment and murder, where the person is being punished by their family or their community. They are being punished for actually, or allegedly, undermining what the family or community believes to be the correct code of behaviour. In transgressing this correct code of behaviour, the person shows that they have not been properly controlled to conform by their family and this is to the “shame” or “dishonour” of the family.

² Domestic Violence: a national report, Home Office 2005

Welchman and Hossain state “The term crimes of honour encompasses a variety of manifestations of violence against women; including murder termed “honour killings”, assault, confinement or imprisonment and interference with choice in marriage where the publicly articulated justification is attributed to a social order claimed to require the preservation of a concept of honour vested in male family and or conjugal control over women and specifically women’s sexual conduct – actual, suspected or potential.”³

Relevant third party

The Forced Marriage (Civil Protection) Act 2007 provides for three types of applicant who may apply for a forced marriage protection order (see section 3.15.7). They are the victim, anyone on their behalf with the permission of the court and a relevant third party. A relevant third party may apply on behalf of a victim and does not require the leave of the court. The Lord Chancellor will make an order designating local authorities as relevant third parties in the autumn 2009.

The concept of significant harm

The Children Act 1989 introduced the concept of significant harm as the threshold that justifies compulsory intervention in family life in the best interests of children and young people. It gives local authorities a duty to make enquiries to decide whether they should take action to safeguard or promote the welfare of a child who is suffering, or likely to suffer, significant harm⁴. This was amended by the Adoption & Children Act 2002 to include, “for example, impairment suffered from seeing or hearing the ill-treatment of another”.

³ Welchman, Lynn and Hossain, Sara, eds. (2005) *Honour: Crimes, Paradigms and Violence against Women*. Zed Books (London)

⁴ S. 1.23 Working Together to Safeguard Children HM Government, 2006 and S6.31 Safeguarding Children: Working Together Under the Children Act 2004 (Welsh Assembly Government (WAG))

Vulnerable adult or an adult with support needs

No Secrets⁵ defines a “vulnerable adult” as a person over the age of 18 years “who is, or may be, in need of community care services by reason of mental or other disability, age or illness and who is, or may be, unable to take care of him or herself, or unable to protect him or herself against significant harm or exploitation.”

In line with No Secrets and In Safe Hands, ‘community care services’ includes all care services provided in any setting or context.

It is recognised that the term vulnerable adult is unacceptable to some people with disabilities as it is frequently other people, the environment and social circumstances that make people with disabilities vulnerable and not their disability per se.

Therefore, the term “adult with support needs” is used throughout this document to refer to those who fall within the commonly accepted definition of “vulnerable adult”.

⁵ *No Secrets*: Guidance on developing and implementing multi-agency policies and procedures to protect vulnerable adults from abuse, HO & DH, 2000 and *In Safe Hands*: Implementing Adult Protection Procedures in Wales, July 2000 (WAG)

Chapter 2

UNDERSTANDING THE ISSUES AROUND FORCED MARRIAGE

A forced marriage “is a marriage conducted without the valid consent of both parties, where duress is a factor”

“A Choice by Right” HM Government, 2000

2.1 THE DIFFERENCE BETWEEN FORCED AND ARRANGED MARRIAGE

There is a clear distinction between a forced marriage and an arranged marriage. In arranged marriages, the families of both spouses take a leading role in arranging the marriage but the choice whether or not to accept the arrangement remains with the prospective spouses. In forced marriage, one or both spouses do not (or, in the case of some adults with disabilities, cannot) consent to the marriage and duress is involved. Duress can include physical, psychological, sexual, financial and emotional pressure.

“A person knows when they are being forced into a marriage against their will – that must be the starting point.”

(Young woman, Leicester)¹

Consent is essential to all marriages – only the spouses will know if they gave their consent freely.

Remember

If families have to resort to violence or emotional pressure to make someone marry, that person’s consent has not been given freely and therefore it is a forced marriage.

2.2 FREQUENCY OF FORCED MARRIAGE

The UK Government and the Welsh Assembly Government² regard forced marriage as an abuse of human rights and a form of domestic abuse and, where it affects children and young people, child abuse. It can happen to both men and women although most cases involve young women and girls aged between 13 and 30. There is no “typical” victim of forced marriage. Some may be under 18 years old, some may be over 18 years old, some may have a disability, some may have young children and some may be spouses from overseas.

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 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 national being sent abroad.

In 2008, over 1,600 incidents of suspected forced marriage were reported to the Forced Marriage Unit. Cases also come to the attention of the police, social care services, health, education and voluntary organisations. Many others go unreported³. With greater awareness of the help available, the number of cases reported is likely to increase.

²The Welsh Assembly Government adopted the UNCRC as the basis of all its policy making for children and young people in 2004.

³Information provided by victims at seminars 2000-2009

¹“A Choice by Right” HM Government, 2000

Although forced marriage is primarily an issue of violence against women, these guidelines provide advice and information for practitioners assisting both male and female victims of forced marriage.

2.3 MOTIVES PROMPTING FORCED MARRIAGE

Parents who force their children to marry often justify their behaviour as protecting their children, building stronger families and preserving cultural or religious traditions. They often do not see anything wrong in their actions. Forced marriage cannot be justified on religious grounds; every major faith condemns it and freely given consent is a prerequisite of all religions.

Often parents believe that they are upholding the cultural traditions of their home country when in fact, practices and values there may have changed. Some parents come under significant pressure from their extended families to get their children married. In some instances, an agreement may have been made about marriage when a child is only an infant. Many young people live their entire childhoods with the expectation that they will marry someone their parents select – some may be unaware that they have a fundamental human right to choose their spouse. Some of the key motives that have been identified⁴ are:

- Controlling unwanted behaviour and sexuality (including perceived promiscuity, or being lesbian, gay, bisexual or transgender) - particularly the behaviour and sexuality of women
- Controlling unwanted behaviour, for example, alcohol and drug use, wearing make-up or behaving in what is perceived to be a “westernised manner”
- Preventing “unsuitable” relationships, e.g. outside the ethnic, cultural, religious or caste group
- Protecting “family honour” or “izzat” (see definitions page 7)

⁴ By practitioners working with victims of forced marriage

- Responding to peer group or family pressure
- Attempting to strengthen family links
- Achieving financial gain
- Ensuring land, property and wealth remain within the family
- Protecting perceived cultural ideals
- Protecting perceived religious ideals which are misguided
- Ensuring care for a child or adult with special needs when parents or existing carers are unable to fulfil that role
- Assisting claims for UK residence and citizenship
- 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 and enter freely into marriage. Forced marriage is a violation of children’s rights under the UN Convention on the Rights of the Child (UNCRC) as well as a form of violence against women and an **abuse of human rights**.

2.4 AGGRAVATING FACTORS

There is evidence to suggest that there may be factors that increase the risk of someone being forced into marriage.

These factors include bereavement within the family. Occasionally, when a parent dies, especially the father, the remaining parent may feel there is more of an urgency to ensure that the children are married. A similar situation may arise within single parent households or when a step parent moves in with the family. Sometimes, when an older child (particularly a daughter) refuses to marry, the younger female siblings are forced to marry in order to protect the family honour or to fulfil the original contract.

Women and girls may have an increased risk of forced marriage if they have disclosed sexual abuse. Parents may feel that this has brought shame on the woman or girl and that ensuring that she is married may restore honour to the family. They may also feel that marriage will put a stop to the abuse.

A person may be at greater risk if they are lesbian, gay, bisexual or transgender, as their parents may feel that by forcing them to marry their sexuality or gender identity will not be questioned. Parents may also do so out of a mistaken belief that this will “cure” their son or daughter of what they perceive to be abnormal sexual practices.

2.5 THE VICTIM

Isolation is one of the biggest problems facing those trapped in, or under threat of, a forced marriage. They may not feel there is anyone they can trust to keep this secret from their family and they have no one to speak to about their situation – some may not be able to speak English. 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 practitioners for behaviour consistent with distress.

Young people, particularly girls, forced to marry or those who 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 be threatened with disownment if they do – consequently they 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. Studies have shown that self-harm and

suicide are significantly higher among South Asian women than other groups⁵ and contributory factors include lack of self-determination, excessive control, weight of expectations of the role of women and anxiety about their marriages.

A learning or physical disability or illness adds to a young person’s, or an adult’s, vulnerability and may make it more difficult for them to report abuse or to leave an abusive situation. Their care needs may make them entirely dependent on their carers.

2.6 CONSEQUENCES OF FORCED 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 marred by physical and sexual abuse. The impact this has on children within the marriage is immense. Children may learn that it is acceptable to be abusive and that violence is an effective way to get what you want. They may learn that violence is justified, particularly when you are angry with someone. Children witnessing abuse can be traumatised because witnessing persistent violence undermines children’s emotional security and capacity to meet the demands of everyday life. Children’s academic abilities can be affected. Witnessing violence as a child is associated with depression, trauma-related symptoms and low self-esteem in adulthood.

⁵ See, for example, *Self harm in British South Asian Women: psychosocial correlates and strategies for prevention* - Husain M, Waheed W, Husain N: Annals of General Psychiatry 2006.

Both male and female victims of forced marriage may feel that running away is their only option. For many people, especially women from black and minority ethnic communities, leaving their family can be especially hard. They may have no experience of life outside the family – leaving may mean they lose their children and friends. For many, finding accommodation for themselves and their children can be very difficult – especially for those who do not have leave to remain and therefore do not have recourse to public funds⁶. Living away from home with little support can make a person, particularly a woman, more isolated, thus making it more likely that they will return to the abusive situation. In addition, leaving their family (or accusing them of a crime or simply approaching statutory agencies for help) may be seen as bringing shame on their honour and on the honour of their family in the eyes of the community. 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.

Those who do leave often live in fear of their own families who will go to considerable lengths to find them and ensure their return. Families may solicit the help of others to find family members who have run away, or involve the police by reporting them missing or falsely accusing the 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. Sometimes, having traced them, the family may murder them (so called “honour killing”) or

⁶ If a person does not have indefinite leave to enter, exceptional leave to remain, indefinite leave to remain, refugee leave, humanitarian protection, discretionary leave or a right of abode in the UK, then they are likely to have a restriction on receiving public funds (no recourse to public funds). Public funds include income support and housing benefit.

subject them to further violence or abuse. Women trapped in a forced marriage often suffer violence, rape, forced pregnancy and forced childbearing. Many girls and young women are withdrawn from education early. Some are taken and left abroad for extended periods, which isolates them from help and support – this limits their choices so that often they go through with the marriage as the only option. 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”.

2.7 POTENTIAL WARNING SIGNS OR INDICATORS

Both men and women facing forced marriage may become anxious, depressed and emotionally withdrawn with low self-esteem. They may come to the attention of practitioners for a variety of reasons, some of which are described in the diagram opposite. Whilst the factors set out in this diagram may be an indication that someone is facing a forced marriage, it should not be assumed that it is forced marriage simply on the basis that someone presents with one or more of these warning signs. These warning signs may indicate other types of abuse that will also require a multi-agency response.

There have been occasions when women have presented with less common warning signs, such as cut or shaved 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 doctor’s, to be examined to see if she is a virgin. There have been reports of women presenting with symptoms associated with poisoning. In certain communities,

it is important that women undergo female genital mutilation (FGM) before being able to marry – usually this will be performed during childhood but there have been reports of young girls or young women undergoing FGM just before a forced marriage. FGM has been illegal in the UK since 1985⁷ and it is also a criminal offence to take someone overseas for the purposes of FGM.

2.8 THE “ONE CHANCE” RULE

All practitioners working with victims of forced marriage and honour-based violence need to be aware of the “one chance” rule. That is, they may only have one chance to speak to a potential victim and thus they may only have one chance to save a life. This means that all practitioners working within statutory agencies need to be aware of their responsibilities and obligations when they come across forced marriage cases. If the victim is allowed to walk out of the door without support being offered, that one chance might be wasted.

2.9 CHART (OPPOSITE PAGE) OF POTENTIAL WARNING SIGNS OR INDICATORS

These indicators are not intended to be exhaustive.

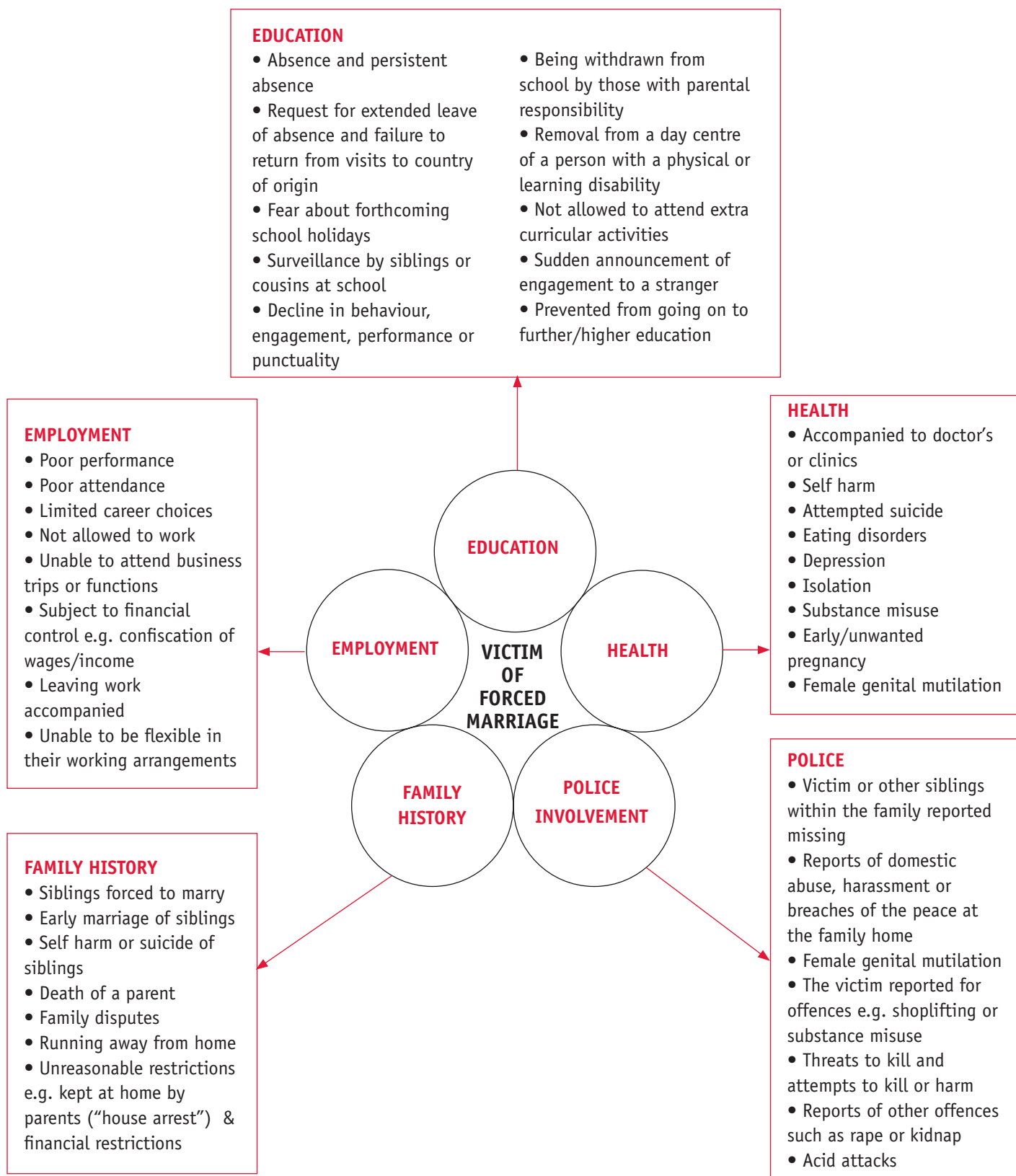
2.10 DIFFICULTIES WHEN A FORCED MARRIAGE TAKES PLACE OVERSEAS

For many people, especially women, it may be their first experience of travelling overseas. 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 or 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 they 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 find themselves subjected to violence or threats of violence.

Even if the authorities in the UK are aware of the whereabouts of a British national overseas, it may not be possible to provide suitable assistance to reach the area or to rescue them. Therefore, it is always advisable to warn victims not to travel overseas.

⁷

The Female Genital Mutilation Act, 2003



2.11 DUAL NATIONALITY

DUAL NATIONALITY

If a person is a British national and also holds the nationality of another country, they are considered a dual national. This may mean that in the country of their other nationality the authorities there may view them as being solely or primarily nationals of that country and treat them accordingly. This may mean that the authorities there will not recognise that the British Embassy or High Commission has any right to assist them or may not permit any assistance to be given. Where the Foreign and Commonwealth Office considers that there is a special humanitarian reason to do so, it will consider offering assistance to dual nationals in the country of their other nationality. Forced marriage is one of those circumstances where such an exception may be made. When asking a court to order the surrender of the passports of a person to prevent them from being taken abroad, ensure that this includes all passports if they are a dual national. Any queries concerning dual nationality should be addressed to the Forced Marriage Unit (section 2.13).

Remember

The Forced Marriage Unit offers advice to anyone in the UK, regardless of nationality. However, overseas our Embassies and High Commissions can only offer consular assistance to British nationals plus, in certain circumstances, European Union or Commonwealth nationals whose country does not have a local Embassy or Consulate in the country concerned. However, they cannot offer assistance to European Union or Commonwealth nationals in the country of their own nationality.

RASHIDA

When Rashida, a British national, was 10 years old, her father breached a court order and without her mother's permission took her and her four siblings to Pakistan. They were left with their stepmother and not allowed back to the UK. Rashida pleaded with her father to return to the UK but he refused to let her as she was engaged to her cousin. He also told her that her mother didn't want her back in the UK. Finally, when Rashida was 15, she managed to contact her mother using a secret mobile phone – she asked her mother to help her. Things got worse after that, her father beat her because she had “looked at a boy”, her mobile phone was found and confiscated, and then she was told she was going to Afghanistan to meet up with her prospective husband. Rashida managed to get a message to her mother who contacted the Forced Marriage Unit.

In the UK, court orders were obtained against Rashida's father and Rashida was made a ward of court. She was rescued from her father's home by the British High Commission and returned to her mother in the UK.

During her five years in Pakistan, Rashida had been subjected to regular beatings; she had also been confined to the house and denied access to education. With the help of her mother, Rashida is now getting her life back on track but still lives with the constant fear that her father will come for her once again. Rashida's three older siblings, two brothers and a sister, were not so lucky and were all forced into marriage at the ages of 15 or 16.

2.12 LEGAL POSITION

Although there is no specific criminal offence in England and Wales of “forcing someone to marry”, criminal offences may nevertheless be committed. Perpetrators – usually parents or family members – could be prosecuted for offences including threatening behaviour, assault, kidnap, abduction, theft (of passport), threats to kill, imprisonment and murder. Sexual intercourse without consent is rape, regardless of whether this occurs within a marriage or not. A woman who is forced into marriage is likely to be raped and may be raped until she becomes pregnant.

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.

Forced marriage protection orders can also be sought under the Forced Marriage (Civil Protection) Act 2007. The Act makes provision for protecting both adults and children at risk of being forced into marriage and offers protection for those who have already been forced into marriage. The terms of orders issued under the Act can be tailored to meet the specific needs of victims (section 3.15.7).

Some forced marriages will be legally valid until they are annulled or a divorce is granted by the court. Others will not be legally valid but may also need to be annulled. There are strict legal requirements that govern whether a marriage is valid under UK law and the rules for recognising a marriage vary depending in which country the marriage took place. When considering the validity of a marriage, particularly a

marriage that took place overseas, specialist legal advice should be sought. Agencies should not assume that a marriage is invalid because it was forced as this will most often not be the case.

For further details of the legal remedies available, refer to section 3.15.

2.13 FORCED MARRIAGE UNIT (FMU)

The Forced Marriage Unit is a joint Foreign & Commonwealth Office and Home Office unit.

WHAT DOES THE FORCED MARRIAGE UNIT DO? Policy

The FMU works with other government departments, statutory agencies and voluntary organisations to develop effective policy for tackling forced marriage.

Outreach

The FMU runs an ongoing outreach programme raising awareness amongst frontline practitioners such as police, teachers, doctors, nurses and social workers across the UK. It also works in partnership with community organisations and voluntary organisations to tackle forced marriage. The FMU runs an annual fund to support small projects on forced marriage.

Casework

The FMU runs a public helpline that provides confidential advice and support to victims, and to practitioners handling cases of forced marriage. Caseworkers in the Unit have experience of the cultural, social and emotional issues surrounding forced marriage.

UK Cases

- The FMU offers information and support to those who fear they will be forced into marriage and can talk with them about their options

Overseas Cases

- The FMU can assist British nationals facing forced marriage abroad by helping them to a place of safety and helping them to return to the UK
- The FMU can assist non-British nationals facing forced marriage abroad by referring them to local organisations that can help

Immigration Cases

- The FMU can help those who have already been forced into marriage to explore their options, including assisting those who are being forced to sponsor a spouse's visa for settlement in the UK.

WHEN TO CONTACT THE FORCED MARRIAGE UNIT?

The FMU is always happy to talk to frontline practitioners handling cases of forced marriage at any stage in a case. It can offer information and advice on the range of tools available to combat forced marriage, including legal remedies, overseas assistance and how to approach victims. Staff from the FMU can also speak at conferences or run training workshops to teams of frontline practitioners, and provide free leaflets and posters.

Call: 020 7008 0151 (Mon-Fri: 09.00-17.00)
Email: fmu@fco.gov.uk

Web: www.fco.gov.uk/forcedmarriage
Address: Forced Marriage Unit, Foreign & Commonwealth Office, Old Admiralty Building, London, SW1A 2PA

For out of hours emergencies, please telephone 020 7008 1500 and ask to speak to the Global Response Centre.

Chapter 3

GOOD PRACTICE: KEEPING A VICTIM SAFE FOLLOWING A DISCLOSURE OF FORCED MARRIAGE

3.1 AWARENESS RAISING AND PREVENTION

Awareness raising and prevention should form a key part of every local authority's response to forced marriage. Practitioners need to be aware of the issues surrounding forced marriage, the danger the victims face and the help that can be offered. Victims need to be aware of their options, how to seek help and what assistance is available to them within the local area.

To enable victims to come forward and seek help, agencies should have reporting systems in place that can be easily used by victims. Helpline numbers should be displayed clearly and services should provide an open environment where victims can confidentially discuss their options.

Awareness raising will make it more likely that victims may seek help at an earlier stage and agencies may be able to intervene more quickly thus preventing forced marriages from taking place.

3.2 A VICTIM-CENTRED APPROACH

Whatever someone's circumstances, they have rights that should always be respected such as personal safety and accurate information about their rights and choices. Practitioners should listen to the victim and respect their wishes whenever possible.

However, there may be times when a victim wants to take a course of action that may put them at risk – on these occasions, practitioners should explain all the risks to the victim and take the necessary child or adult protection precautions.

Young people, especially those aged 16 and 17, can present specific difficulties to agencies as there may be occasions when it is appropriate to use both child and adult protection frameworks. For example, some 16 and 17 year olds may not wish to enter the care system but prefer to access refuge accommodation.

CHOICE

On 16 November 2007, Cleveland Police set up the CHOICE helpline - a dedicated local helpline to give advice and assistance to anyone who may be suffering from honour based violence, or has been, or may be forced into marriage. All the helpline staff have been trained in cultural awareness around honour based violence and forced marriage and treat all calls in the strictest confidence.

On 3 December 2008, the helpline was expanded with the help of Northumbria Police and Durham Constabulary to become a regional helpline for the North East of England. The organisers regularly feed in to the Multi-Agency Risk Assessment Conference (MARAC) and in high risk cases hold emergency MARACs. They have built local protocols with housing authorities in the area and refuges. In May 2009, CHOICE employed a forced marriage support worker with funding from Stockton Primary Care Trust to deliver training on honour based violence and forced marriage to police, voluntary and statutory agencies as well as in schools.

This multi-agency approach has paid dividends: between the opening of the helpline in late 2007 to 1 April 2009, Cleveland has received nearly 400 calls and successfully dealt with nearly 80 cases.

Whatever the case, practitioners should be led by the wishes of the victim.

Disclosures of forced marriage should not be dismissed as merely a family matter – for many people, seeking help from an agency is a last resort and therefore all disclosures of forced marriage should be taken seriously.

3.3 THE DANGER OF INVOLVING THE FAMILY AND COMMUNITY

Involving families in cases of forced marriage is dangerous:

- It may increase the risk of serious harm to the victim. Experience shows that the family may not only punish them for seeking help but also deny that the person is being forced to marry, expedite any travel arrangements and bring forward the marriage
- Involving the family includes visiting the family to ask them whether they are intending to force their child to marry or writing a letter to the family requesting a meeting about their child's allegation that they are being forced to marry.
- Relatives, friends, community leaders and neighbours should not be used as interpreters – despite any reassurances from this known person.

3.4 WHERE TO HOLD INTERVIEWS

It is likely that the person or complainant will be anxious and distressed. The interview should take place in a private and secure part of the building free from interruptions, in accordance with local practices and procedures. The room should not be adjacent to the public part of the building, as there have been cases reported of people, particularly women, being forcibly removed by their families.

Remember:

They may wish to be interviewed by a practitioner of the same gender.

They may not want to be seen by a practitioner from their own community.

Develop a safety and support plan in case they are seen by someone "hostile" at or near the department, venue or meeting place e.g. prepare another reason why they are there.

If they insist on being accompanied during the interview e.g. by a teacher or advocate, ensure that the accompanying person understands the full implications of confidentiality especially with regard to the person's family.

For some, an interview may require an authorised accredited interpreter who speaks their dialect (see Language Line page 100). There may be occasions when a communication specialist is needed to support a person who is deaf, visually impaired or has learning disabilities. Consider approaching charities with a history of helping people with mental and physical disabilities (page 100).

DO NOT:

✗ Use family members, friends, neighbours or those with influence in the community as interpreters – people may feel embarrassed to discuss personal issues in front of them and sensitive information may be passed on to others and place the person in danger. Furthermore, such an interpreter may deliberately mislead practitioners and/or encourage the person to drop the complaint and submit to their family's wishes.

3.5 EXPLAINING THE OPTIONS AVAILABLE TO PEOPLE FACING FORCED MARRIAGE

If someone fears they may be forced to marry, they have limited choices:

- To leave their family, start a new life and possibly have to remain in hiding
- To leave their family, start a new life knowing they face a life of ostracism and isolation
- To leave their family, start a new life and prosecute their family
- To return to the family and hope the situation can be resolved
- To seek legal protection.

If someone is already trapped in a forced marriage, they have limited choices:

- To stay with the marriage
- To flee the marriage, start a new life and possibly have to remain in hiding
- To leave their family, start a new life knowing they face a life of ostracism and isolation
- To flee the marriage, start a new life and prosecute the family
- To leave the family and publicly refuse to sponsor their spouses visa application for entry into the UK.

Remember:

A spouse who is the victim of a forced marriage can initiate nullity (as long as this is initiated within three years of the date of the marriage) or divorce proceedings to end the marriage. They should be informed that a religious divorce would not end the marriage under UK law.

Other issues such as having young children or younger siblings will affect the options available to them and this may limit their choices further.

There may be serious risk of harm, especially for women, if they choose to return to the family or stay within the marriage.

To leave and start a new life can make them extremely vulnerable. Their family or spouse may search for them through routes such as housing records, benefit records, employment records and health records – however these records can be protected (section 8.2)

For many people prosecuting their family is something they simply will not consider.

If the victim is from overseas, fleeing the marriage and applying to remain in the UK is an extremely complicated process and requires professional immigration advice.

For many victims from overseas returning to their country of origin is not an option – they may be ostracised, subjected to violence or even killed. These risks should be explained, even just to exclude this option.

Many people, especially women, may be extremely frightened by contact with any statutory agency as they may have been told that the authorities will deport them and/or take their children from them. Practitioners need to be extremely sensitive to these fears when dealing with a victim from overseas, even if they have indefinite leave to remain or a right of abode as they may not be aware of their true immigration position. These circumstances make them particularly vulnerable.

If it is discovered that they are in breach of immigration rules (for example if they are an overstayer), remember that they may also be the victim of a crime and be traumatised as a result.

Do not allow any investigation of their immigration status to impede police enquiries into an offence that may have been committed against the victim or their children.

Male victims of forced marriage may have difficulty in being taken seriously. If they then wish to leave the family home, refuge accommodation tends to be limited so the use of hostels may be the only alternative (chapter 11).

3.6 FUTURE CONTACT AND MEETINGS

Agree where future meetings can take place if the person does not want to meet the practitioner at their office. Consider alternative venues e.g. local libraries/cafés, somewhere they will feel comfortable but not at risk of being seen by a family member. Establish whether they can be contacted in confidence at work, at school or through a trusted friend, sibling or organisation.

If you are staying in contact using mobile phones, establish whether the person or another family member pays the bill, as the record of calls made may place the person at risk of harm. Make sure you have a code word to ensure that you are speaking to the right person.

If you are using text messages, email or post – make sure that messages cannot be intercepted.

There may be occasions when a third party is the only link to the person. This situation can arise when a person has been taken overseas.

If they have moved, do not meet the person at their new address, refuge or friend's house as you may be followed and never speak to them in the presence of "friends".

3.7 CONFIDENTIALITY AND SHARING INFORMATION SAFELY

A dilemma may occur because someone facing forced marriage may be concerned that if confidentiality is breached and their family finds out that they have sought help they will be in serious danger. On the other hand, those facing forced marriage are often already facing serious danger because of domestic abuse, "honour-based" violence, rape, imprisonment etc. Therefore, in order to protect them, it may be necessary to share information with other agencies such as the police.

Consequently, confidentiality and information sharing are going to be extremely important for anyone threatened with, or already in, a forced marriage. Practitioners need to be clear about when confidentiality can be promised and when information may need to be shared.

Circumstances sometimes arise where a child, or more probably a young person, explicitly asks a practitioner not to give information to their parents/guardians or others with some authority over them. Their request for confidentiality should be upheld.

If a decision is made to disclose confidential information to another person (usually another practitioner), the practitioner should seek the consent of the person before the disclosure. Most people will consent to the disclosure if they receive a careful explanation of why the disclosure is to be made and are assured about their safety (e.g. information will not be passed to their family) and what will happen following such a disclosure. Whether or not the person agrees to the disclosure, they must be told if there is to be disclosure of confidential information.

Consider:

Drawing on existing national information-sharing protocols and procedures concerning child protection¹ and domestic violence².

Seeking advice from a domestic violence/safeguarding children/MARAC co-ordinator on how to share information with practitioners from other agencies.

Consulting with other agencies, particularly police and social care.

Referring them, with their consent, to appropriate local and national support groups, counselling services and women's groups that have a history of working with survivors of domestic abuse and forced marriage (page 100).

Remember:

From time to time, practitioners may be asked to make exceptional disclosures, for example to police colleagues or other agencies to assist a criminal investigation. The Data Protection Act 1998 provides an exemption from certain requirements of that Act in particular circumstances, including for the purposes of the prevention or detection of crime. This can enable disclosures to be made without the consent of the subject. This is important as in some cases it may not be possible to obtain someone's consent - for example if they are overseas. Practitioners should seek advice from their legal departments.

In cases of forced marriage, it is important that agencies work together to help victims; inevitably, this will involve sharing information safely and confidentially.

There may be occasions when a practitioner is not able to obtain someone's consent in order to share sensitive information with other agencies, for example, when the person is overseas. In these cases, information should be shared if there is concern that a crime may be committed.

There may be occasions when the person's family members ask a third party e.g. a family friend, councillor, MP or those with influence within the community to request information from practitioners. The third party may have been given a very plausible reason by the family for needing to know the whereabouts of the person e.g. the illness of a close relative, and the third party may unwittingly think they are helping them. These requests are often made by telephone and rely on the person making the request persuading a practitioner that they are authorised to receive information. **Do not share this information.**

Refer to section 3.14 for information on keeping records and security of information.

¹ For children refer to <http://www.everychildmatters.gov.uk/resources-and-practice/IG00065/> <http://new.wales.gov.uk/topics/childrenyoungpeople/publications/guidance/1297522?lang=eng>

² Guidance on Investigating Domestic Abuse ACPO 2008

DO NOT:

- ✗ Overlook possible breaches of confidentiality including leaks of information from within your organisation, from records, interpreters and communications with external agencies and organisations
- ✗ Share information with members of the person's family, others within their community or members of the public without the express consent of the person involved
- ✗ Give details of the case to the media without the express consent of the person involved.

3.8 MEDICAL EXAMINATIONS

In some cases, it may be necessary to arrange a medical examination for emotional or physical illness; in other cases, a person may require attention to injuries for treatment or evidential purposes. It may not be advisable to call or visit a medical practitioner from the local community as this may threaten the security of the victim.

The report of the medical examination together with records from other agencies and police statements may provide police with vital evidence in a person's case (especially if they are a spouse from overseas). It is advisable in all cases where injuries are apparent to encourage the person to have those injuries documented for future reference.

Remember:

The examination of a child or young person should be in accordance with safeguarding children procedures and should normally be carried out by a consultant paediatrician.

3.9 MAKING ENQUIRIES

There may be occasions when it is necessary to make enquiries about someone, for example if they are being held within the home or have gone missing. In these circumstances, it is important to make discreet enquiries before approaching the family. Care is needed not to reveal that enquiries are related to forced marriage issues. If the fact that the enquiries relate to forced marriage needs to be shared, this should only be shared with practitioners aware of the need to handle such information appropriately.

Gathering information, in a confidential manner, about the person and the families involved may be difficult. In general, enquiries should be undertaken by police officers with assistance from social workers. However, there may be occasions when, for example, education and health professionals wish to make discreet enquiries before involving police. Those undertaking enquiries should consider approaching the Forced Marriage Unit (section 2.13), the person's school, college, place of work, GP, friends etc. It may

Practitioners making enquiries should consider approaching:

Forced Marriage Unit	MARAC co-ordinator
Local schools	Child protection register
Children's Social Care	Police databases including domestic violence databases
Voters' register	Local domestic violence co-ordinator
Social Services	Health Services
Benefits Agency	Voluntary groups
Passport Office	Employers and fellow employees
Housing agencies	Independent domestic violence advisor

also be possible to acquire further information through previous reports to police and social care services or through housing agencies and community groups.

Simply visiting the family home without knowing the circumstances may put the person at risk of harm.

If someone is being held overseas, there are risks that may arise if organisations overseas are contacted directly:

- Collusion between overseas organisations, including respected bodies such as the police, and the person's family
- Violence towards the person being held and the forced marriage brought forward
- Removal of the person to an unknown destination
- Attempts to assist by overseas agencies/authorities which actually further jeopardise the person's safety.

In handling these cases, agencies need to liaise closely with the Forced Marriage Unit (section 2.13) and then gather information about the family discreetly.

3.10 THE DANGER OF FAMILY COUNSELLING, MEDIATION, ARBITRATION AND RECONCILIATION

Due to the nature of forced marriage and honour-based violence, some of the principles and themes within existing guidance may inadvertently place those facing forced marriage at greater risk of harm. This includes the principle that the best place for a young person is with their family and the practice of attempting to resolve cases through family counselling, mediation, arbitration and reconciliation.

In cases of forced marriage, it is important that agencies do not actively initiate, encourage or facilitate family counselling, mediation, arbitration or reconciliation – whether offered by community councils, religious or professional groups. There have been cases of women being murdered by their families during mediation. Mediation can also place someone at risk of further emotional and physical abuse.

Family group conferences are not normally appropriate in cases of forced marriage because it will often place the child or young person at greater risk of harm (section 3.15.3)

There may be occasions when someone insists on meeting with their family. It should take place in a safe location, supervised by a trained/specialist professional with an authorised accredited interpreter present, as families will sometimes threaten the person in their other language.

If someone has left the family home, allowing them to have unsupervised contact with their family may be extremely dangerous. Families may use the opportunity to subject the victim to extreme physical or mental duress or take them overseas regardless of any protective measures that may be in place.

3.11 PERSONAL SAFETY ADVICE AND DEVISING A STRATEGY FOR LEAVING HOME

Research shows that leaving home is the most dangerous time for women experiencing domestic abuse and this is often the case when someone flees a forced marriage. Therefore, if someone is planning to leave or the perpetrators suspect they might leave, they should take measures to ensure their safety.

Even if someone is not ready or willing to leave, they should still be advised of their options and helped with safety planning so they can take measures to protect themselves at home and make arrangements to leave home in an emergency.

Refer them, with their consent, to appropriate local and national support groups, counselling services and women's groups that have a history of working with survivors of domestic abuse and forced marriage (page 100)

Get the person to think about:

- Who they could go to in an emergency?
- Who would be able to send them money if necessary?
- All the things they may need to start a new life
- The possible finality of this decision and the ongoing lack of contact between them, their family and extended family.

When devising a strategy for someone over the age of 16 to leave home, they should:

- ✓ Be fully consulted as to their future needs and their wishes respected
- ✓ Consider the risk to themselves and whether they should involve the police
- ✓ Open a separate/secret bank or savings account in their name
- ✓ Leave copies of important documents such as passport, National Insurance number and birth certificate with police, social care services or a trusted friend
- ✓ Leave spare clothing and cash etc. with a trusted friend
- ✓ Keep helpline numbers close at hand
- ✓ Have a telephone card or change for urgent phone calls
- ✓ Arrange alternative emergency accommodation should the need arise.

If the person is leaving the family home:

- ✓ Complete a safety plan before they leave the family home
- ✓ Arrange for an adult, e.g. a social worker or specialist domestic violence service worker, to accompany them if they insist on returning to the family home to collect their possessions
- ✓ If necessary, arrange for a police officer to escort the social worker/refuge worker or other and the person to collect their possessions – in order to prevent a breach of the peace
- ✓ Ensure an accredited interpreter, who speaks the same dialect as the family, is also present, in case the family makes threats
- ✓ Perform a risk assessment before visiting the family home
- ✓ Advise the victim how their actions may compromise their safety
- ✓ Take precautions to ensure that the person's identity, benefit, and other records are confidential
- ✓ Encourage them to change their bank account details and mobile phone so they cannot be traced
- ✓ Use existing domestic violence safety measures such as mobile phones and alarms
- ✓ Refer them, with their consent, to appropriate local and national support groups, counselling services and women's groups that have a history of working with survivors of domestic abuse and forced marriage (page 100).

DO NOT:

- ✗ Re-house locally unless specifically requested after all the risks of harm have been explained to the person
- ✗ Allow a woman to be accompanied by her children when returning to the family home to collect possessions
- ✗ Allow them to return to their home unless a risk assessment has been carried out.

Personal possessions should include:

Whilst it is desirable to obtain the following items, they are not as important as the person's safety.

- Proof of identity (something with a photograph and signature e.g. passport, student ID card, photo-card driving licence or National Insurance number/card)
- Benefit books, money, cheque books, bank and credit cards
- Medication and medical card
- Address book, photographs, jewellery and clothing
- Marriage/divorce papers
- Documents relating to immigration status.

Ask them if they want anyone to be told that they are safe and well - if so, who? What information do they want given out?

Many people who remain in contact with their families once they have left home continue to be subjected to emotional pressures. This may include stories about the illness or death of parents, relatives or siblings. If such a message is received, police/social services should check the validity of the information if the person wishes.

Sometimes families use organised networks that will track their children. These networks include family and community members, bounty hunters, taxi drivers, together with people who have access to records such as staff from benefits offices, GP surgeries and local housing authorities. There may be occasions when practitioners unwittingly give confidential information to those searching for the person.

3.12 MISSING PERSONS AND THOSE WHO RUN AWAY

People, especially those under 18, who leave home to escape a forced marriage, or the threat of one, often present specific difficulties for the police and other agencies such as children's social care. Police may feel they should inform families if the young person is found. On occasion, police and children's social care have faced criticism both for failing to share information about a young person who has run away from home and for giving them practical support and protection. Ultimately, however, the first concern should be for the welfare of the young person. Someone facing a forced marriage is at risk of significant harm if they are returned to their family. There have been incidents where families have killed the woman or young person after they have been located. In these situations, police and children's social care should feel confident about justifying their actions, because experience shows that if information is shared with their family and friends it may place the person in danger.

Some families go to considerable lengths to find their children who run away and some may use subterfuge to locate and return them. For example, some families may falsely accuse a missing person of a crime (e.g. theft) in the expectation that the police will locate the person for them.

There may be occasions when someone's family ask a third party, such as, a family friend, councillor, GP, MP or those with influence in the community to request information from a practitioner. The third party may have been given a very plausible reason by the family for needing to know the whereabouts of the person (e.g. the illness of a close relative) and the third party may unwittingly think they are helping the victim. These requests are often made by telephone and rely on the person making the request persuading a practitioner that they are authorised to receive information. If you are in any doubt about such a request, consult an experienced colleague or manager.

For further information about missing persons and young people who run away refer to the Department of Health publication Children Missing from Care and from Home: a guide to good practice, November 2002.

Remember:

Those fleeing a forced marriage that has not yet taken place may be reported as missing by their families. The forced marriage aspect of the case may not be apparent when the report is made.

If police locate a young person under the age of 18, social services or the police should interview the young person (before returning them home) to establish whether it is in their best interests to return home.

If the family locate the person, try to interview them on their own to establish why they left home, the circumstances of their return and what they want to do.

If someone is at risk of being forced into marriage or other types of abuse, it may not be in their best interests if police or social services disclose information to their family, friends or members of the community.

A local authority may provide accommodation for young people between the ages of 16 and 21, if they consider that to do so would safeguard or promote the young person's welfare (s.20 (5) Children Act 1989).

Those fleeing a forced marriage, or the threat of one, may need to be relocated with a different local authority, as they may not wish to live in the same area as their family.

A child or young person fleeing a forced marriage, or the threat of one, may not wish to be fostered with a family from their own background or community.

A child or young person might wish to be fostered outside the immediate geographical area.

DO NOT:

✗ Inform the family, friends, colleagues or acquaintances as to the whereabouts of the person

✗ Disclose information without the express consent of the person, unless the disclosure is to other agencies and is necessary to protect the person (section 3.7).

ESHA

Esha was born in the UK but her parents were from Somalia. Things were not going well at home because when she was at university she had a boyfriend and was smoking and drinking. Her parents said she was becoming too “westernised”. Her mum tricked her into thinking that she was going on holiday saying she wanted to take Esha back to Somalia to see where she and her dad had grown up. When they arrived, she was chained to the wall of the house in which they were staying until she was forced to marry a much older man. After the marriage, Esha tried to run away. Her mum called the police and told them she was a bad girl who would not conform. The police arrested her and she was sent to a women’s prison where other women had been arrested for resisting marriage. After being let out of prison, Esha pretended to submit to her marriage and was allowed to go into the local town. She contacted a friend via e-mail who informed the Forced Marriage Unit. Esha was smuggled out of Somalia to Ethiopia where she was put on a plane home. At Heathrow Esha was met by a key worker from Refuge’s specialist accommodation for African and Caribbean women. Esha was very frightened because she had brought shame on her family for running away and feared that if her family found her they would kill her.

3.13 REPATRIATION

Sometimes the Foreign & Commonwealth Office may ask the police or social care for assistance when a British national is being repatriated to the UK from overseas.

In these cases, the victim may be extremely traumatised and frightened. They may have been held against their will for many months or years. They may have suffered emotional and physical abuse. If a marriage has already taken place, the girl or woman may have been raped. Sometimes they will have risked their life to escape and their family may go to considerable lengths to find them. This makes all victims, particularly women, extremely vulnerable when they return to the UK.

When a British national seeks assistance at a British Embassy or High Commission, the Foreign & Commonwealth Office can try to repatriate them as soon as possible. Unfortunately, due to the urgency of the situation, the Foreign & Commonwealth Office may not be able to give the police or social care a great deal of notice of the person’s arrival.

Remember:

The Forced Marriage Unit can facilitate a British national’s return to the UK by providing emergency travel documents, helping to arrange flights and, where possible, by arranging temporary accommodation whilst the victim is overseas.

The Foreign & Commonwealth Office or social care may ask the police to meet the person on arrival, in case family members try to abduct them at the airport.

The Foreign & Commonwealth Office is obliged to ask the person or trusted friends to fund the cost of repatriation. In some cases, repatriation has been funded by schools or social care. However, this should

never delay the process of getting them to safety. The Forced Marriage Unit in certain very exceptional circumstances may provide a loan from public funds to help the victim return to the UK, but only when all other avenues have been exhausted. The victim will have to sign an agreement to pay the loan in full and will have to secure the loan by giving up their passport to Consular staff who can issue them with an emergency travel document valid for a single journey to the UK. Once the loan has been repaid in full, the person's passport will be returned, or a new passport issued.

3.14 KEEPING RECORDS

Accurate record keeping in cases of forced marriage is important. The records may be used in court proceedings or to assist a person (particularly women claiming domestic violence) in their immigration case. Records should provide a detailed account of what was discussed with the person. Even if forced marriage is not disclosed, a record of your suspicion may be useful in the future.

All records belonging to people facing forced marriage should be kept secure to prevent unauthorised access by those within the broader community who may potentially pass on confidential information to a victim's family. Records should only be available to those directly dealing with the case.

Records should:

- Be accurate, detailed, clear and include the date
- Use the person's own words in quotation marks
- Document any injuries – include photographs, body maps or pictures of their injuries
- Only be available to those directly involved in the person's case.

Remember:

Some people who have fled a forced marriage have been traced through their medical or benefit records. When someone moves to a different area, it is important to have systems in place to prevent their medical records being traced to another GP practice or benefit office (section 8.2).

3.15 LEGAL REMEDIES

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, theft (of passport), threats to kill, imprisonment and murder. Sexual intercourse without consent is rape, regardless of whether this occurs within a marriage or not. A woman who is forced into marriage is likely to be raped and may be raped until she becomes pregnant.

There are a number of legal remedies and options available and it would be advisable to seek specialist legal advice at the earliest opportunity.

This section sets out the emergency legal remedies available to protect victims and then describes some longer-term solutions. It includes both civil and family orders that can be made to protect those threatened with, or already in, a forced marriage.³ Some require the police or local authority to take action whilst others require the victim to seek an order on their own behalf.

³ For further information refer to "Domestic Violence: A Guide to Civil Remedies and Criminal Sanctions". The Guide can be found on the Family Justice Website in a number of languages - <http://www.family-justice-council.org.uk/600.htm>

3.15.1 POLICE PROTECTION

Social care services may approach the police and ask for their assistance in undertaking a joint investigation. The way in which this is to be handled should be covered in the procedures prepared by the Local Safeguarding Children Board and in accordance with Working Together⁴. A joint approach may be particularly useful where it is thought that a child or young person is at immediate risk of forced marriage.

Where there is reasonable cause to believe that a child or young person, under the age of 18 years, is at risk of significant harm, a police officer may (with or without the co-operation of social care services) remove them from the parent and place them under “police protection” (s.46 Children Act, 1989) for up to 72 hours. The police must inform children’s social care and ask them to assist in finding safe and secure accommodation for the child or young person. Children’s social care should commence child protection enquiries under s.47. After 72 hours, the police must release the child or young person. At this point, however, children’s social care may apply for an emergency protection order (EPO) if they are still considered to be at risk of significant harm. The police have the power to make their own application for an EPO, but as a matter of practice this is done by children’s social care.

Social care services should assist the police, if requested to do so, by arranging a placement for the child or young person in a place of safety, taking into account risk management and safety planning - whether this is in local authority accommodation provided by children’s social care, on their behalf, or in a refuge.

⁴ Working Together to Safeguard Children HM Government, 2006 and Safeguarding Children: Working Together Under the Children Act 2004 (Welsh Assembly Government (WAG))

Remember:

Police officers have power, under s.17 (1) (e) Police and Criminal Evidence Act, 1984 (PACE), to enter and search any premises in order to protect life or limb.

Police officers can also prevent a child or young person’s removal from a hospital or other safe place in which the child or young person is accommodated.

The parents may ask for contact with the child or young person, but this does not have to be granted if it is not in the child’s best interests, i.e. it would place the child or young person in danger.

The local Police Child Protection Officer must be informed of any child under police protection. A child or young person may wish to see a police officer of the same gender. They may, or may not, want to see a police officer from their own community – try to give the child or young person the choice.

In all cases, ensure that the Child Protection Register has been checked.

You may be placed under pressure from relatives, those with influence within the community, councillors or MPs to say where the child or young person has gone. Do not divulge this information.

The police do not have parental responsibility with respect to the child or young person while they are under police protection but they can do what is reasonable in the circumstances for the purposes of safeguarding or promoting the child’s welfare. The police cannot make any decisions for them beyond the 72 hours of the order.

3.15.2 EMERGENCY PROTECTION ORDERS (EPO) S.44 CHILDREN ACT, 1989

If the police are unwilling to take a child or young person into police protection, or if, for some reason, such an action is not appropriate, or the situation cannot be resolved during the 72 hours of police protection, an EPO should be considered. The application can be made by anyone including social workers, police, youth workers, advocates or friends of the child or young person but in practice, it is usually made by children's social care.

An EPO acts as a direction to any person in a position to do so (e.g. the parents) to produce the child to the applicant (e.g. children's social care), and authorises the applicant to remove the child and keep the child in accommodation. The child may only be removed to safeguard his or her welfare. An EPO lasts for up to eight days but it may be renewed for up to a further seven days.

If the person applying for an EPO is anyone other than the local authority, children's social care must be informed and must then undertake s.47 enquiries. The local authority has the power, having consulted the applicant and the child or young person, to take over the order and responsibility for the child or young person (Emergency Protection Orders (Transfer of Responsibilities) Regulations 1991, SI 1991/1414)).

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

Remember:

An EPO is open to challenge by the child's or young person's parents or any person with parental responsibility.

Once an EPO is made, the local authority shares parental responsibility with the parents but can only exercise parental responsibility so far as required to safeguard or promote the child's welfare. The local authority need not release details of where the child or young person is living if this is necessary to protect the young person.

If it is necessary to protect the child or young person, the court should be asked for an order that states there be no contact (or restricted contact) during the period of the EPO. If this is not asked for, there is a presumption of reasonable contact.

Social care services have a duty to make child protection enquiries (s.47) when a child or young person living in their area is the subject of an EPO or is in police protection or who they have reasonable cause to suspect is suffering, or is likely to suffer from significant harm (s.47 Children Act, 1989).

For further information on Court Orders refer to The Children Act 1989: Guidance and Regulations, volume 1, Court Order, DCSF, 2008⁵.

⁵ http://www.dcsf.gov.uk/localauthorities/_documents/content/childrensactguidance.pdf

3.15.3 CARE ORDERS AND SUPERVISION ORDERS

Sometimes, an emergency protection order (EPO) is followed by an application from the local authority for a care order (s.31 and s.38 Children Act, 1989). Without such an application, the EPO will lapse and the local authority will no longer have parental responsibility.

A court will only make an interim care order or an interim supervision order under s.38 Children Act, 1989 if it is satisfied that there are reasonable grounds to believe that the following threshold criteria are met:

- a. The young person concerned is suffering, or is likely to suffer, significant harm; and
- b. The harm, or likelihood of harm, is attributable to (amongst other things):
 - i. The care given to the young person, or likely to be given to them if the order were not made, not being what it would be reasonable to expect a parent to give to a young person.

Note: The term “significant harm” should be taken to include all forms of abuse - physical, sexual and emotional and all forms of ill treatment that are not physical.

It is the court’s responsibility to decide whether an order is necessary to protect the young person and what sort of order is the most appropriate.

S.31 (3) Children Act, 1989 provides that no care order or supervision order may be made with respect to a child who has reached the age of 17 (or 16, in the case of a child who is married).

The advantage of a care order over a supervision order is that it allows greater protection to be offered to the young person as the local authority may obtain an order that there be no contact with the family and may conceal the whereabouts of the child if that is necessary to ensure adequate protection.

When a care or supervision order is not available due to the age of the young person, children’s social care should be aware of the opportunities presented by a ward of court order. This is available up to 18 years old and while social services themselves cannot have a young person “warded” (without leave of the court under s.100 Children Act 1989), the young person or an adult friend or advocate can apply for wardship. Various injunctions can be attached to a wardship as required. Very commonly, for a young person in fear of being taken abroad, the injunctions will relate to surrendering passports to the court so that the young person may not leave the jurisdiction without the court’s permission (see section 3.15.5 for further information on wardship).

Remember:

A care order gives parental responsibility to the local authority. The local authority can decide the extent to which others with parental responsibility may meet that responsibility.

A care order places a duty on the local authority to receive the child or young person into their care in order to safeguard and promote the child or young person’s welfare.

The local authority also has a duty to accommodate and maintain the child or young person.

Young people are not able to apply for a care order on their own behalf. Furthermore, a care order cannot be made once a young person has reached the age

of 17 or, in the case of a married person, once they reach 16. The point has not been tested as to whether the court would be willing to make a care order with respect to a young person who is 16 and who alleges that he or she was the subject of a forced marriage.

If a care order is granted it lasts until the young person reaches the age of 18 unless it is discharged before this date. It is a criminal offence to remove a child who is subject to a care order from the UK, without the express consent of the local authority (and every other person who has parental responsibility), or the court.

When a care order is not appropriate, wardship may still be an option.

The parents may agree to the young person being accommodated by the local authority in an attempt to forestall the local authority's application for an interim care order. The accommodation provided must adequately protect the young person. When a young person is accommodated, the local authority does not share parental responsibility and may be forced to disclose to the parents where the young person is living. It may be the case that a care order or wardship can offer greater protection to the child or young person.

If there is a relative or adult whom the young person can trust, that person could apply for a residence order with respect to the young person. This can be done as a freestanding application or within the care proceedings. Again, the question is likely to arise, would such an action provide adequate protection to the young person. Although the residence order holder would share parental responsibility, the parents would retain their parental responsibility and would know where the young person was living. However, the

residence order holder could also apply for a prohibited steps or specific issue order to keep the whereabouts of the child undisclosed

It is possible for a local authority to acquire a supervision order (on the same criteria as a care order) to accompany a residence order. A supervision order places a duty to advise, assist and befriend the supervised child whilst providing support and back up to a residence order holder, but the order would not give the local authority parental responsibility.

If the child is not in care, it is also possible for a local authority to obtain a prohibited steps order under s.8 Children Act, 1989. Such an order could prohibit the parents from removing the young person from the country without the permission of the court. The local authority would need to seek the leave of the court before it obtained such an order. Such an order does not confer parental responsibility on the local authority.

Following a prohibited steps order, further steps should be made by children's social care, education and police to monitor the continuing well being and safety of the young person if they continue to live in the family home.

Note

In care proceedings, local authorities are required to demonstrate to the court that they have considered family members and friends as potential carers as part of their decision-making. In cases of forced marriage, practitioners should exercise extreme caution around how they evidence this (see section 3.3 concerning the danger of involving the family and community). Ideally, family group conferences should not be used in cases where a child or young person is at risk of forced marriage because of the physical danger and

potential emotional manipulation they may experience during this type of session with their parents and other members of their family or community.

There must not be any burden on the child or young person to agree to a family conference.

3.15.4 INHERENT JURISDICTION

There will be cases where a care order is not appropriate, possibly because of the age of the child. A children's social care department may ask the court to exercise its inherent jurisdiction to protect the child. Any interested party, including the young person themselves, a private individual or the Children and Family Court Advisory Support Service (CAFCASS/CAFCASS CYMRU) legal services can apply to have a young person up to the age of 18 made a ward of court.

For the purposes of obtaining protection for a child or young person, there is little difference between wardship and the other orders made in the exercise of the inherent jurisdiction of the High Court. Both types of orders under the inherent jurisdiction are flexible and wide-ranging and an order may be sought where either there is a real risk of a child or young person being forced into marriage or after the marriage has taken place. Where there is a fear that a child or young person may be taken abroad for the purpose of a forced marriage, an order for the surrender of their passport may be made as well as an order that the child or young person may not leave the jurisdiction without the Court's permission.

Orders for the immediate return of the child or young person can be obtained. These orders can be enforced on family members or extended family members. The orders are in the form of injunctions with penal notices attached.

“It is submitted that, applying the above principles to the issue of forced marriages and having regard to the need in such cases for urgent, immediate and effective relief, the inherent jurisdiction is the only route available to safeguard and protect a “child” and to prevent the child from suffering significant harm, particularly by removal from the jurisdiction of the court. In such cases, there is often no effective interested party who is able to make the application other than the local authority. Therefore, the local authority should confidently apply for leave to invoke the inherent jurisdiction and the court’s approach to such an application should be sympathetic and robust as in *Re A (Wardship: Jurisdiction)* [1995] 1 FLR 767; and *Re KR (Abduction; Forcible Removal by Parents)* [1999] 2 FLR 542. Where the victim of the forced marriage and abduction is an adult the inherent jurisdiction should also be invoked on similar principles as those which apply in cases where the subject of the proceedings is unable to make the application personally due to some incapacity.”

Family Court Practice 2005 under the heading ‘Inherent jurisdiction and forced marriages’, p.668

There have been cases⁶ where the court has invoked inherent jurisdiction to protect adults facing forced marriage. Mr Justice Munby in *Re: SA* stated “The court’s inherent protective jurisdiction could be exercised in relation to a vulnerable adult who, even if not incapacitated by mental disorder or mental illness, was, or was reasonably believed to be, either: (i) under constraint; or (ii) subject to coercion or undue influence; or (iii) for some other reason deprived of the capacity to make the relevant decision, or

⁶ *Re: SK* [2004] EWHC 3202 (Fam) and *Re: SA* [2005] EWHC 2942 (Fam)

disabled from making a free choice, or incapacitated or disabled from giving or expressing a real and genuine consent. The inherent jurisdiction was not confined to vulnerable adults, nor was a vulnerable adult amenable as such to the jurisdiction; it was simply that an adult who was vulnerable was more likely to fall into the category of the incapacitated in relation to whom the inherent jurisdiction was exercisable than an adult who was not vulnerable.”

3.15.5 APPLICATIONS FOR WARDSHIP

Once a young person has left the country, there are fewer legal options open to police, social services, other agencies or another person to recover the young person and bring them back to the UK. One 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 (also see Forced Marriage Protection Orders which are appropriate for both children and adults section 3.15.7).

An application for wardship is made to the High Court Family Division, and may be made by a relative, friend close to the child or young person, or CAFCASS/CAFCASS CYMRU legal services department or any interested party, including a local authority, if it has permission under s.100 Children Act 1989. The High Court has extensive experience of forced marriage cases and of dealing with them quickly. Its orders in the inherent jurisdiction and under wardship have greater influence in foreign states. An Emergency Family Division Applications Judge is available at 10.30 am and 2 pm on all working days at the Royal Courts of Justice in the Strand, London, to hear without notice applications. Once the order is obtained, the co-operation of the authorities in the country to which the child or young person has been taken can be sought. Without such co-operation,

it may be difficult to locate and return the child or young person. The Forced Marriage Unit can offer advice and support on possible options.

3.15.6 TIPSTAFF ORDERS

In child abduction cases, it may be possible to seek a tipstaff order – this may be a ‘seek and locate’ order backed by a bench warrant ordering any person with knowledge of the child or young person to give that information to the Tipstaff or his/her deputy or assistants. Related orders may require the alleged abductor to hand his passport and other travel documents to the Tipstaff, and order the Tipstaff to take the child and deliver him or her to a designated place. There may also be a ‘port alert’ executed by the Tipstaff, to help prevent the child or young person being taken abroad.

In the case of children who have been declared a ward of court i.e. cases where the court is acting in loco parentis the Tipstaff has a role in ensuring that those children are delivered to the locations specified by the court.

3.15.7 FORCED MARRIAGE PROTECTION ORDERS

The Forced Marriage (Civil Protection) Act 2007 enables the courts to make Forced Marriage Protection Orders (FMPO) to prevent or pre-empt forced marriages from occurring and to protect those who have already been forced into marriage. The order can include restrictions or requirements to protect a victim from a spouse, family member or anyone involved⁷ - and the order can relate to conduct either within or outside of England and Wales. In cases involving children, FMPOs can be used alongside wardship.

⁷Involvement can include aiding, abetting, counselling, procuring, encouraging, or assisting another person to force or attempt to force a person to marry

Applications for a FMPPO can be made direct to the court by the person seeking protection and, from the autumn 2009, local authorities, which will be designated as relevant third parties under the Act. This means that local authorities do not need to seek the court's permission to make an application for an order. Other people can also make applications with the leave of the court. This means that they have the court's permission to make an application.

Breach of an order made under the Forced Marriage (Civil Protection) Act 2007 is not a criminal offence. However, there is provision in the Act for a power of arrest to be attached to the order. The court must attach a power of arrest to the order where violence has been threatened or used unless the court considers that there will be adequate protection without it. Where a power of arrest is attached, police may arrest a person whom they have reasonable cause to suspect is in breach of the order.

For further information on Forced Marriage Protection Orders and a list of county courts where applications can be made, refer to Her Majesty's Court Service form FL701.⁸

For further information about the remedies that are available refer to the Ministry of Justice publication "Domestic Violence: A Guide to Civil Remedies and Criminal Sanctions"⁹.

Remember

Some forced marriage protection orders last for a specific period e.g. six months and the threat to the person may still exist after the order has expired.

⁸ <http://www.hmcourts-service.gov.uk/cms/14490.htm>

⁹ The Guide is can be found on the Family Justice Website in a number of languages <http://www.family-justice-council.org.uk/600.htm>

It is advisable to seek specialist legal advice at the earliest opportunity.

There may be occasions (e.g. when the person is overseas) when seeking a forced marriage protection order may alert the family and practitioners should consider whether this might place the person at greater risk of harm.

3.15.8 NON-MOLESTATION ORDER

A person may seek a non-molestation order against their spouse under s.42 Family Law Act, 1996. When such an order is granted it forbids the spouse or family member from using violence or other behaviour amounting to harassment against the applicant. Such an order can also be sought in relation to a child of the family.

The criteria for granting such an order are:

- There must be evidence of molestation (e.g. domestic violence or other behaviour which amounts to harassment)
- The applicant or child must need protection
- The judge must be satisfied on the balance of probabilities that judicial intervention is required to control the behaviour, which is the subject of complaint.

The order may be applied for without notice being given to the spouse if there is a risk of significant harm to the applicant or to a child.

A non-molestation order may be made not only against a spouse but also against:

- A person who lives in the same household (but not if the reason they are living in the same household is because one is the other's employee, tenant, lodger or boarder)

- Relatives
- A person whom the applicant has agreed to marry

Even though non-molestation orders are civil court orders, breaching a non-molestation order issued after 1st July 2007 is a criminal offence for which perpetrators may be fined or sent to prison.

Non-molestation orders issued before July 2007 need to have a specific 'power of arrest' attached to them to give the police the power to arrest the respondent for any breaches.

The Government intends to bring s.12 of the Domestic Violence, Crime and Victims Act 2004 into force in autumn 2009. This section will extend the availability of restraining orders under the Protection from Harassment Act 1997, to allow the courts to impose one on a person following conviction of any offence or acquittal of any offence. The power to make a restraining order is for the purpose of protecting a person from harassment.

3.15.9 OCCUPATION ORDER

A person may also seek an occupation order against their spouse under the Family Law Act 1996, seeking the removal of that spouse from the house. The criteria for removal are stricter, and being a victim of a forced marriage is unlikely to be sufficient to obtain an occupation order. The basis on which an order may be granted also depends upon the "right to occupy". It will be necessary to seek legal advice to ascertain whether it would be possible for someone to obtain such an order.

3.15.10 INJUNCTION AGAINST HARASSMENT

A person may also seek an injunction under the Protection from Harassment Act 1997. They may obtain an injunction against their spouse, a family member or any other person, if they knowingly pursue a course of conduct against the person that amounts to harassment. Criminal proceedings may also be taken under this Act for harassment.

A "course of conduct" must involve conduct on at least two occasions. "Conduct" can include speech and need not be a physical attack. A threat to use violence that causes fear can therefore amount to "conduct" for the purposes of this Act.

Chapter 4

MULTI-AGENCY GUIDELINES: ACTIONS TO BE TAKEN IN ALL CASES

Cases of forced marriage can involve complex and sensitive issues that should be handled by a child protection or adult protection specialist with expertise in forced marriage. The statutory guidance on forced marriage states that all organisations should have “a lead person with overall responsibility for safeguarding children, protecting vulnerable adults or victims of domestic abuse – the same person should lead on forced marriage”.¹ Although front line staff should contact this specialist as soon as possible, there may be occasions when they will need to gather some information from the person to establish the facts and assist the referral.

4.1 FIRST STEPS IN ALL CASES

- ✓ See them immediately in a secure and private place where the conversation cannot be overheard (section 3.4)
- ✓ See them on their own – even if they attend with others
- ✓ Explain all the options to them (section 3.5)
- ✓ Recognise and respect their wishes
- ✓ Perform a risk assessment
- ✓ Contact, as soon as possible, a trained specialist who has responsibility for forced marriage
- ✓ If the young person is under 18 years of age, refer them to the designated person with responsibility for safeguarding children and activate local safeguarding procedures
- ✓ If the person is an adult with support needs, refer them to the person with responsibility for safeguarding vulnerable adults
- ✓ Reassure them about confidentiality i.e. practitioners will not inform their family
- ✓ Establish a way of contacting them discreetly in the future (section 3.6)

- ✓ Obtain full details to pass on to the trained specialist
- ✓ Consider the need for immediate protection and placement away from the family.

DO NOT:

- ✗ Send them away
- ✗ Approach members of their family or the community unless they expressly ask you to do so
- ✗ Share information with anyone without their express consent (section 3.3 & 3.7)
- ✗ Breach confidentiality (except as set out in section 3.7)
- ✗ Attempt to be a mediator (section 3.10).

4.2 ADDITIONAL STEPS

- ✓ Give them, where possible, the choice of the ethnicity and gender of the specialist who deals with their case
- ✓ Inform them of their right to seek legal advice and representation
- ✓ If necessary, record any injuries and arrange a medical examination (section 3.8)
- ✓ Give them personal safety advice (section 3.11)
- ✓ Develop a safety plan in case they are seen i.e. prepare another reason why you are meeting
- ✓ Establish if there is a family history of forced marriage, e.g. siblings forced to marry. Other indicators may include domestic violence, self-harm, family disputes, unreasonable restrictions (e.g. withdrawal from education or “house arrest”) or missing persons within the family
- ✓ Advise them not to travel overseas. Discuss the difficulties they may face (section 2.10)
- ✓ Identify any potential criminal offences and refer to the police if appropriate

¹ In schools, this would be the designated person for child protection.

- ✓ Give them advice on what service or support they should expect and from whom
- ✓ Ensure that they have the contact details for the trained specialist
- ✓ Maintain a full record of the decisions made and the reason for those decisions
- ✓ Information from case files and database files should be kept strictly confidential and preferably be restricted to named members of staff only
- ✓ Refer them, with their consent, to appropriate local and national support groups, counselling services and women's groups that have a history of working with survivors of domestic abuse and forced marriage (page 100).

Remember:

When referring a case of forced marriage to other organisations, ensure they are capable of handling the case appropriately. If in doubt, approach established women's groups who have a history of working with survivors of domestic abuse and forced marriage and ask these groups to refer the person to reputable agencies.

Circumstances may be more complex if the person is lesbian, gay, bisexual or transgender. Refer to appropriate support groups (page 100).

British Embassies and High Commissions can only help British nationals or, in certain circumstances EU or Commonwealth nationals. This means that if a non-British national leaves the UK to be forced into marriage overseas, the British Embassy or High Commission will not be able to assist them.

If in doubt, ask the Forced Marriage Unit for advice.

Chapter 5

INFORMATION REQUIRED FOR ALL CASES

5.1 INFORMATION REQUIRED FOR ALL CASES

Ideally, the information should be gathered by a police or social care trained specialist. However there may be occasions when a person is going overseas imminently and as it is an emergency, an education or health professional may need to gather as much information as possible from the victim. In these cases, the information should be passed on to police, social care services and the Forced Marriage Unit. All information should be stored in accordance with safeguarding children and adult protection policies and procedures.

All practitioners working with victims of forced marriage and honour-based violence need to be aware of the “one chance” rule. That is, they may only have one chance to speak to a potential victim and thus they may only have one chance to save a life. This means that all practitioners working within statutory agencies need to be aware of their responsibilities and obligations when they come across forced marriage cases. If the victim is allowed to walk out of the door without support being offered, that one chance might be wasted.

The case may be reported by a third party or by the person under threat - whoever reports the case, you should:

- ✓ Obtain details of the person making the report, their contact details, and their relationship with the individual under threat
- ✓ Obtain details of the person under threat including:
 - Date of report
 - Name of person under threat
 - Nationality
 - Age
 - Date and place of birth
 - Passport details
 - School details
 - Employment details

- Full details of the allegation
- Name and address of parents or those with parental responsibility
- National Insurance number
- Driving licence number
- ✓ Obtain a list from the person under threat of all those friends and family who can be trusted and their contact details
- ✓ Establish a code word to ensure you are speaking to the right person (section 3.6)
- ✓ Establish a way of contacting them discreetly in the future that will not put them at risk of harm (section 3.6)
- ✓ Obtain any background information including schools attended, involvement by adult or children’s social care, doctors or other health services etc.
- ✓ Record details about any threats, abuse or other hostile action against the person, whether reported by the victim or a third party
- ✓ Obtain a recent photograph and any other identifying documents. Document any other distinguishing features such as birthmarks and tattoos etc.
- ✓ Establish the nature and level of risk to the safety of the person (e.g. is she pregnant? Do they have a secret boyfriend or girlfriend? Are they already secretly married?)
- ✓ Establish if there are any other family members at risk of forced marriage or if there is a family history of forced marriage and abuse.

5.2 INFORMATION REQUIRED IF THE INDIVIDUAL IS GOING OVERSEAS IMMINENTLY

- ✓ 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, section 3.9) including:
 - Full name and date of birth of the person under threat
 - Their father's name
 - 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 and any known phone numbers.
- ✓ Information that only they would be aware of (if the victim is a British national, 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 to contact them e.g. a mobile telephone that will function overseas. Record the number
- ✓ Details of the third party in order to maintain contact in case the person contacts them whilst overseas or on her return
- ✓ An estimated return date. Ask that they contact you without fail on their return
- ✓ A written statement by the person explaining that they want the police, adult or 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 person is being forced to marry, move them, expedite any travel arrangements and bring forward the forced marriage.

Report details of the case, with full family history, to the Forced Marriage Unit (section 2.13). Encourage the person to get in touch with the Forced Marriage Unit. The Unit gives confidential advice and support to anyone who fears they may be forced to marry.

The person may be a dual national and have two passports (section 2.11) or if they are under 18 years, they may be listed on their parents' foreign passport.

British Embassies and High Commissions can only help British nationals or, in certain circumstances EU or Commonwealth nationals. This means that if a non-British national leaves the UK to be forced into marriage overseas, the British Embassy or High Commission will not be able to assist them.

If foreign travel with the family becomes unavoidable, in addition to the "information required" set out in section 5.1, the following precautions should be taken:

- ✓ Give them the contact details of the department and practitioner handling their case
- ✓ Encourage them to memorise at least one telephone number and e-mail address, preferably (if they are a British national) those of the British Embassy or British High Commission. Supply the address and contact number for the nearest British Embassy or High Commission (page 97)

- ✓ If they are not a British national, advise them to contact the Forced Marriage Unit (section 2.13). The Unit can provide details of reliable NGOs overseas and the details of the Embassy of their own nationality
- ✓ Advise them to take a mobile phone that will work overseas (one which is capable of international roaming) and which they can keep hidden
- ✓ Encourage them to give you details of a trusted friend/advocate in the UK who they will be keeping in touch with whilst overseas, who will act on their behalf, and whom you can approach if they do not return. Make contact with the friend/advocate before the person under threat departs and request the friend/advocate make a written statement of their support
- ✓ Advise them to take emergency cash, in the local currency and in hard currency (pounds, dollars, euros), in case problems arise in the country of destination, together with contact details of someone there they can trust to help them
- ✓ Ascertain whether they have two passports and if so, which one they will be travelling on. Explain the implications of dual nationality (section 2.11)
- ✓ Give them a copy of the Forced Marriage Unit's leaflet - Forced Marriages Abroad
- ✓ Advise them to contact the Forced Marriage Unit (section 2.13).

Chapter 6

GUIDELINES FOR HEALTH PROFESSIONALS

6.1 WHY THE MAIN FOCUS OF THIS CHAPTER IS ON WOMEN'S NEEDS

In line with other publications for health professionals on domestic abuse¹, this chapter focuses mainly on women's needs and not men's. This is because 85% of those seeking help concerning forced marriage are women and the consequences for women are different than those for men.

Women trapped in a forced marriage often experience violence, rape, forced pregnancy and forced childbearing. Many girls and young women are withdrawn from education early. Some are taken and left abroad for extended periods, which isolates them from help and support – this limits their choices so that often they go through with the marriage as the only option. Their interrupted education limits their career choices. Even if women manage 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.

Many women are the main carers at home and the abuse they suffer can have a devastating impact on their children.

Although this chapter focuses on women, much of the guidance applies to men facing forced marriage – and men should be given the same assistance and respect when they seek help.

6.2 HOW HEALTH PROFESSIONALS CAN MAKE A DIFFERENCE

The Health Service should aim to create an “open environment” where forced marriage can be discussed openly and where women and young people know that they will be listened to and their concerns taken seriously. Helping young women and men who may be threatened by forced marriage should be part of ensuring all services and departments within the health service are “teenager friendly”². This involves reassurance about confidentiality and providing appointment slots during school lunchtimes etc. This would enable young people to visit unaccompanied if they wish and increase the opportunities they have to discuss any worries.

All areas within Strategic Health Authorities (SHAs), Primary Care Trusts (PCTs), NHS Trusts, Local Health Boards (LHBs), General Practice and community care services can create an “open” and supportive environment by:

- Displaying relevant information e.g. details of the freephone National Domestic Violence Helpline, NSPCC Asian Child Protection Helpline, Child Line, Careline and appropriate black and minority ethnic women's groups
- Circulating and displaying copies of the Forced Marriage Unit's leaflet on forced marriage
- Educating health professionals about the issues surrounding forced marriage
- Including black and minority ethnic (BME) women's issues within domestic abuse training for health professionals. Training should include safety planning, risk assessment and risk management.

¹ Responding to domestic abuse: A handbook for health professionals DH 2006 and Domestic Abuse: A Resource Manual for Health Care Professionals in Wales 1991 (WAG)

² For further information refer to You're Welcome quality criteria: Making health services young people friendly DH 2007 http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_073586

Many women may assume that health professionals cannot help them. For this reason, it is unlikely that a woman will present to a health professional as a victim of forced marriage. Although, if a health professional is aware of forced marriage and the ways in which women can be helped, they are in an ideal position to provide early and effective intervention. They can offer practical help by providing information about rights and choices. They can also assist women by referring them on to the police, social care services, support groups, counselling services, and black and minority ethnic women's groups.

There will be occasions when a woman does not mention forced marriage or domestic violence but presents with signs or symptoms, which, if recognised, may indicate to the health professional that she is within a forced marriage or under threat of one. She may have unexplained injuries, be depressed, anxious or self-harming. Some women may attend for a completely different reason and mention in passing that there are "family problems"; with careful questioning she may disclose more.

There are many different ways a woman may come to the attention of health professionals. For example, she may present to:

- Accident and emergency (A&E) departments, rape crisis centres or genito-urinary clinics with injuries consistent with rape or other forms of violence
- Dental surgeries with facial injuries consistent with domestic abuse
- Mental health services, counselling services, school nurses, health visitors, A&E or her GP, with depression as a result of forced marriage. She may display self-harming behaviour such as anorexia, cutting, substance misuse or attempted suicide

SEBIYA

Sebiya came to the UK from Sudan following a forced marriage. When she arrived, she was prevented from leaving the house, she was discouraged from learning English and she was subjected to appalling abuse from her husband and his extended family. On one occasion after her husband had beaten her, she attended the local hospital - as usual her husband went with her.

Fortunately, the consultant she saw spoke the same language as Sebiya. He asked the husband to leave but as usual he refused. The consultant then managed to get Sebiya to follow him into another room, whereupon he closed the door leaving her husband outside. He asked Sebiya if she was OK and Sebiya told him everything.

In the middle of a busy morning clinic, he dropped everything, phoned the police and social care services. They collected her from the hospital and found her a place in a refuge.

To this day, Sebiya still genuinely believes the consultant saved her life.

- Family planning clinics or her GP for advice on contraception or a termination as many women do not want a baby within a forced marriage
- Midwifery services if she does become pregnant.

An interview with a health professional may be the only opportunity some women have to tell anyone what is happening to them. To prevent this type of domestic abuse it is imperative that health professionals are prepared to use these limited opportunities to openly discuss the issues around forced marriage. This guidance is intended to help all health professionals recognise the warning signs of forced marriage, understand the danger faced by women and respond to their needs efficiently and effectively.

Many health professionals have to make difficult decisions when a woman presents with issues around forced marriage – particularly when a woman presents “early” before any crime has been committed or before she is confident enough to articulate forced marriage as a risk. These dilemmas are recognised and this document aims to address these together with some of the practical ways in which health professionals can help women facing forced marriage.

6.3 HOW TO USE ROUTINE AND OPPORTUNISTIC ENQUIRIES TO RECOGNISE CASES

As with all types of domestic abuse, women under threat of forced marriage, or already in a forced marriage, present to health professionals in many different ways. Therefore, health professionals should take a proactive role to establish whether forced marriage is an issue. Some health professionals ask women about domestic abuse routinely when taking their social history – this is often the case for midwives, health visitors and staff carrying out mental health assessments. It may be useful to incorporate

forced marriage into the routine questions about domestic abuse. Most women will not be offended by such questions as long as they know the questions are routine.

Suggested methods of routine enquiry include;

- “Because abuse or violence is so common in women’s lives, we now ask routinely about abuse in relationships so that we can give all women information about agencies that can help”
 - “How is your relationship?”
 - “Are you happy about the baby – is your husband/partner happy?”
 - “Are you bonding with your baby?”
 - Does your partner or family let you do what you want, when you want?
 - “Have you ever been afraid of your partner’s or a family member’s behaviour - are they verbally abusive?”
 - “Do you ever feel unsafe at home?”
 - “Has your husband/partner or anyone else at home threatened you?”
- Depending on the response a health professional receives, they may go on to ask:
- “Have you ever been hurt by your partner or anyone else at home – perhaps slapped, kicked or punched?”
 - “Have you ever been forced to have sex when you didn’t want to?”

These routine questions can be tailored to any department within the health service to reflect the types of issues with which women may present. For example, in a child and adolescent mental health service, or any department where children or young people attend, the questions may focus on the family relationship – such as:

- “How are things at home – do you get on with your parents?”

- “Are your parents supportive of your aspirations – what do they hope for you?”
- “Do your parents have similar aspirations for all your brothers and sisters?”
- “Apart from school, do you get out much?”
- “What do you do at weekends?”

Again, depending on the answer, the health professional may go on to ask more in-depth questions - for example around gender roles within the family or questions around the marriage of older siblings and the circumstances of those marriages.

6.4 HOW TO CREATE OPPORTUNITIES TO MAKE ENQUIRIES

Some health professionals have more opportunities, or are able to create opportunities, to see a woman on her own. These include health visitors, midwives, GPs, practice nurses, school nurses, mental health staff and professionals in family planning clinics, genitourinary clinics and rape crisis centres etc. If there are concerns that forced marriage is an issue, the health professional might ask questions about family life and whether the woman faces restrictions at home.

Some women trapped within a forced marriage have severe restrictions placed on them either by their husband or extended family. Some women find themselves under “house arrest”, facing severe financial restrictions. Others are not allowed out of the house unaccompanied – they may frequently be accompanied to appointments. If they are not accompanied it may be one of the few opportunities a woman gets to tell someone what is happening to her.

There are all sorts of questions a health professional could ask to establish whether a woman is trapped in a forced marriage. These include:

- “How are things at home?”
- “Do you get out much?”
- “Can you choose what you want to do and when

PARMINDER

Throughout Parminder’s childhood, she was told she would marry a business partner of her father’s but when Parminder was 16 years old, she had a relationship with a boy from school called Ian. After a few months, she became pregnant. Parminder did not tell her parents but eventually of course they realised. By this time she was six and a half months pregnant and beyond the legal limit for termination. Even so, her mother took her to the doctor to ask for a termination. The doctor explained to them that a termination at this stage was both life threatening and illegal and sent them away.

Parminder was taken to India. She was told it was to have the baby in secret so as not to shame the family in their local UK community. In fact, on arrival, Parminder was drugged and forced to have a “backstreet” abortion with no anaesthetic. Parminder only just survived but she can no longer have children.

Had the doctor insisted on seeing Parminder on her own, she would have had the opportunity to explain what was happening to her. Also perhaps the doctor should have questioned why he was being asked for termination so late in a pregnancy – this should have suggested that Parminder might be at risk of harm.

you want to do it – such as seeing friends, working or maybe studying?”

- “Do you have friends or family locally who can provide support?”
- “Is your family supportive?”

Some health professionals may be concerned that a woman is under threat of a forced marriage because they are exhibiting some of the behaviours shown in the chart of potential warning signs or indicators (sections 2.7 & 2.9). They may be isolated, depressed, withdrawn, misusing alcohol and drugs (prescribed or non-prescribed), or have unexplained injuries.

In these cases, it may be opportunistic questioning that encourages a woman to disclose forced marriage. Even if she does not disclose anything the first time forced marriage is raised, it shows that you understand the issues and it may give her confidence to disclose at a later date.

Remember:

Some women may not wish to speak to a health professional from their own community.

Always speak to a woman on her own even if she is accompanied.

If the woman needs an interpreter, never use family members or friends. You should always use an accredited interpreter. Some women may be more likely to disclose forced marriage when a telephone interpreting service is used, as they can speak to the interpreter without giving their name or details.

For further information on asking women about domestic abuse refer to Responding to domestic abuse: A handbook for health professionals – Department

of Health, 2005 and Domestic Violence: A Resource Manual for Health Care Professionals in Wales 2001(WAG).

6.5 WHAT TO DO WHEN A WOMAN DISCLOSES THAT SHE HAS BEEN, OR IS ABOUT TO BE FORCED TO MARRY

If a health professional does elicit information that suggests a woman is facing a forced marriage, they should use careful questioning to establish the full facts and decide on the level of response required. This may be to offer advice and provide them with information about specialist advice and information services. However, there may be occasions when the level of concern, or the imminence of the marriage, is such that it becomes a child or vulnerable adult protection issue – in these cases the appropriate adult or child protection procedures will need to be followed. For further information on protecting children and adults with support needs facing forced marriage consult chapters 9 & 10.

What you should do:

- ✓ Follow the first steps set out in section 4.1
- ✓ If appropriate follow the additional steps set out in section 4.2
- ✓ Collect as much of the information required in section 5.1 as possible
- ✓ Liaise with your manager or the “domestic abuse lead” about what you can do to help e.g. discuss the situation with the local police domestic abuse unit
- ✓ Seek information and support from the Forced Marriage Unit (section 2.13)
- ✓ Offer to make an appointment for a future date and discuss with her what you should do if she does not attend. If she is in the country, having an appointment card may give her a legitimate excuse for visiting a health professional (on a prearranged pretext) if leaving the house is difficult

- ✓ Maintain accurate records of what has been said and done (section 3.14)
- ✓ Consider whether a communication specialist is needed if the woman or young person is deaf, visually impaired or has learning disabilities
- ✓ Refer them, with their consent, to appropriate local and national support groups, counselling services and women's groups that have a history of working with survivors of domestic abuse and forced marriage (page 100)

What you should not do:

- ✗ Ignore what she has told you or dismiss the need for immediate protection
- ✗ Contact the family in advance of any enquiries by the police, adult or children's social care or the Forced Marriage Unit, either by telephone or letter (section 3.3)
- ✗ Share information outside child or adult protection information sharing protocols without the express consent of the woman (section 3.7)
- ✗ Breach confidentiality except where necessary in order to ensure the woman's safety (section 3.7)
- ✗ Attempt to be a mediator (section 3.10).

6.6 WHAT TO DO WHEN A WOMAN IS UNDER THE AGE OF 18 OR HAS CHILDREN UNDER THE AGE OF 18

If the woman is under 18 or has children under 18 and does not want any referral to be made, e.g. to children's social care, the health professional will need to consider what is in the best interests of the child and whether her wishes should be respected or whether her safety, or that of her children, requires that further action be taken. If you do take action against her wishes, you must inform her.

If you have concerns for the safety of a woman under 18 years old, activate local child protection procedures and use existing national and local protocols for multi-agency liaison with police and children's social care.³

Refer to the local police child protection unit if there is any suspicion that a crime has been, or may be, committed. Liaise with the police if there are concerns about the safety of the woman, her siblings or her children.

6.7 WHAT TO DO WHEN A WOMAN IS GOING OVERSEAS IMMINENTLY

There may be occasions when a woman tells you she is being taken overseas imminently. There may not be an opportunity to refer her to the police or adult or children's social care. There may be too little time to develop a safety plan or seek protection for her. In these cases, although you may not be able to gather all the details suggested, try to gather as much information as possible about her, as there may not be another opportunity if she goes overseas. Do not assume that someone else will have collected the information. This information may be vital in assisting the Forced Marriage Unit to locate her and assist her repatriation.

- ✓ Follow the first steps set out in section 4.1
- ✓ If appropriate follow the additional steps set out in section 4.2
- ✓ Collect as much of the "information required for all cases" as set out in section 5.1
- ✓ Advise her not to travel overseas and discuss the difficulties she may face (section 2.10)
- ✓ Refer to the local police domestic violence/child protection team

³ Working Together to Safeguard Children HM Government, 2006 and Safeguarding Children: Working Together Under the Children Act 2004 (WAG)

- ✓ Offer to make an appointment for a future date and discuss with her what you should do if she does not attend
- ✓ Maintain accurate records of what has been said and done (section 3.14 & 6.9)

REMEMBER:

There are legal remedies that children’s social care and other agencies can take to prevent a young woman under the age of 18 from being taken overseas or to assist her return, if she has already gone. These include making her a ward of court or surrendering her passport or passports (if she is a dual national). Full details of the legal remedies are set out on section 3.15.

In certain communities, it is important that women undergo female genital mutilation (FGM) before being able to marry – usually this will be performed during childhood but there have been reports of young girls or young women undergoing FGM just before a forced marriage. FGM is illegal in the UK and it is also a criminal offence to take someone overseas for the purposes of FGM.

6.8 WHAT TO DO WHEN A WOMAN HAS ALREADY BEEN FORCED TO MARRY

- ✓ Devise a safety plan and discuss personal safety advice (section 3.11)
- ✓ Speak to her about the options available to her (section 3.5)
- ✓ Refer her to the Forced Marriage Unit (section 2.13)
- ✓ Refer her to the police if there are concerns that a crime has been committed
- ✓ Refer them, with their consent, to appropriate local and national support groups, counselling services and women’s groups that have a history of working with survivors of domestic abuse and forced marriage (page 100)

- ✓ If the young woman is under 18 years old refer to section 6.6
- ✓ Maintain accurate records of what has been said and done (sections 3.14 & 6.9).

6.9 KEEPING RECORDS (SEE SECTION 3.14)

For further information on record keeping for health professionals, refer to Responding to domestic abuse: A handbook for health professionals, Department of Health, 2005.

Health professionals should ensure that records are kept separately from the main patient record to ensure confidentiality.

Health professionals should not record the threat of forced marriage or an allegation of forced marriage in “hand-held” notes (notes kept by the patient – e.g. maternity notes), as members of the woman’s family may have access to them.

6.10 CONFIDENTIALITY, REFERRALS AND SHARING INFORMATION SAFELY

A dilemma may arise because women facing forced marriage may be concerned that if confidentiality is breached and a member of her family finds out that she has sought help she will be in serious danger. On the other hand, women facing forced marriage are often already facing serious danger because of domestic abuse, rape, imprisonment etc. Therefore, confidentiality and information sharing is going to be an extremely important issue for anyone threatened with, or already in, a forced marriage. Health professionals need to be clear about when confidentiality can be offered and when information given in confidence should be shared. In these cases, in order to protect a woman, it may be necessary to share information with other agencies such as the police.

The General Medical Council (GMC)⁴ identifies seven situations where confidential information may be disclosed. The seven situations are:

i. With the consent of the client

- Most women threatened by forced marriage will consent to disclosure if they receive a careful explanation of why the disclosure is to be made and to whom.

ii. If disclosure is clearly in the woman's interest but it is not possible or is undesirable to seek consent

- Problems arise when a woman has already been taken overseas for the purpose of a forced marriage and it is not possible to obtain her consent. In these cases, it may be in her best interest for a health professional to share information with for example the police and the Forced Marriage Unit.
- If a health professional believes a woman “to be a victim of neglect or physical, sexual or emotional abuse and that the patient cannot give or withhold consent to disclosure, you must give information promptly to an appropriate responsible person or statutory agency, where you believe that the disclosure is in the patient's best interests. If, for any reason, you believe that disclosure of information is not in the best interests of an abused or neglected patient, you should discuss the issues with an experienced colleague. If you decide not to disclose information you must be prepared to justify your decision” (Confidentiality: Protecting and Providing Information, GMC 2004).

iii. If it is unequivocally in the public interest

- Disclosing information without consent may be justified in the public interest where failure to do so may expose a woman or her children or siblings to risk of death or serious harm. “Such situations arise, for example, where a disclosure may assist in the prevention, detection or prosecution of a serious crime, especially crimes against the person, such as abuse of children” (Confidentiality: Protecting and Providing Information, GMC 2004).

- Sections 5.3 and 5.4 of the Nursing and Midwifery Council (NMC) code of professional conduct⁵: state that if the patient or client withholds consent, or if consent cannot be obtained for whatever reason, disclosure may be made where it can be justified in the public interest or where there is an issue of child abuse.

iv. If it is necessary to safeguard national security or to prevent a serious crime

- The types of serious crimes that may be committed by forcing a woman to marry include threatening behaviour, assault, kidnap, abduction, threats to kill, imprisonment and murder. Sexual intercourse without consent is rape, regardless of whether this occurs within a marriage or not.
- Section 33 of the NHS code of practice⁶ on confidentiality states that murder, manslaughter, rape, kidnapping, child abuse or other cases where individuals have suffered serious harm may all warrant breaching confidentiality.

⁴ www.gmc-uk.org

⁵ Nursing and Midwifery Council (NMC) code of professional conduct: standards for conduct, performance and ethics - www.nmc-uk.org/aFramedisplay.aspx?documentID=201

⁶ Confidentiality NHS code of practice 2003 - www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_4069253

v. If it is required by law

vi. If it prevents a serious risk to public health

vii. In certain circumstances for the purposes of medical research

If a decision is made to disclose confidential information to another person, the health professional should seek the consent of the woman before the disclosure. Whether or not she agrees to the disclosure, she must be told if there is to be disclosure of confidential information.

Consider:

- ✓ Drawing on existing national and local information sharing protocols and procedures concerning child protection. These are set out in “What To Do If You’re Worried a Child is Being Abused” (HM Government, 2006), Working Together to Safeguard Children (HM Government, 2006), Safeguarding Children: Working Together Under the Children Act 2004 (WAG), in LSCB guidance and All Wales Child Protection Procedures
- ✓ Drawing on existing information sharing protocols and procedures concerning adult protection. These are set out in “No secrets” (Department of Health, 2000), In Safe Hands 2000 (WAG) and local multi-agency adult protection policies and procedures concerning vulnerable adults
- ✓ Drawing on existing information sharing protocols and procedures concerning domestic abuse. These are set out in Safety and Justice: sharing personal information in the context of domestic violence (Home Office 2004), Responding to domestic abuse: A handbook for health professionals (Department of Health 2006) and in the Cross Government Guidance issued in 2006 - Information Sharing: Practitioner Guide and Information Sharing: Further Guidance on Legal Issues

- ✓ Consulting with other professionals, particularly an experienced manager/colleague, the local police child protection or domestic abuse unit. Advice can be sought without revealing the woman’s identity.

Remember:

There may be occasions when the woman’s family ask a third party e.g. a family friend, councillor, GP, MP, or those with influence within the community to request information from a health professional. The third party may have been given a very plausible reason by the family for needing to know the whereabouts of the woman e.g. the illness of a close relative, and the third party may unwittingly think they are helping the woman. These requests are often made by telephone and rely on the person making the request persuading a health professional that they are authorised to receive information. If you are in any doubt about such a request, consult an experienced colleague or manager

KHADIJIA

Khadijia was just 15 years old when she was to go to Bangladesh for a forced marriage. Before departing, her parents encouraged her to go to her GP for various vaccinations. On this rare occasion, no one accompanied her.

When she arrived, the doctor asked her conversationally, if she was looking forward to her holiday. Khadijia said “no she was not at all keen to go as she thought she may end up getting married and didn’t want to”. She continued by asking for the contraceptive injection. She said she feared that should she be forced to marry she would be forced to have sex and she didn’t want to end up pregnant and trapped.

The doctor explained to her that she may want to consider her contraceptive options and that there were limits to how long the injection was effective and its suitability and that oral contraception might be more appropriate for her. He advised her to make an appointment with the family planning clinic to discuss the possible contraceptive options. She could then choose and, if need be, make a new appointment to see him.

Khadijia’s bravery at speaking out provided the doctor with a great opportunity to refer her to social care services, the police and the Forced Marriage Unit. It gave him the chance to not only take details of when Khadijia was going overseas and who was going with her but also find out the address she was visiting overseas.

Unfortunately, he did none of these things. He did not provide any advice, support or information or take any action. At no time did he recognise the risk of forced marriage and rape, the urgency of the situation or the horror of what Khadijia was facing.

Chapter 7

GUIDELINES FOR SCHOOLS, COLLEGES AND UNIVERSITIES

Although this chapter is specifically aimed at teachers, lecturers and other members of staff within schools, colleges and universities, much of the guidance and information within will apply to other staff working in education establishments. This includes staff providing education and training funded by the Learning and Skills Council (England) that is delivered by a range of organisations such as private providers, voluntary organisations and local authorities.

7.1 HOW STAFF CAN MAKE A DIFFERENCE

Young people, especially girls who are 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.

Staff may become aware of a student because they appear anxious, depressed and emotionally withdrawn with low self-esteem. They may have mental health disorders and display behaviours such as self-harming, self-cutting or anorexia. Sometimes they may come to the attention of the police having been discovered shoplifting or taking drugs or alcohol. Often students' symptoms can be exacerbated in periods leading up to the holiday season.

Students may present with a sudden decline in their performance, aspirations or motivation. Some female students may feel studying is pointless if they are going to be forced to marry and therefore be unable to continue with their education.

There may be occasions when a student comes to school or college but then absents themselves from lessons. Often young people at risk of forced marriage are living in virtual imprisonment. They may be subject to excessive restrictions and control at home. Some students may not be allowed to attend any extra-curricular or after school activities. Girls and young women may be accompanied to and from school/college, and even during lunch breaks. Therefore, school time is their only "free" time to do ordinary adolescent activities that other students do at weekends with their friends.

Some students may stop attending school or college and visits to the home by welfare officers or other members of staff may result in the professional being told that the student is out of the country. In some cases, the student may have been locked in a room of the house and not allowed to communicate with anyone outside.

Other students may show a decline in punctuality, especially if they are past compulsory education age, which may be the result of having to "negotiate" their way out of the house. Some students, particularly girls, are given minimal time to get to school so they do not have time to meet a boyfriend or talk to friends. There are occasions when older siblings (usually brothers) and cousins keep a close eye on girls to make sure that they do not meet anyone or talk to friends.

Some students may come to notice because their homework is incomplete or appears rushed. This may be the result of being actively discouraged from doing it by family members. These students may do their homework late at night, which frequently shows in school because they are lethargic, unable to concentrate and have a general appearance of tiredness.

Staff may become aware of conflict between the student and their parents about whether the student will be allowed to continue with GCSEs or A-levels. Sometimes there may be family arguments over whether the student can make applications to colleges or universities, and the distance of the college or university from the family home.

Another warning sign might be a family history of older siblings leaving education early and marrying early. Their parents may feel it is their duty to ensure that children are married soon after puberty in order to protect them from sex outside marriage. In these cases, there may be a history of considerable absence authorised by the student's parents. These absences may be for sickness, or extended family holidays overseas often interrupting the school term.

Students who fear they may be forced to marry often come to the attention of, or turn to, a teacher, lecturer or other member of staff before seeking help from the police or social services. Sometimes the student's friends report it to staff. Teachers, lecturers and other members of staff are in an ideal position to identify and respond to a victim's needs at an early stage. They can offer practical help such as referring the student to social services or to support groups, counselling services and black and minority ethnic women's groups (page 100) but also by providing them with information about their rights and choices (section 3.5).

Educational establishments should aim to create an "open environment" where students feel comfortable and safe to discuss the problems they are facing - an environment where forced marriage is discussed openly within the curriculum, and support and counselling are provided routinely. Students need to know that they will be listened to and their concerns taken seriously.

Schools, colleges and universities can create an "open" and supportive environment by:

- ✓ Circulating and displaying copies of the Department for Children Schools and Families (DCSF) and Forced Marriage Unit posters on forced marriage
 - ✓ Displaying relevant information e.g. details of the NSPCC Asian Child Protection Helpline, Child Line, Careline and appropriate black and minority ethnic women's groups
 - ✓ Ensuring that a private telephone is made available should students need to seek advice discreetly
 - ✓ Educating teachers, lecturers and other staff about the issues surrounding forced marriage and the presenting symptoms – appropriate training should be included in continuing professional development (CPD)
 - ✓ Referring students to an education welfare officer, pastoral tutor, learning mentor or school counsellor as appropriate.
 - ✓ Encouraging young people to access appropriate advice, information and support (page 100)
- Schools and colleges can introduce forced marriage into the curriculum by:
- ✓ Discussing different types of marriage (love matches, arranged and forced marriages) within relevant classes. These include:
 - Personal, social, health and economic education (PSHE) in England
 - Personal and social education (PSE) in Wales
 - Citizenship
 - Religious knowledge
 - Drama
 - History
 - Sociology.
 - ✓ Introducing discussions about marriage within English literature classes for example when reading "Romeo and Juliet"
 - ✓ Making books available such as *Unbroken Spirit*, *Shame*, *Daughters of Shame*, *Brick Lane*, *(Un)arranged*

Marriage, Arranged Marriage, Without Mercy and Sold – see section 7.8 for further details

✓ Providing videos such as *Watch Over Me, Tying the Knot, Love Snatched* and *Narina's story* – see section 7.8 for further details

7.2 WHAT TO DO WHEN YOU ARE CONCERNED THAT A STUDENT MAY BE FORCED TO MARRY

Staff may be concerned about a student because they are exhibiting some of the behaviour shown in the chart of potential warning signs and indicators (sections 2.7 & 2.9). Alternatively, a student may approach a member of staff because they are going on a family holiday overseas and they are concerned about this. They are often told that the purpose is to visit relatives, attend a wedding or because of the illness of a grandparent or close relative. The student may suspect that this is a ploy and that there is an ulterior motive, which is to force them to marry.

Do not assume that a student is at risk of being forced into marriage simply on the basis that they are being taken on an extended family holiday. These assumptions and stereotyping can cause considerable distress to families. All efforts should be made to establish the full facts from the student at the earliest opportunity.

Once the full facts have been established, the member of staff should be able to decide on the level of response required. This may be to offer the student advice or to provide them with information about specialist advice and information services. However, there may be occasions when the level of concern is such that it becomes a child protection issue; in these cases, the appropriate child protection procedures will need to be followed.

7.3 WHAT TO DO WHEN A STUDENT SEEKS HELP

- ✓ Follow the first steps set out in section 4.1
- ✓ If appropriate follow the additional steps set out in section 4.2
- ✓ Collect as much of the information required in section 5.1 as possible
- ✓ Explain all the options to the student (section 3.5), recognise and respect their wishes. If the student does not want any referral to be made, e.g. to social services, the teacher, lecturer or other member of staff will need to consider whether the student's wishes should be respected or whether the student's safety requires that further action be taken. If you do take action against the student's wishes, you must inform them
- ✓ Liaise with the designated teacher with responsibility for safeguarding children and seek advice from the Forced Marriage Unit (section 2.13)
- ✓ Liaise with the local police and social services to establish if any incidents concerning the family have been reported (e.g. missing persons or domestic violence etc.)
- ✓ If you have concerns for the safety of a student under 18 years old, activate local safeguarding procedures and use existing national and local protocols for multi-agency liaison with police and children's social care¹
- ✓ Refer to the local police child protection unit or domestic abuse unit if there is any suspicion that a crime has been, or may be, committed. Liaise with the police if there are concerns about the safety of the student or the student's siblings
- ✓ Refer the student, with their consent, to appropriate local and national support groups and counselling services with a history of dealing with cases of forced marriage (page 100). If in doubt, consider seeking advice from the Forced Marriage Unit

¹ Working Together to Safeguard Children HM Government, 2006 and Safeguarding Children: Working Together Under the Children Act 2004 (WAG)

(section 2.13)

✓ Consider whether a communication specialist is needed if the student is deaf, visually impaired or has learning disabilities

There are legal remedies that social services can take to prevent young people being taken overseas. These include making the student a ward of court or surrendering their passport or passports (if they are a dual national see section 2.11). Full details of these remedies are set out on section 3.15.

7.4 WHAT TO DO WHEN A STUDENT IS GOING OVERSEAS IMMINENTLY

Try to gather as much information as possible, as there may not be another opportunity if the student goes overseas. This information may help the Forced Marriage Unit to locate the student and assist to repatriate them.

- ✓ Follow the first steps set out in section 4.1
- ✓ If appropriate follow the additional steps set out in section 4.2
- ✓ Collect as much as possible of the information set out in section 5.1
- ✓ If they are a British national, give the student the contact details of the nearest British Embassy or High Commission (page 97)
- ✓ If they are not a British national, advise them to contact the Forced Marriage Unit (section 2.13). The Unit may be able to provide details of reliable NGOs overseas and the details of the relevant embassy
- ✓ Explain the difficulties that the student may face when overseas (section 2.10)
- ✓ Explain the options available to the student (section 3.5)

CYNTHIA

“Cynthia ” was a well-behaved, able and keen student throughout her primary and early senior school years. However, by the time she was 14 her behaviour was becoming increasingly withdrawn, she began to absent herself from school and seemed to be losing weight. She also was significantly less interested in her schoolwork.

She was referred to the education welfare officer and the learning mentor in the school. The school logged, over a 7-month period, that she turned up with marks consistent with physical abuse and beatings as well as self-harming behaviour. She said this was due to family conflicts but did not want her family to get in trouble.

She was referred to social services by the school. She refused to say anything against her family. Shortly afterwards she ran away staying with friends and stayed with various people locally. In each case, she ended up being returned to her family. Cynthia would not press charges against them and therefore social services felt they had no grounds for any other action.

As the summer holidays approached (by now Cynthia was 15 turning 16), her behaviour and attitude worsened, she missed several exams and at the start of the following autumn term, she did not turn up for school. At this point, the school, on speaking to some of her school friends, discovered she had told them she feared a possible forced marriage or at least being left in Nigeria. The school then contacted the Forced Marriage Unit.

Cynthia was finally located overseas and repatriated to the UK. She had to re-sit her GCSE year but is doing very well and living in foster care

7.5 WHAT TO DO WHEN YOU SUSPECT THAT A STUDENT MAY BE FORCED TO MARRY

- ✓ Speak to the student about your concerns
- ✓ Follow the first steps set out in section 4.1
- ✓ If appropriate follow the additional steps set out in section 4.2
- ✓ Collect as much of the information required in section 5.1 as possible
- ✓ Refer to warning signs (sections 2.7 & 2.9)
- ✓ Liaise with the guidance/pastoral/head teacher as appropriate
- ✓ Establish if there is a family history of forced marriage, i.e. siblings forced to marry. Other indicators may include domestic violence, self-harm, family disputes, unreasonable restrictions (e.g. withdrawal from education or “house arrest”) or missing persons within the family
- ✓ Liaise with the local police and adult or children’s social care to establish if any incidents concerning the family have been reported (e.g. missing persons or domestic violence etc.)
- ✓ If you have concerns for the safety of a student under 18 years old, activate local child safeguarding procedures and use existing national and local protocols for multi-agency liaison with police and children’s social care²
- ✓ Establish if the student has dual nationality as they may have two passports (section 2.11).
- ✓ Seek advice from the Forced Marriage Unit (section 2.13)

What you should not do:

- ✗ Treat such allegations merely as a domestic issue and send the student back to the family home

- ✗ Ignore what the student has told you or dismiss out of hand the need for immediate protection

² Working Together to Safeguard Children HM Government, 2006 and Safeguarding Children: Working Together Under the Children Act 2004 (WAG)

✗ Decide that it is not your responsibility to follow-up the allegation

✗ Approach the student’s family or those with influence within the community, without the express consent of the student, as this will alert them to your concerns and may place the student in danger

✗ Contact the family in advance of any enquiries by the police, the Forced Marriage Unit, adult or children’s social care, either by telephone or letter

✗ Share information outside information sharing protocols without the express consent of the student

✗ Attempt to be a mediator (section 3.10).

7.6 WHAT TO DO WHEN A STUDENT STOPS ATTENDING SCHOOL

Local authorities in England have a duty to identify all children not receiving a suitable education. This duty will come into force in Wales from September 2009. This relates to children of compulsory school age who are not on a school roll and who are not receiving a suitable education otherwise than being at school (this could involve, for example, home education, private education, alternative provision). Details of the steps local authorities need to take to meet this duty are described in “Statutory Guidance for local authorities in England to identify children not receiving a suitable education”.³ Guidance in Wales will be published before September 2009.

There may be occasions when a student does not return to education after a holiday or they may stop attending school during term time. In these situations, staff may have a suspicion that forced marriage is an issue.

³ See - www.everychildmatters.gov.uk/resources/IG00202

- ✓ If a teacher, lecturer or other member of staff suspects that a student has been removed from, or prevented from, attending education as a result of forced marriage, a referral should be made to the local authority adult or children's social care and the police
- ✓ Liaise with the local police domestic abuse unit
- ✓ Contact the Forced Marriage Unit (section 2.13)
- ✓ Try to obtain as much information about the student as possible (section 5.1)
- ✓ Establish if there is a history of siblings being forced to marry
- ✓ Consider speaking to the student's friends

Remember:

There may be occasions when an Education Welfare Officer or teacher visits the family in the UK to find out why the student is not attending school or college. The family may tell the teacher that the student is being educated overseas. Sometimes, the family may suggest that the teacher speaks to the student on the telephone. If this occurs, the teacher should refuse to speak on the telephone and (if the student is a British national) insist that the student is presented at the nearest British Embassy or High Commission. There have been occasions when students have not been able to talk freely over the telephone or a different individual has spoken to the teacher.

For further information, refer to the statutory guidance for local authorities in England to identify children not receiving a suitable education.⁴

What staff should not do:

- ✗ Remove the student from the register without first making enquiries and referring the case to police and local authority adult or children's social care
- ✗ Dismiss the student as taking unauthorised absence

7.7 MAKING REFERRALS

It is not the role of teachers, lecturers and staff to investigate allegations of abuse of a student and therefore, if the student is under 18 years, all referrals should be made in accordance with Working Together⁵. These referrals will usually be to children's social care or the police. The Forced Marriage Unit can also be contacted for advice and help in making the referral.

If the student is an adult with disabilities, referrals should be made in accordance with the local Multi-agency Adult Protection Committee procedures and protocols to protect vulnerable adults from abuse (chapter 10).

Remember:

The student may not wish to be referred to a social worker, police officer or a guidance/pastoral/head teacher from his or her own community.

Consult other professionals, particularly an experienced manager/colleague, the local police child protection or domestic abuse unit. Advice can be sought without revealing the student's identity.

Speaking to the student's parents about the action you are taking may place the student at risk of harm. Therefore, do not approach the family as they may deny that the student is being forced to marry, move the student, expedite any travel arrangements and bring forward the forced marriage.

Report details of the case, with full family history, to the Forced Marriage Unit (section 2.13). Encourage the student to get in touch with the Forced Marriage Unit. The Unit gives confidential advice to individuals who fear they may be forced to marry.

⁴ www.everychildmatters.gov.uk/resources/IG00202/

⁵ Working Together to Safeguard Children HM Government, 2006 and Safeguarding Children: Working Together Under the Children Act 2004 (WAG)

7.8 OTHER RESOURCES

Books

Unbroken Spirit by Ferzanna Riley
(ISBN 978 0 340 943489)

Shame by Jasvinder Sanghera
(ISBN 978 0 340 924624)

Daughters of Shame by Jasvinder Sanghera
(ISBN 978 0 340 962060)

(Un)arranged Marriage by Bali Rai
(ISBN 0 552 547344)

Brick Lane by Monica Ali (ISBN 038560484X)

Arranged Marriage by Chitra Bannerjee Divruka
(ISBN 0-552-99669-6)

Without Mercy by Miriam Ali (ISBN 0 7515 1635 X)

Sold by Zana Muhsen
(ISBN 0 7515 0951 5)

Films and videos

Tying the Knot

This is a 12-minute video for young people (12-18) featuring young people's views on marriage.

The video distinguishes between arranged and forced marriages. There is also an accompanying pack with background information and discussion points.

Faction Films
26 Shacklewell Lane
London
E8 2EZ
Telephone: 020 7690 4446

Love Snatched

This video tells the stories of several young peoples' fight for freedom.

Lawyers and activists define forced marriage as a violation of human rights. The video discusses some of the help available.

Narina's Story

Narina describes her remarkable escape from the threat of a forced marriage, along with her two sisters

Watch Over Me II

This video is a "soap" based educational programme for Key Stage 3 & 4. The six episodes are based on real experiences and see a range of characters involved in different issues including Forced Marriage.

The video comes with a teacher's guide.

For further copies
Telephone: 0870 759 3388
E-mail: office@missdorothy.com
Website: missdorothy.com

Other films that contain some of the issues around forced marriage include *East is East*, *Monsoon Wedding*, *Bride and Prejudice* and "Ae Fond Kiss".

RUMI

When 15-year-old Rumi did not return from summer holidays for the autumn term, her teacher asked her younger sister. She said that Rumi was staying in Pakistan and would be getting married when she turned 16 in a month's time. The teacher suspected that this was not what Rumi wanted. The teacher tried to get the sister to arrange for Rumi to phone the teacher to talk about work she could do while she was away as it was her GCSE year. Luckily, Rumi did phone the teacher but said she was not coming back to school, as she was to get married. The teacher felt Rumi was not speaking freely and asked her to give "yes" or "no" answers. She then asked Rumi if she could speak freely and if she wanted to get married. Rumi replied no to both questions but then the phone was cut off.

The teacher informed the Forced Marriage Unit (FMU). The FMU had no address for her and could not ask her family without alerting them. However, the FMU contacted the police and they managed to get an address for Rumi's family in Pakistan from her sister-in-law. The British High Commission then had to write to the Ministry of Foreign Affairs in the overseas government for permission to obtain a police escort for a rescue mission to the remote village where Rumi was being held. Attempts to contact Rumi had continued to fail. It was two weeks before permission was granted. Staff from the High Commission set out to rescue Rumi and the journey took several hours due to severe localised flooding. On arrival in the village, large numbers of the villagers turned out, they surrounded the High Commission car, shouted and asked questions - it was very intimidating. Finally, the High Commission staff spoke to Rumi alone, though her family were in the neighbouring room. She was very distressed and felt it would be too embarrassing for her family if she were to leave with the High Commission staff but confirmed she was being held against her will and was to be forced into a marriage. Eventually, after further discussions, Rumi did leave with the High Commission staff. She was repatriated to the UK to take up her schooling again.

Chapter 8

GUIDELINES FOR POLICE OFFICERS

8.1 HOW POLICE OFFICERS CAN MAKE A DIFFERENCE

Police have a number of responsibilities in relation to forced marriage. These include, protecting victims, investigating any crimes associated with forcing someone to marry and assisting the prosecution as well as supporting the witnesses.

In line with other publications for police on domestic abuse¹, this chapter focuses mainly on women's needs. This is because 85% of those seeking help concerning forced marriage are women and the consequences for women are different than those for men.

Women trapped in a forced marriage often experience violence, rape, forced pregnancy and forced childbearing. Many girls and young women are withdrawn from education early. Some are taken and left abroad for extended periods, which isolates them from help and support – this limits their choices so that often they go through with the marriage as the only option. Their interrupted education limits their career choices. Even if women manage 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.

Although this chapter focuses on women, much of the guidance applies to men facing forced marriage – and men should be given the same assistance and respect when they seek help. Men may find it more difficult to admit to being forced into marriage and therefore, may be less likely to seek help.

¹ A universal risk assessment and management process for domestic abuse, stalking, harassment and honour based violence (DASH) 2008

To gain the trust of the person, police must have a good understanding of the issues surrounding forced marriage and the steps that they can take in order to protect a victim. They need to be aware that people living within a forced marriage, or those under threat of one, may face significant harm if their families become aware that they have sought assistance from an agency whether it is police, social care or a voluntary or community-based organisation. The person's safety must come first. In many cases, it may not be in their best interest to remain with the family or even in the immediate vicinity. For these reasons, cases of forced marriage, actual or suspected, should only be handled by an officer who has been nominated by his or her police force as being qualified by both relevant experience and specialist training to deal with cases of forced marriage.

8.2 WHAT TO DO WHEN SOMEONE FEARS THEY MAY BE FORCED TO MARRY

- ✓ Follow the first steps set out in section 4.1
- ✓ If appropriate follow the additional steps set out in section 4.2
- ✓ Collect as much of the information required in section 5.1 as possible
- ✓ Discuss the case with the Forced Marriage Unit (section 2.13)
- ✓ Refer the victim, with their consent, to appropriate local and national support groups, counselling services and women's groups that have a history of working with survivors of domestic abuse and forced marriage (page 100)
- ✓ Consider whether a communication specialist is needed if the victim is deaf, visually impaired or has learning disabilities
- ✓ Check police and social services' records for past referrals of family members including siblings – e.g. domestic abuse or missing persons within the family. For other warning signs see sections 2.7 & 2.9

- ✓ Obtain details of any threats, abuse or hostile actions against them
- ✓ Create a restricted entry in the force intelligence system and submit a crime report if applicable
- ✓ Explain the options available to them
- ✓ If foreign travel with the family becomes unavoidable, take the precautions set out in sections 5.1 & 5.2.

Refer to:

Practice Guidance for Specialist Staff – Domestic Abuse, Stalking and Harassment and Honour Based Violence (DASH) ACPO 2009

Practice Guidance for First Response Police Staff – Domestic Abuse, Stalking and Harassment and Honour Based Violence (DASH) ACPO 2009

Risk Identification and Assessment Model for Police Staff – Domestic Abuse, Stalking and Harassment and Honour Based Violence (DASH) ACPO 2009

Guidance on Taking of Fingerprints, DNA & Photographs of Victims/Potential Victims of Forced Marriage, ACPO 2008

Procedure for Requesting HM Revenue and Customs to make National Insurance Data “Nationally Sensitive” – Forced Marriage and Honour Based Violence Victims, ACPO 2009. Note: this document is confidential and for police use only

Guidance on the Relocation of Victims of Forced Marriage and Honour Based Violence between Force Areas, ACPO 2008

Guidance on Investigating Domestic Abuse ACPO 2008

All these documents can be found on force Intranet sites

INAYA

Inaya was given advice by police and referred to an independent domestic violence advocacy service. She was born in the UK but taken to Afghanistan by her parents. She did not know that her parents intended to force her into marriage. Ten days after arriving Inaya was made to marry a man 15 years her senior. Inaya came back to the UK to live with her new husband and was very distressed because he would not allow her to finish her A levels. He was also physically violent towards her and would not let her out the house. One day Inaya went to her family’s house and did not want to return home. When her husband came to collect her, she resisted so he dragged her down the street and assaulted her. The neighbours called the police. The police gave her the number for the advocacy service at the hospital and she made contact by using a mobile phone, which she had kept secret. Inaya wanted to leave so the advocacy service looked for a refuge space. However, before she could leave, her husband found the mobile phone and destroyed it. A few months later, the service heard from the police that Inaya was in custody after her husband accused her of assault. The allegation was false. Inaya’s husband had in fact threatened her with a knife and she had fled the house in her pyjamas. Again, the service found a refuge space for Inaya but she said she needed time to think and went to stay with a friend. She has not been heard from since.

Remember:

There may be occasions when police are required to establish whether someone is safe while they are still in the UK. In these situations, it is important that police interview them away from their family home, in a neutral place, where they cannot be influenced or pressured by family members.

If the person is travelling overseas, the police should obtain all addresses where the individual may stay.

Before attempting to obtain evidence from or interviewing a young person under the age of 17 years, refer to *Achieving Best Evidence in Criminal Proceedings: Guidance for vulnerable or intimidated witnesses, including children* (Home Office 2002)

LEGAL POSITION

There are a range of court orders that may be used to protect children and adults from forced marriage. These orders include:

- Forced marriage protection order (section 3.15.7)
- Non-molestation order (section 3.15.8)
- Occupation order (section 3.15.9)
- Injunction against harassment (section 3.15.10)

8.3 WHAT TO DO WHEN A THIRD PARTY REPORTS THAT SOMEONE HAS BEEN TAKEN OVERSEAS FOR THE PURPOSE OF A FORCED MARRIAGE

Sometimes a person may be taken overseas on the pretext of a family holiday, the wedding of a relative or the illness of a grandparent. On arrival, their documents and passports may be taken away from them. Some even report their parents drugging them. In these cases, it may be a concerned friend, relative, partner or agency that reports them missing. These cases may initially be reported to the Forced Marriage Unit, social care, police, education or a voluntary group.

As with all cases of forced marriage, confidentiality and discretion are vitally important (section 3.7). It is not advisable immediately to contact an overseas police service or organisation to make enquiries. Risks may arise if police or organisations overseas are contacted directly (section 3.9). If, through police actions, the family becomes aware that enquiries are being made, they may move the victim to another location or expedite the forced marriage.

POLICE RESPONSE

- ✓ Collect as much information as possible set out in sections 5.1 and 5.2
- ✓ Discuss the case with the Forced Marriage Unit (section 2.13)
- ✓ Refer to the Child Protection Officer, if the person is under 18 years
- ✓ Check existing missing persons' reports
- ✓ Obtain details of, and maintain contact with, the third party in case the person contacts them whilst overseas or on their return
- ✓ Consider asking an Education Welfare Officer to make careful enquiries
- ✓ Use existing national and local protocols for inter-agency liaison

Remember:

Reassure the third party that if the person being held overseas wishes to return to the UK (if they are a British national), the Foreign & Commonwealth Office can try to repatriate them as soon as possible. The Foreign & Commonwealth Office is obliged to ask the individual, the third party or trusted friends to fund the cost of repatriation (section 3.13). However, this should never delay the process of getting the individual to safety.

Police should be extremely careful not to disclose information to the overseas police or any other overseas organisation that could place the person in further danger e.g. disclosure about previous/current boyfriends or partners in the UK (section 3.9).

There may be occasions when a person is overseas and the Forced Marriage Unit ask the police to visit the family in the UK to request that the family overseas present the person at the nearest British Embassy or High Commission (if they are a British national). In these situations, the family may suggest that the police officer speaks to the person on the telephone. If this occurs, the officer should refuse to speak on the telephone and insist that the person is presented at the British Embassy or High Commission. There have been occasions when individuals have not been able to talk freely over the telephone or a different person has spoken to the officer.

DO NOT:

✗ Go directly to the person's family, friends or those with influence within the community, as this will alert them to the enquiries and may place them in further danger. (Note: There may be exceptional circumstances when the Forced Marriage Unit asks the police to visit the family)

✗ Make direct contact with the British Embassy, High Commission or overseas police without first liaising with the Forced Marriage Unit (section 2.13)

✗ Speak to the person on the telephone in order to find out if they are being held against their will. The family may be present threatening them or it may be a different person speaking on the telephone.

Try to:

✓ Ascertain if anyone else is aware of the situation and establish whether enquiries have already been made. Is there evidence to support forced marriage and other abuses?

✓ Dissuade the third party and other agencies involved in the case from making enquiries and taking action independently of the police.

✓ Find and document any evidence to confirm the threat of forced marriage and any related criminal offences.

✓ If the third party needs support, refer them to an organisation with a history of assisting in cases of forced marriage and domestic abuse (page 100).

CASH DEPOSITS FOR REPATRIATION

There may be rare occasions when the Forced Marriage Unit asks a third party in the UK to deposit a sum of cash at the local police station in order to cover the cost of repatriation of a person who has been held abroad. The police should issue a depositor with a receipt for the amount received and fax or telephone the Forced Marriage Unit to confirm receipt of the cash. Later a cheque for the amount received should be sent to the Forced Marriage Unit (section 2.13).

Police stations are able to do this and this should not pose any difficulty. Delays in this process can delay the repatriation of the victim. Normally, the Forced Marriage Unit prefers to arrange bank transfers with the third party not calling on the police for this function at all.

LEGAL POSITION CONCERNING CHILDREN AND YOUNG PEOPLE

Once a young person has left the country, the legal options open to police, social services, other agencies or another person to recover the young person and bring them back to the UK are limited. One 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. For further information about applications for wardship and other legal remedies see section 3.15 and contact the Forced Marriage Unit (section 2.13).

8.4 WHAT TO DO WHEN SOMEONE HAS ALREADY BEEN FORCED TO MARRY

Many cases of forced marriage come to light when a person (particularly a woman) is reported missing or there are allegations of abuse and domestic violence but some cases are brought to the attention of the police or social care when a victim is forced to act as a sponsor for their spouse's immigration to the UK. They are 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 person in a difficult position.

Remember:

Although someone may be tempted to prevent a successful visa application for their spouse, in reality, it is not possible to do this without all parties concerned being aware of their reason for not wishing to sponsor their spouse's visa application.

Spouses forced into marriage may suffer years of domestic violence, but feel unable to leave due to fear of losing their children, lack of family support, economic pressures and other social circumstances. The fact that they were forced to marry may only become apparent years after the marriage has taken place.

In all cases, the police officer needs to discuss the range of options available to the person and the possible consequences of their chosen course of action (section 3.5).

POLICE RESPONSE

- ✓ Follow the first steps set out in section 4.1
- ✓ If appropriate follow the additional steps set out in section 4.2
- ✓ Refer to the child protection officer, if the young person is under 18 years old
- ✓ Refer to the domestic abuse unit, if they are over 18 years old
- ✓ Check existing missing persons' reports
- ✓ Record full details of the person together with details of the marriage including date and place
- ✓ Record the name, address and date of birth of the spouse together with the interview dates for their visa (if known)
- ✓ Refer them, with their consent, to appropriate local and national support groups, counselling services and women's groups that have a history of working with survivors of domestic abuse and forced marriage (page 100)
- ✓ Refer to the Forced Marriage Unit if the marriage has an overseas dimension or they have concerns about their "spouse" getting a visa (section 2.13)
- ✓ If they require specific legal advice suggest they consult a family panel solicitor
- ✓ If they do not want to return to the family home, a strategy for leaving home should be devised and personal safety advice discussed (section 3.11)
- ✓ If they wish to remain at the family home, try to maintain contact without placing them at risk (section 3.6).

Consider:

- Maintaining contact using appropriate community workers, health workers, education welfare officers etc
- Using legal remedies to protect them from family members if they decide to leave the family home or they wish the spouse to leave the family home (sections 3.15)

LEGAL POSITION

A spouse who is the victim of a forced marriage can initiate nullity or divorce proceedings to end the marriage. They can also take action to protect themselves under the Family Law Act 1996 and the Protection from Harassment Act 1997. These orders include:

- Forced marriage protection order (section 3.15.7)
- Non-molestation order (section 3.15.8)
- Occupation order (section 3.15.9)
- Injunction against harassment (section 3.15.10)

8.5 WHAT TO DO WHEN A SPOUSE HAS COME TO THE UK FROM OVERSEAS

A spouse may come to the UK from overseas and report that they have been forced to marry overseas. Often they may not speak English and may not be aware of the support to which they may be entitled. Again, these cases may be reported initially as cases of domestic abuse, missing persons or child protection.

If the spouse does not have indefinite leave to enter, exceptional leave to remain (ELR), indefinite leave to remain (ILR), humanitarian protection, discretionary leave or a right of abode in the UK, then they are likely to have a restriction on receiving public funds. Public funds include income support and housing benefit. This means that it is extremely difficult to get access to a refuge (although occasionally refuges may be able to offer places). As a result, individuals may experience tremendous difficulty in finding alternative accommodation and a means by which to live (see sections 11.2 & 11.3). This may lead individuals to feel they have no option but to remain in the marriage and to feel unable to co-operate with police or anyone they see as being in "authority".

POLICE RESPONSE

- ✓ Follow the first steps set out in section 4.1
- ✓ If appropriate follow the additional steps set out in section 4.2
- ✓ Refer to information required in all cases (section 5.1)
- ✓ If they are under 18 years old, refer to the Child Protection Officers and children's social care
- ✓ If they are over 18 years old, refer them to the domestic abuse unit
- ✓ Explain the options available to the person (section 3.5)
- ✓ If they are leaving home, devise a strategy for leaving home (section 3.11)
- ✓ Ensure they are dealt with in a culturally sensitive way and their wishes are recognised and respected
- ✓ Arrange for an authorised interpreter who speaks their dialect. If necessary, obtain consent from them through Language Line (page 100). Establish any preferences regarding the gender of the interpreter
- ✓ Refer them, with their consent, to appropriate local and national support groups, counselling services and women's groups that have a history of working with survivors of domestic abuse and forced marriage (page 100)
- ✓ If you believe that immigration advice is required, refer them to an appropriate adviser e.g. trustworthy solicitor with an immigration and asylum franchise, law centre and/ or the immigration advisory service. Ideally, refer to a law firm with a family law and immigration franchise, near to their new place of residence
- ✓ Provide them with written contact details of the trained/specialist officer dealing with the case to give to their solicitor together with the crime reference number, if appropriate

- ✓ Record any injuries and with consent take a photograph. Arrange for a medical examination (section 3.8). Inform the doctor that there may be an immigration application and detailed notes will need to be taken during the examination
- ✓ Create a restricted entry in the force intelligence system and submit a crime report if applicable
- ✓ Refer to chapter 11 for information on accommodating people fleeing forced marriage.

DO NOT:

- ✗ Use a relative, friend, neighbour or those with influence in the community as an interpreter despite any reassurances from this known person. Information at the interview may be imparted to other members of the community and put the victim at risk of harm
- ✗ Attempt to give them immigration advice. It is a criminal offence for any unqualified person to give this advice².

LEGAL POSITION CONCERNING CHILDREN AND YOUNG PEOPLE

If the young person is under the age of 18, is present in the UK without their family, and states that they were forced into marriage and does 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 Children Act 1989.

Local Authority Circular (LAC) 2003, 13 states that when a child has no parent or guardian in this country, the presumption should be that the child would fall within the scope of s.20 and become "looked after", unless the needs assessment reveals particular factors

² S.84 & s.91 Immigration and Asylum Act, 1999

which would suggest that an alternative response would be more appropriate.

If the young person is under 18 and has children, they should still be regarded as an unaccompanied child.

Remember:

Anyone who has been granted indefinite leave to enter, ELR, ILR, refugee leave, humanitarian protection, discretionary leave or who has a right of abode in the UK has the same entitlements to public funds as a British citizen.

Funding for legal advice is not counted as public funds, and individuals may be entitled to free legal advice whatever their immigration status.

Children's social care may have the power to make discretionary payments. These payments do not count as public funds.

If they are a victim of domestic abuse, the Domestic Violence Provisions under the Immigration Rules may apply (page 96). Under these Provisions, police can provide evidence of domestic violence in the form of a report confirming attendance at the applicant's home because of domestic violence.

Police records and statements may be vital evidence in their immigration case. This evidence may be placed before an immigration hearing and police may be called as a witness.

Consider contacting Southall Black Sisters for funding for those with no recourse to public funds (section 11.4).

Chapter 9

GUIDELINES FOR CHILDREN'S SOCIAL CARE

9.1 HOW CHILDREN'S SOCIAL CARE CAN MAKE A DIFFERENCE

It is unlikely that children's social care or any single agency will be able to meet all the needs of a child or young person affected by forced marriage, but it is probable that children's social care will play a key role in protecting the interests of the child or young person. This can be achieved not only by arranging practical help such as accommodation and financial support, but also by co-operating and working with other agencies such as police, health and education professionals.

Children's social care has a duty to make enquiries into allegations of abuse or neglect against a child under s.47 Children Act 1989. Forced marriage is child abuse and can put children and young people at risk of physical, emotional and sexual abuse. Although children's social care needs to be sensitive to cultural and racial differences, they also have a clear overriding duty to identify children who are likely to suffer significant harm, and to invoke the necessary safeguarding children procedures. The personal safety of the child or young person must be put first.

Mediation and involving the family can place a child or young person in danger and should not be undertaken as a response to forced marriage. This includes visiting the family to ask them whether they are intending to force their child to marry or writing a letter to the family requesting a meeting about their child's allegation that they are being forced to marry.

Each Local Safeguarding Children Board (LSCB) will have local safeguarding protocols and procedures for helping children and young people who are facing abuse. Every social care office should, as part of domestic abuse and safeguarding children protocols, have multi-agency policies and procedures that include

handling cases where forced marriage is alleged or known about. Other key legislation and guidance includes:

Working Together to Safeguard Children – HM Government 2006
Safeguarding Children: Working Together Under the Children Act 2004 (WAG)
What to do if you are worried a child is being abused – HM Government 2006
The Children Act 1989 Guidance and Regulations Volume 1: Court Orders DCSF 2008

Children Act (1989)
Children Act (2004)
Family Law Act (1996)
Homelessness Act (2002)
Sexual Offences Act (1956 & 2003).

9.2 WHAT TO DO WHEN A CHILD OR YOUNG PERSON FEARS THEY MAY BE FORCED TO MARRY

A child or young person may approach children's social care because they are going on a family holiday overseas and they are concerned about this. Often they have been often told that the purpose is to visit relatives, attend a wedding or because of the illness of a grandparent or close relative. The child or young person may suspect that this is a ploy and that there is an ulterior motive, which is to force them to marry.

Do not assume that a child or young person is at risk of being forced into marriage simply on the basis that they are being taken on an extended family holiday. These assumptions and stereotyping can cause considerable distress to families. All efforts should be made to establish the full facts of the case at the earliest opportunity.

CHILDREN'S SOCIAL CARE RESPONSE:

- ✓ Follow the first steps set out in section 4.1
- ✓ If appropriate follow the additional steps set out in section 4.2
- ✓ Collect as much of the information required in section 5.1 as possible
- ✓ Discuss the case with the Forced Marriage Unit (section 2.13)
- ✓ Check police and social services' records for past referrals of family members e.g. domestic abuse or missing persons within the family. For other warning signs see sections 2.7 & 2.9
- ✓ Talk to them about whether they can avoid going overseas and discuss the difficulties they may face (section 2.10)
- ✓ Discuss the implications of dual nationality (section 2.11)
- ✓ If going overseas is unavoidable, take the precautions set out in section 5.2
- ✓ Seek advice from the local authority legal department
- ✓ Establish whether there is a family history of forced marriage i.e. siblings forced to marry. Other indicators may include domestic abuse, self-harm, family disputes, unreasonable restrictions (e.g. withdrawal from education or "house arrest") or missing persons within the family
- ✓ Consider liaising with the school to identify any concerns
- ✓ Consider obtaining a court order such as wardship or a forced marriage protection order (section 3.15) to protect the child or young person or to prevent them being taken overseas
- ✓ Refer them, with their consent, to appropriate local and national support groups, counselling services and women's groups that have a history of working with survivors of domestic abuse and forced marriage (page 100).

In all cases, the social worker needs to discuss the range of options available to the child or young person and the possible consequences of their chosen course of action (section 3.5).

LEGAL POSITION

There are a range of court orders that may be used to protect children and young people. If the risk of forced marriage is immediate, it may be necessary to take emergency action to remove the child or young person from the home in order to protect them. There are two possible approaches to emergency protection, and advice should be taken from the legal department.

Refer to:

- Police protection (section 3.15.1)
- Emergency protection orders (section 3.15.2)
- Care and supervision orders (section 3.15.3).

Children and young people can also be protected under the Forced Marriage (Civil Protection) Act 2007, Family Law Act 1996 and the Protection from Harassment Act 1997. These orders include:

- Forced marriage protection order (section 3.15.7)
- Non-molestation order (section 3.15.8)
- Occupation order (section 3.15.9)
- Injunction against harassment (section 3.15.10).

Remember

Family group conferences are not normally appropriate in cases of forced marriage because it will often place the child or young person at greater risk of harm (section 3.15.3).

9.3 WHAT TO DO WHEN A THIRD PARTY REPORTS THAT A CHILD OR YOUNG PERSON HAS BEEN TAKEN OVERSEAS FOR THE PURPOSE OF A FORCED MARRIAGE

Sometimes a child or young person is taken overseas on the pretext of a family holiday, the wedding of a relative or the illness of a grandparent. On arrival, their documents, passports, money and mobile phones are often taken away from them. Some even report their parents drugging them. In these cases, it may be a concerned friend, relative, partner or practitioner that reports the child or young person missing. These cases may initially be reported to the Forced Marriage Unit, police, education professionals, or a voluntary group.

As with all cases of forced marriage, confidentiality and discretion are vitally important (section 3.6). It is not advisable to immediately contact an overseas organisation to make enquiries. If, through your actions, the family becomes aware that enquiries are being made, they may move the child or young person to another location or expedite the forced marriage.

Risks may arise if organisations overseas are contacted directly (section 3.9)

CHILDREN'S SOCIAL CARE RESPONSE:

- ✓ Follow the first steps set out in section 4.1
- ✓ If appropriate follow the additional steps set out in section 4.2
- ✓ Collect as much of the information required in section 5.1 as possible
- ✓ Discuss the case with the Forced Marriage Unit (section 2.13)
- ✓ Liaise with the police and check existing missing persons reports
- ✓ Obtain details of, and maintain contact with, the third party in case the young person contacts them whilst overseas or on their return
- ✓ Seek advice from the local authority legal department
- ✓ Consider asking an Education Welfare Officer to make enquiries
- ✓ Use existing national and local protocols for inter-agency liaison.

Remember:

Extreme care should be taken not to disclose information to the 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 (section 3.9).

Reassure the third party that if the child or young person being held overseas wishes to return to the UK (if they are a British national), the Foreign & Commonwealth Office can try to repatriate them as soon as possible (section 3.13).

DO NOT:

X Go directly to the young person's family, friends, or those people with influence within the community, as this will alert them to your enquiries and may place the young person in further danger.

Try To:

Ascertain if anyone else is aware of the situation and establish whether enquiries have already been made. Is there evidence to support forced marriage and other abuses?

Dissuade the third party and others from making enquiries and taking action independently of children's social care and the police.

Find and document any evidence to confirm the threat of a forced marriage and any related abuse.

Refer the third party for support to appropriate local and national support groups, counselling services and women's groups that have a history of assisting in cases of forced marriage and domestic abuse (page 100)

LEGAL POSITION

Once a child or young person has left the country, the legal options open to social care services, other agencies or another person to recover the child or young person and bring them back to United Kingdom are limited. One course of action, for a young person under 18 years old, is to seek their return to the jurisdiction by making them a ward of court (section 3.15.5).

9.4 WHAT TO DO WHEN A CHILD OR YOUNG PERSON HAS ALREADY BEEN FORCED TO MARRY

There may be occasions when a child or young person approaches children's social care or the police because they are concerned that they may need to act as a sponsor for their spouse's immigration to the UK. In these situations, the practitioner should reassure the child or young person that they will not be required to act as a sponsor until they are 21 years old.

Remember:

Confronting the family may be extremely risky for the child or young person. They may not get the support they hope for and further pressure may be put on them to support the visa application. These risks must be discussed with the child or young person if only to exclude this option.

Cases of forced marriage may initially be reported to children's social care as cases of domestic abuse. Spouses forced into marriage may suffer domestic abuse but feel unable to leave due to a lack of family support, economic pressures and other social circumstances – some may fear losing their children.

In all cases, the social worker needs to discuss the range of options available to the child or young person and the possible consequences of their chosen course of action.

CHILDREN'S SOCIAL CARE RESPONSE:

- ✓ Follow the first steps set out in section 4.1
- ✓ If appropriate follow the additional steps set out in section 4.2
- ✓ Collect as much of the information required in section 5.1 as possible
- ✓ Record full details of the young person together with details of marriage including date and place
- ✓ Record the name, address and date of birth of the spouse together with interview dates for their visa (if known)
- ✓ Refer to the Forced Marriage Unit if the marriage has an overseas dimension or the child or young person has concerns about their "spouse" getting a visa (section 2.13)
- ✓ If they require specific legal advice suggest they independently consult a family panel solicitor
- ✓ If the child or young person does not want to return to the family home, then a strategy for leaving home should be devised and personal safety advice discussed (section 3.11)
- ✓ If the child or young person wishes to remain at the family home, try to maintain contact without placing them at risk (section 3.6).

Consider:

- Maintaining contact using appropriate community workers, health workers etc. (section 3.6)
- Referring the child or young person to a police officer with responsibility for safeguarding children
- Referring them, with their consent, to appropriate local and national support groups, counselling services and women's groups that have a history of working with survivors of domestic abuse and forced marriage (page 100)
- Using the legal remedies below to protect the child or young person from family members if they decide to leave the family home or wish the spouse to leave the family home.

LEGAL POSITION

A spouse who is the victim of a forced marriage can initiate nullity (as long as this is initiated within three years of the date of the marriage) or divorce proceedings to end the marriage. The child or young person should be informed that a religious divorce would not end the marriage under UK law.

A child or young person can also take action to protect themselves under the Forced Marriage (Civil Protection) Act 2007, Family Law Act 1996 and the Protection from Harassment Act 1997. These orders include:

- Forced marriage protection order (section 3.15.7)
- Non-molestation order (section 3.15.8)
- Occupation order (section 3.15.9)
- Injunction against harassment (section 3.15.10).

9.5 WHAT TO DO WHEN A CHILD OR YOUNG PERSON IS REPATRIATED TO THE UK FROM OVERSEAS

Sometimes the Forced Marriage Unit may ask a social care services department for assistance when a child or young person is being repatriated to the UK from overseas.

In these cases, the child or 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 girls may have been raped, sometimes repeatedly or until they become pregnant. Sometimes a child or young person will have risked their life to escape and their family may go to considerable lengths to find them. This makes all victims particularly vulnerable when they return to the UK.

EMEFA

The Foreign & Commonwealth Office repatriated Emefa (a British national) from Ghana following a threat of a forced marriage. On her return, she asked to be housed in a refuge and as she was 16, this was arranged.

After three weeks, her family contacted her and pleaded with her to return home. Against the advice of the refuge, she returned to live with her sister.

She appeared happy with the situation over the next few months.

Having not heard from her for a while the Foreign & Commonwealth Office contacted her family in the UK and were informed that Emefa had fallen to her death during a family outing whilst overseas visiting her parents.

As the incident had happened a few months previously and Emefa's family were the only witnesses, it was difficult to investigate even though some members of her family in the UK were suspicious about the events leading to her death.

When a child or young person who is a British national arrives at, or contacts, a British Embassy or High Commission, the Foreign & Commonwealth Office can try to repatriate them as soon as possible. Unfortunately, due to the urgency of the situation, the Foreign & Commonwealth Office may not be able to give children's social care a great deal of notice of the child or young person's arrival.

The Foreign & Commonwealth Office is obliged to explore all options for funding the cost of repatriation. For victims who are children or young people, this means asking the young person themselves, a trusted friend or children's social care or a school or college if they are able to meet the costs of repatriation. However, this should never delay the process of getting the child or young person to safety (section 3.13).

CHILDREN'S SOCIAL CARE RESPONSE:

- ✓ Arrange for someone to meet the child or young person at the airport e.g. a social worker, police officer (there is a child protection officer at Heathrow airport) or reliable, sympathetic adult
- ✓ Contact "Travel Care" if the young person is arriving at Heathrow or Gatwick (page 100)
- ✓ Inform police in case family members try to abduct the young person at the airport
- ✓ Explain the options available (section 3.5)
- ✓ Consider whether it is appropriate to apply for an emergency protection order or an interim care order (section 3.15.3)
- ✓ Organise safe and secure accommodation
- ✓ If the young person is under 17 years old and it is not appropriate to apply for a care order, refer to section 11.2
- ✓ Inform the police that the young person's family may attempt to locate them.

What you should not do:

- ✗ Meet them at their new address, refuge, or friend's house. You may be followed
- ✗ Put the child or young person at risk of harm
- ✗ Put yourself at risk of harm
- ✗ Send the child or young person back to the family home against their wishes
- ✗ Inform family members or friends of the young person's whereabouts
- ✗ Attempt to be a mediator (section 3.10)

Remember:

Arranging a foster family from the same community as the child or young person may not be appropriate and may place the child or young person at risk of harm.

A child or young person might wish to be fostered outside the immediate geographical area.

Children's social care should actively encourage children and young people to be accommodated outside the immediate geographical area. They should liaise with other agencies in order to provide safe accommodation.

The child or young person may need practical help e.g. emergency cash, clothes and toiletries etc.

Under s.17 Children Act (1989), social care services may make a payment for a child in need, including the cost of accommodation.

The local authority within which the child or young person had their last permanent residence should provide funding.

You may be placed under pressure from relatives, councillors, MPs, and those with influence within the community to say where the young person has gone. Do not divulge this information. This may place the child or young person at risk of harm.

Consider:

- With the child or young person's consent, accommodating or relocating them with a different local authority. This may require a transition period where funding and support need to be negotiated
- Referring them, with their consent, to appropriate local and national support groups, counselling services and women's groups that have a history of working with survivors of domestic abuse and forced marriage (page 100)
- Taking active steps to ensure that the child or young person's identity together with their benefit and other records are kept confidential. This may involve witness protection schemes or seeking legal advice for a child or young person to change their name and National Insurance number.
- Assessing the risk to any other siblings, now and in the future. Younger siblings might be at risk of being forced to marry when they reach a similar age. Consider speaking to younger siblings to explain the risk of forced marriage and give them information about the help available.

LEGAL POSITION

Depending upon the circumstances and the child's age it may be appropriate for the local authority to apply for a care order. A care order can only be obtained while a child is under the age of 17 years old, or 16 years old if the child is married.

If the young person cannot be the subject of a care order, the local authority can, nevertheless, assist; either by accommodating the young person under s.20 Children Act 1989 (in which case the child will still be looked after) or by providing services under s.17 Children Act 1989. S.20 (3) Children Act 1989 states that every local authority shall provide accommodation for any child in need within their area who has reached 16 years old and whose welfare the authority considers is likely to be seriously prejudiced if they do not provide the young person with accommodation. A young person who has been the subject of a forced marriage and is at risk of harm from their family is likely to fall within this definition. The young person may, themselves, ask the local authority for such accommodation (section 11.2). The request does not need to come from the parents.

Children and young people can also be protected under the Family Law Act 1996 and the Protection from Harassment Act 1997. These orders include:

- Forced marriage protection order (section 3.15.7)
- Non-molestation order (section 3.15.8)
- Occupation order (section 3.15.9)
- Injunction against harassment (section 3.15.10)

9.6 WHAT TO DO WHEN A SPOUSE HAS COME TO THE UK FROM OVERSEAS

A spouse may come to the UK from overseas and report that they have been forced to marry overseas. Consequently, they may be suffering domestic abuse or they may have runaway. The child or young person may not speak English and may not be aware of the support to which they may be entitled. Again, these cases may be reported to practitioners initially as cases of domestic abuse, missing persons or child protection.

If a young person does not have indefinite leave to enter, ELR, ILR, humanitarian protection, discretionary leave or a right of abode in the UK, then they are likely to be the subject of a restriction on access to public funds. Public funds include income support and housing benefit.

Practitioners may not be aware that a young person who is married is entitled to support and they should still be regarded as an unaccompanied child – therefore, the local authority has certain duties to provide support and accommodation for them (see legal section on page 78).

SOCIAL CARE SERVICES RESPONSE:

- ✓ Follow the first steps set out in section 4.1
- ✓ If appropriate follow the additional steps set out in section 4.2
- ✓ Collect as much of the information required in section 5.1 as possible
- ✓ Discuss the options available (section 3.4)
- ✓ Ensure the child or young person is dealt with in a culturally sensitive way and their wishes are recognised and respected

- ✓ Arrange for an authorised interpreter who speaks the dialect of the child or young person. If necessary, obtain consent from the child or young person through Language Line (page 100). Establish any preferences regarding the gender of the interpreter
- ✓ Refer them, with their consent, to appropriate local and national support groups, counselling services and women’s groups that have a history of working with survivors of domestic abuse and forced marriage (page 100)
- ✓ If you believe that immigration advice is required, refer them to an appropriate adviser e.g. trustworthy solicitor with an immigration and asylum franchise, law centre and/or the immigration advisory service. Ideally, refer to a law firm with a family law and immigration franchise, near to their new place of residence
- ✓ Provide the child or young person with written contact details of the social worker handling their case to give to their solicitor
- ✓ With the child or young person’s consent, notify the local police domestic abuse/victim liaison/vulnerable persons officer or child/family protection unit
- ✓ Record any injuries and arrange a medical examination (section 3.8). Inform the doctor that there may be an immigration application and detailed notes will need to be taken during the examination
- ✓ If the child or young person has a disability they will be entitled to an assessment of their needs
- ✓ Refer to “How can I support her”¹.

DO NOT:

- ✗ Use a relative, friend, community leader or neighbour as an interpreter - despite any reassurances from this known person. Information at the interview may be imparted to other members of the community and put the young person at risk of harm (section 3.7)
- ✗ Attempt to give the child or young person immigration advice. It is a criminal offence for any unqualified person to give this advice.

LEGAL RESPONSE

If the young person is under the age of 18 years old, is present in United Kingdom without their family, and stating that they were forced into marriage and does not wish to remain with their spouse; social care 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 Children Act 1989.

Local Authority Circular (LAC) 2003 (13) states that where a child has no parent or guardian in this country, the presumption should be that the child would fall within the scope of s.20 Children Act 1989 and become looked after, unless the needs assessment reveals particular factors which would suggest that an alternative response would be more appropriate.

If the young person is under 18 years old and has children, she should still be regarded as an unaccompanied child.

Refer to section 11.4 for information on accommodating children and young people who have no recourse to public funds.

¹ How can I support her: Domestic violence, immigration and women with no recourse to public funds, Southall Black Sisters and Women’s Resource Centre, 2006. See - http://www.wrc.org.uk/includes/documents/cm_docs/2008/h/1_how_can_i_support_her_dv_immigration_and_women_with_no_recourse_to_public_funds_nov_2006.pdf

Remember:

Anyone who has been granted indefinite leave to enter or remain, refugee leave, humanitarian protection, discretionary leave or who has a right of abode in the UK has the same entitlements to public funds as a British citizen.

Funding for legal advice is not counted as public funds, and children and young people may be entitled to free legal advice whatever their immigration status.

Children's social care may have the power to make discretionary payments. These payments do not count as public funds.

If the child or young person is suffering domestic abuse, the Domestic Violence Provision under Rule 289A Immigration Rules may apply. Under the Provision, social care services can provide evidence of domestic abuse in the form of a letter or report.

Children's social care records and statements may be vital evidence in a child or young person's immigration case. This evidence may be placed before an immigration hearing and children's social care may be called as a witness.

9.7 SAFEGUARDING CHILDREN AND YOUNG PEOPLE WITH DISABILITIES

There have been reports of children and young people with mental and physical disabilities being forced to marry. In order to find a spouse, parents may accept a spouse who they would normally view as unacceptable – such as someone from a lower caste or social group. Sometimes, to ensure a potential spouse is not put off, families may try to hide, play down or make light of a child or young person's disability. Another motive for forcing a child or young person with a disability to marry is to make certain they will have someone to care for them after their parents have died.

Children and some young people with disabilities do not have the capacity to consent to the marriage. Some may be unable to consent to consummate the marriage – sexual intercourse without consent is rape. Compelling, inciting or facilitating a person with impaired capacity for choice to engage in sexual activity without consent is also an offence under the Sexual Offences Act 2003.

Disabled children and young people are particularly vulnerable to forced marriage because they are often reliant on their families for care, they may have communication difficulties and they may have fewer opportunities to tell anyone outside the family about what is happening to them.

Safeguards for children and young people with disabilities from forced marriage are essentially the same as those for non-disabled children and young people. However, agencies do have a role to play in ensuring that children and young people with disabilities are able to help themselves. Good practice should include:

- Listening to children and young people with disabilities and making sure they know how to raise concerns – always consider whether a communication specialist is needed if a child or young person is deaf, visually impaired or has learning disabilities
- Ensuring children and young people with disabilities have access to adults outside the family to whom they can turn for help
- Providing training and raising awareness about forced marriage amongst staff who care for children and young people with disabilities.

Remember

Disabled children and young people are defined as “children in need” under s.17 Children Act 1989. Practice guidance on Safeguarding Disabled Children can be accessed at www.ecm.gov.uk/safeguarding.

NINA

Nina was born blind and at the age of 16, she continued to be incontinent and had no feeling in her fingers or toes. At the time, she attended the local school with support from a classroom assistant who assisted children with visual impairment. During a one-to-one session, Nina disclosed to the assistant that she was going to Pakistan to be forced to marry. She explained that she didn't want to go or get married and she asked for help.

The assistant arranged for the local police to meet Nina on her way home. Again, she stated that she didn't want to get married and she wanted help. The police officer organised for her to be taken to accommodation for young people with disabilities. Nina stayed in the care of the local authority for several months and started to have contact with her family again. Eventually she was persuaded to return home and, despite her earlier protests, agreed to go to Pakistan with them.

The police were later notified that she died from “food poisoning” and she was buried in Pakistan.

Chapter 10

GUIDELINES FOR ADULT SOCIAL CARE

10.1 HOW SOCIAL WORKERS CAN MAKE A DIFFERENCE

Until recently, the term “vulnerable adult” has been used to describe a person over 18 “who is, or may be, in need of community care services by reason of mental or other disability, age or illness and who is, or may be, unable to take care of him or herself, or unable to protect him or herself against significant harm or exploitation.”¹

It is recognised that the term vulnerable adult is unacceptable to some people with disabilities as it is frequently other people, the environment and social circumstances that make people with disabilities vulnerable and not their disability per se. Therefore, the term “adult with support needs” is used throughout this document to refer to those who fall within the commonly accepted definition of “vulnerable adult”.

While forced marriage is commonly a problem for young women, there have been reports of both female and male adults with disabilities being forced to marry. In order to find a spouse, parents may accept a spouse who they would normally view as unacceptable – such as a person from a lower caste or social group. Sometimes, to ensure a potential spouse is not put off, families may try to hide, play down or make light of a person’s disability. Another motive for forcing an adult with disabilities to marry is to make certain they will have someone to care for them when their parents are no longer able to do so.

¹ *No Secrets*: Guidance on developing and implementing multi-agency policies and procedures to protect vulnerable adults from abuse, HO & DH, 2000 and *In Safe Hands: Implementing Adult Protection Procedures in Wales*, July 2000 (WAG)

In line with *No Secrets* and *In Safe Hands*, ‘community care services’ includes all care services provided in any setting or context.

Some adults with learning or physical disabilities and/or mental health problems do not have the capacity to consent to a marriage. Some may be unable to consent to consummate the marriage – sexual intercourse without consent is rape. Compelling, inciting or facilitating a person with impaired capacity for choice to engage in sexual activity without consent is also an offence under the Sexual Offences Act 2003.

Adults with support needs may be particularly vulnerable if they are reliant on their families for care – they may have communication difficulties and they may have fewer opportunities to tell anyone outside the family about what is happening to them.

The measures for protecting adults with disabilities from forced marriage are the same as those for non-disabled adults. However, agencies do have a role to play in ensuring that people with disabilities are able to help themselves. Good practice should include:

- Listening to adults with disabilities – especially those with learning disabilities and mental health issues – and making sure they know how to raise concerns
- Ensuring adults with support needs have access to adults outside the family to whom they can turn for help
- Providing training and raising awareness about forced marriage amongst staff who care and support adults with disabilities.

Some cases of forced marriage take place in the UK and in others an adult with support needs may be taken overseas and forced to marry. In either situation, adult social care should be ready to give guidance to the person about their rights, the choices open to them and take action in partnership with other agencies to protect them from harm.

In all cases, the social worker needs to discuss the range of options available to the person and the possible consequences of their chosen course of action (section 3.5).

Remember:

Each Multi-Agency Adult Protection Committee will have local protocols and procedures to protect adults with learning or physical disabilities from abuse. Key legislation and guidance includes:

- Mental Health Act 2007
- The National Health Service and Community Care Act 1990
- Carer's (Recognition and Services) Act 1995
- Sexual Offences Act 2003
- Domestic Violence Crime and Victims Act 2004
- Mental Capacity Act 2005
- Safeguarding Adults, ADSS, Oct 2005
- No Secrets, Department of Health et al. March 2000
- In Safe Hands: Implementing Adult Protection Procedures in Wales 2000 (WAG).

10.2 WHAT TO DO WHEN A DISABLED ADULT WITH SUPPORT NEEDS FEARS THEY MAY BE FORCED TO MARRY

An adult with support needs may approach adult social care because they are going on a family holiday overseas and they are concerned about this. They are often told that the purpose is to visit relatives, attend a wedding or because of the illness of a grandparent or close family relative. They may suspect that this is a ploy and that there is an ulterior motive, which is to force them to marry.

Do not assume that an adult with support needs is at risk of being forced into marriage simply on the basis that they are being taken on an extended family holiday. These assumptions and stereotyping can cause considerable distress to families. All efforts should be made to establish the full facts of the case at the earliest opportunity.

ADULT SOCIAL CARE RESPONSE:

- ✓ Follow the first steps set out in section 4.1
- ✓ If appropriate follow the additional steps set out in section 4.2
- ✓ Collect as much of the information required in section 5.1 as possible
- ✓ Discuss the case with the Forced Marriage Unit (section 2.13)
- ✓ Refer them, with their consent, to appropriate local and national support groups, counselling services and women's groups that have a history of working with survivors of domestic abuse and forced marriage (page 100)
- ✓ If the person's capacity to consent is in doubt, have their capacity to consent to marriage assessed
- ✓ Consider whether a communication specialist is needed if a person is deaf, visually impaired or has learning disabilities
- ✓ Check police and social care records for past referrals of family members including siblings – e.g. domestic abuse or missing persons within the family. For other warning signs see sections 2.7 & 2.9
- ✓ Talk to them about whether they can avoid going overseas and discuss the difficulties they may face (section 2.10)
- ✓ Seek advice from the local authority legal department

✓ Establish whether there is a family history of forced marriage i.e. siblings forced to marry. Other indicators may include domestic abuse, self-harm, family disputes, unreasonable restrictions (e.g. withdrawal from education or “house arrest”) or missing persons within the family.

Remember

If they have dual nationality, they may have two passports, one British and one from another country (section 2.11).

If the risk of forced marriage is immediate, it may be necessary to take emergency action to remove them from the home in order to protect them. Advice should be taken from the local authority legal department.

LEGAL POSITION

If they lack the capacity to consent to the marriage, one course of action is for the local authority to make an application under the inherent jurisdiction of the High Court for orders to protect them (declaratory relief). If satisfied that the adult lacks capacity the court can grant a declaration to this effect. The court can also grant injunction(s) to restrain family members from arranging a marriage for them or prevent them being taken overseas for the purpose of a marriage.²

Whilst an adult with support needs can make an application in their own name acting with the assistance of a “litigation friend,” they may not be in a position to take such action because of their personal circumstances. In this case, you may need to consider whether the local authority should do so.

SAJID

Sajid is 22 and has severe learning disabilities and autism. For the past three years he has been living in a residential care home because the local authority had applied for a Guardianship Order – there had been concerns that Sajid would be forced to marry.

When the order expired the local authority decided not to renew it, as they felt he was no longer under threat because during the three years, Sajid’s family had only been to see him once.

Soon after, Sajid’s family visited him. They told him that he was to go to Bangladesh to be married. Sajid did not understand the concept of marriage or the concept of starting a family. His idea of marriage was that he would dress in a red Power Rangers outfit and no one else would be allowed to wear red. Hulk Hogan was going to be his best man.

Following a strategy meeting, the police decided to take immediate action and apply for a Forced Marriage Protection Order to prevent Sajid from being taken out of the country and forced to marry. The only evidence available to present to the judge was a note on his case papers made by a member of staff, stating, after a meeting between Sajid and his father, Sajid had come running out of the room saying he was going to get married and that his wife could live with him in the residential home.

The judge granted an indefinite forced marriage protection order with a power of arrest

² Refer to the Practice Note: Official Solicitor: Declaratory proceedings: Medical and Welfare Decisions for Adults who lack Capacity which can be found on the Official Solicitor’s website at www.officialsolicitor.gov.uk

Adults can also take action to protect themselves under the Family Law Act 1996 and the Protection from Harassment Act 1997. These orders include:

- Forced marriage protection order (section 3.15.7)
- Non-molestation order (section 3.15.8)
- Occupation order (section 3.15.9)
- Injunction against harassment (section 3.15.10).

10.3 WHAT TO DO WHEN A THIRD PARTY REPORTS THAT A DISABLED ADULT WITH SUPPORT NEEDS HAS BEEN TAKEN OVERSEAS FOR THE PURPOSE OF A FORCED MARRIAGE

Sometimes it may be a concerned friend, relative, partner, agency, teacher or carer who reports an adult with support needs missing. These cases may initially be reported to the Forced Marriage Unit, police, education professionals, or a voluntary group.

As with all cases of forced marriage, confidentiality and discretion are vitally important (section 3.7). It is not advisable to immediately contact an overseas organisation to make enquiries. If, through your actions, the family becomes aware that enquiries are being made, they may move the person to another location or expedite the forced marriage.

Remember:

Risks may arise if organisations overseas are contacted directly (section 3.9).

In dealing with these cases, adult social care need to gather discreet intelligence about the family and then work closely with the Forced Marriage Unit (section 2.13) and (if the person is a British national) through them the local British High Commission or Embassy.

Extreme care should be taken not to disclose information to the overseas police or any other overseas organisation that could place the person in further danger e.g. disclosure about previous/current boyfriends or partners in the UK (section 3.9).

Reassure the third party that if the person being held overseas is a British national and wishes to return to the UK, the Foreign & Commonwealth Office can try to repatriate the person as soon as possible.

ADULT SOCIAL CARE RESPONSE:

- ✓ Follow the first steps set out in section 4.1
- ✓ If appropriate follow the additional steps set out in section 4.2
- ✓ Collect as much of the information required in section 5.1 as possible
- ✓ Discuss the case with the Forced Marriage Unit (section 2.13)
- ✓ Liaise with the police and check existing missing persons reports
- ✓ Obtain details of, and maintain contact with, the third party in case the adult with support needs contacts them whilst overseas or on their return
- ✓ Check police, adult, and children's social care records for past referrals of family members including siblings – e.g. domestic abuse or missing persons within the family. For other warning signs see sections 2.7 & 2.9
- ✓ Seek advice from the local authority legal department
- ✓ Use existing national and local protocols for inter-agency liaison.

What you should not do:

X Go directly to the person's family, friends, or those people with influence within the community, as this will alert them to your enquiries and may place the young person in further danger.

Try To:

Ascertain if anyone else is aware of the situation and establish whether enquiries have already been made. Is there evidence to support forced marriage and other abuses?

Dissuade the third party and others from making enquiries and taking action independently of adult social care and the police.

Find and document any evidence to confirm the threat of a forced marriage and any related abuse.

Refer the third party for support to appropriate local and national support groups, counselling services and women's groups that have a history of working with survivors of domestic abuse and forced marriage (page 100).

LEGAL POSITION

Once an adult with support needs has left the country, the legal options open to adult social care, other agencies or another person to recover them and bring them back to United Kingdom are limited.

Sometimes an adult with disabilities may go overseas and it is not known whether they are capable of consenting to the marriage. In these cases, a court can treat the person as incapable of consenting and make orders under the inherent jurisdiction.

10.4 WHAT TO DO IF A DISABLED ADULT WITH SUPPORT NEEDS HAS ALREADY BEEN FORCED TO MARRY

Although many cases of forced marriage come to light when an adult with support needs is reported missing or there are allegations of abuse and domestic violence, some cases are brought to the attention of adult social care or the police when they are forced to act as a sponsor for their spouse's immigration to the UK. They are 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 adult with support needs in a difficult situation.

Remember:

Confronting the family may be extremely risky for the adult with support needs. They may not get the support they hope for and further pressure may be put on them to support the visa application. These risks must be discussed with them if only to exclude this option.

Although a person may be tempted to prevent a successful visa application for their spouse, in reality, it is usually not possible to do this without all parties concerned being aware of the person's reason for not wishing to sponsor their spouse's visa application. The Forced Marriage Unit can be contacted (section 2.13) to talk through the person's options.

Cases of forced marriage may initially be reported to adult social care as cases of domestic abuse. Spouses forced into marriage may suffer years of domestic abuse, but feel unable to leave due to fear of losing their children, lack of family support, economic pressures and other social circumstances. The fact that they were forced to marry may only become apparent years after the marriage has taken place.

ADULT SOCIAL CARE RESPONSE:

- ✓ Follow the first steps set out in section 4.1
- ✓ If appropriate follow the additional steps set out in section 4.2
- ✓ Collect as much of the information required in section 5.1 as possible
- ✓ Record full details of the person together with details of marriage including date and place
- ✓ Record the name, address and date of birth of the spouse together with interview dates for their visa (if known)
- ✓ Refer them to the Forced Marriage Unit if they have concerns about their “spouse” getting a visa (section 2.13)
- ✓ Refer to a family panel solicitor for legal advice
- ✓ If the person does not want to return to the family home, then a strategy for leaving home should be devised and personal safety advice discussed (section 3.11)
- ✓ Refer them, with their consent, to appropriate local and national support groups, counselling services and women’s groups that have a history of working with survivors of domestic abuse and forced marriage (page 100)
- ✓ If the adult with support needs wishes to remain at the family home, try to maintain contact without placing them at risk (section 3.6)

- ✓ Consider maintaining contact using appropriate community workers, health workers etc.
- ✓ Refer the adult with support needs to the local police domestic abuse unit.

LEGAL POSITION

A spouse who is the victim of a forced marriage can initiate nullity (as long as this is initiated within three years of the date of the marriage) or divorce proceedings to end the marriage. They should be informed that a religious divorce would not end the marriage under UK law.

Adults with support needs can also take action to protect themselves under the Family Law Act 1996 and the Protection from Harassment Act 1997. These orders include:

- Forced marriage protection order (section 3.15.7)
- Non-molestation order (section 3.15.8)
- Occupation order (section 3.15.9)
- Injunction against harassment (section 3.15.10).

10.5 WHAT TO DO WHEN A DISABLED ADULT WITH SUPPORT NEEDS IS REPATRIATED TO THE UK FROM OVERSEAS

Sometimes the Forced Marriage Unit may ask adult social care for assistance when an adult with support needs is being repatriated to the UK from overseas (section 3.13).

ADULT SOCIAL CARE RESPONSE:

- ✓ Arrange for someone to meet them at the airport e.g. a social worker, police officer or reliable, sympathetic adult
- ✓ Inform police in case family members try to abduct them at the airport
- ✓ Organise safe and secure accommodation
- ✓ Explain the options available (section 3.5)
- ✓ Inform the police that the person's family may attempt to locate them.

DO NOT:

- ✗ Meet them at their new address, refuge, or friend's house. You may be followed
- ✗ Put them at risk of harm
- ✗ Put yourself at risk of harm
- ✗ Send them back to the family home against their wishes
- ✗ Inform family members or friends of their whereabouts
- ✗ Attempt to be a mediator (section 3.10).

Remember:

They may need practical help e.g. emergency cash, clothes and toiletries etc.

The local authority within which the adult with support needs had their last permanent residence should provide funding.

You may be placed under pressure from relatives, councillors, MPs, and those with influence within the community to say where they have gone. Do not divulge this information. This may place them at risk of harm.

Consider:

- With the person's consent, accommodating or relocating them with a different local authority. This may require a transition period where funding and support need to be negotiated
- Referring them, with their consent, to appropriate local and national support groups, counselling services and women's groups that have a history of working with survivors of domestic abuse and forced marriage (page 100)
- Taking active steps to ensure that the person's identity together with their benefit and other records are kept confidential. This may involve witness protection schemes or seeking legal advice for them to change their name and National Insurance number
- Assessing the risk to any other siblings, now and in the future. Younger siblings might be at risk of being forced to marry when they reach a similar age. Consider speaking to younger siblings to explain the risk of forced marriage and give them information about the help available.

LEGAL POSITION:

Adults with support needs can take action to protect themselves under the Family Law Act 1996 and the Protection from Harassment Act 1997. These orders include:

- Forced marriage protection order (section 3.15.7)
- Non-molestation order (section 3.15.8)
- Occupation order (section 3.15.9)
- Injunction against harassment (section 3.15.10).

10.6 WHAT TO DO WHEN A SPOUSE WHO IS A DISABLED ADULT WITH SUPPORT NEEDS HAS COME TO THE UK FROM OVERSEAS

A spouse may come to the UK from overseas and report that they have been forced to marry overseas. Consequently, they may be suffering domestic abuse or they may have run away. The adult with support needs may not speak English and may not be aware of the support to which they may be entitled. Again, these cases may be reported initially as cases of domestic abuse or missing persons.

If an adult with support needs does not have indefinite leave to enter, ELR, ILR, humanitarian protection, discretionary leave or a right of abode in the UK, then they are likely to be the subject of a restriction on receiving public funds. Public funds include income support and housing benefit. This means that they may not be able to access refuge accommodation (although some refuges will offer places). As a result, they may experience tremendous difficulty in finding alternative accommodation and a means by which to live. This may lead them to feel they have no option but to remain in the marriage and to feel unable to co-operate with social care services or anyone they see as being in “authority”.

ADULT SOCIAL CARE RESPONSE:

- ✓ Follow the first steps set out in section 4.1
- ✓ If appropriate follow the additional steps set out in section 4.2
- ✓ Collect as much of the information required in section 5.1 as possible
- ✓ Ensure they are dealt with in a culturally sensitive way and their wishes are recognised and respected

- ✓ Arrange for an authorised interpreter who speaks the dialect of the person. If necessary, obtain consent from them through Language Line (page 100). Establish any preferences regarding the gender of the interpreter
- ✓ Explain all the options available (section 3.5)
- ✓ Refer them, with their consent, to appropriate local and national support groups, counselling services and women’s groups that have a history of working with survivors of domestic abuse and forced marriage (page 100)
- ✓ Refer to “How can I support her”³
- ✓ If you believe that immigration advice is required, refer them to an appropriate adviser e.g. trustworthy solicitor with an immigration and asylum franchise, law centre and/or the immigration advisory service. Ideally, refer to a law firm with a family law and immigration franchise, near to their new place of residence
- ✓ Provide them with written contact details of the social worker dealing with the case to give to their solicitor
- ✓ With the person’s consent, notify the local police domestic abuse unit
- ✓ Record any injuries and arrange a medical examination (section 3.8). Inform the doctor that there may be an immigration application and detailed notes will need to be taken during the examination
- ✓ Refer to section 11.4 for information on accommodating people with no recourse to public funds.

³ How can I support her: Domestic violence, immigration and women with no recourse to public funds, Southall Black Sisters and Women’s Resource Centre, 2006. See - http://www.wrc.org.uk/includes/documents/cm_docs/2008/h/1_how_can_i_support_her_dv_immigration_and_women_with_no_recourse_to_public_funds_nov_2006.pdf

DO NOT:

✗ Use a relative, friend, community leader or neighbour as an interpreter - despite any reassurances from this known person. Information at the interview may be imparted to other members of the community and put the adult with support needs at risk of harm

✗ Attempt to give the person immigration advice. It is a criminal offence for any unqualified person to give this advice

Remember:

Anyone who has been granted indefinite leave to enter or remain, refugee leave, humanitarian protection, discretionary leave or who has a right of abode in the UK is entitled to access public funds on the same basis as a British citizen.

In exceptional circumstances, someone who is subject to immigration control may still be eligible to access certain benefits. This is because they may benefit from an exception to the general 'no recourse to public funds' rule. These exceptions are generally in place to meet the UK's commitments under EU or other reciprocal social security treaties and they are set out in legislation⁴.

Funding for legal advice is not counted as public funds, and adults with support needs may be entitled to free legal advice whatever their immigration status.

If they are suffering domestic abuse, the Domestic Violence Provision under Rule 289A Immigration Rules may apply. Under the Provision, social care services can provide evidence of domestic abuse in the form of a letter or report.

Adult social care records and statements may be vital evidence in a person's immigration case. This evidence may be placed before an immigration hearing and adult social care may be called as a witness.

LEGAL RESPONSE

Adults with support needs can take action to protect themselves under the Family Law Act 1996 and the Protection from Harassment Act 1997. These orders include:

- Forced marriage protection order (section 3.15.7)
- Non-molestation order (section 3.15.8)
- Occupation order (section 3.15.9)
- Injunction against harassment (section 3.15.10)

⁴ Further information on these and other exceptions is contained in the Social Security (Immigration and Asylum) Consequential Amendments Regulations 2000, the Tax Credits (Immigration) Regulations 2003 and the Persons Subject to Immigration Control (Housing and Homelessness) Order 2000. <http://www.hmrc.gov.uk/manuals/cbtmanual/CBTM10140.html>

Chapter 11

GUIDELINES ON HOUSING FOR LOCAL AUTHORITIES

11.1 HOW LOCAL HOUSING AUTHORITIES CAN MAKE A DIFFERENCE

For children and young people, especially women from black and minority ethnic communities or those with a disability or illness, leaving their family can be especially hard. Family occupies a very important role, and the child or young person may have no experience of life outside the family.

Those who do leave often live in fear of their own families, who will go to considerable lengths to find them and ensure their return. On their return, they are often subjected to violence and threats. Therefore, in these cases, ensuring that those fleeing forced marriage have accommodation available is extremely important. Where the person is eligible for assistance, unintentionally homeless and falls within a priority need group, frontline staff in local housing authorities will be well placed to ensure the person's safety by providing timely, safe accommodation as the local housing authority will have a duty to secure accommodation under the homelessness legislation.

Some people (particularly women) may not have the correct documents to prove their identity; some may be British nationals but again may not be able to prove this. Others may not have leave to remain in the UK and therefore will not have recourse to public funds – see the Domestic Violence Provisions in the Immigration Rules (page 96).

Whatever their situation, front line staff in local housing authorities should be aware of the risk of harm facing those who have been or may be forced to marry.

LOCAL HOUSING AUTHORITIES STAFF RESPONSE:

- ✓ Follow the first steps set out in section 4.1
- ✓ If appropriate follow the additional steps set out in section 4.2

DO NOT:

- ✗ Use a relative, friend, community leader or neighbour as an interpreter - despite any reassurances from this known person. Information at the interview may be imparted to other members of the community and put the person at risk of harm
- ✗ Inform family members or friends of their whereabouts

Remember:

There may be occasions when a victim's family ask a third party e.g. a family friend, councillor, GP, MP, or those with influence within the community to request information from a local housing authority. The third party may have been given a very plausible reason by the family for needing to know the whereabouts of the person e.g. the illness of a close relative, and the third party may unwittingly think they are helping the victim. These requests are often made by telephone and rely on the person making the request persuading frontline staff in local housing authorities that they are authorised to receive information. If you are in any doubt about such a request, consult an experienced colleague or manager.

You may be placed under pressure from relatives, councillors, MPs, and those with influence within the community to say where the person is living. Do not divulge this information. This may place them at risk of harm (section 3.7)

11.2 ACCOMMODATING CHILDREN AND YOUNG PEOPLE

Children and young people who have been forced to marry and those who are estranged from their families because of their refusal to accept a forced marriage often require long-term accommodation to help them live away from their families and start a new life.

Where the assessment of the child's needs identifies that there is a possibility of a child suffering significant harm attributable to parental care – which is often the case when parents force a child into marriage – the local authority must consider taking legal action to protect the child. This might involve application for an emergency protection order and/or an application for a care order (section 3.15) so that the child becomes “looked after” by the local authority and the authority is able to share parental responsibility and specify where the child might live safely. If the children's social care provides accommodation for the child by exercising its powers under s.20 Children Act 1989 then it does not share parental responsibility for the child and could not continue to provide accommodation where parents object; and were parents to seek to remove the child or young person from the accommodation provided by the local authority then the authority would need to consider taking urgent legal action to make sure that the child is safeguarded.

The Children Act 1989 also provides children's social care with powers to accommodate children and young people who are “in need”.

A child or young person is considered as being “in need” under s.17 (10) Children Act 1989 if their vulnerability is such that they are unlikely to reach or maintain a satisfactory level of health or development, or their health or development will be significantly impaired, without the provision of services. Children's social care have a duty to safeguard and promote the welfare of children in need.

Children and young people (especially girls and young women) who are forced to marriage are extremely likely to be children “in need” and likely to suffer significant harm as they are frequently withdrawn from education, taken overseas, imprisoned, forced to marry and raped (often until they become pregnant).

The duties the Children Act 1989 places on local authorities to accommodate children “in need” include:

Section 17

- S.17 places a general duty on local authorities to make provision for children in their area who are “in need”. A child means any person under the age of 18.
- The local authority has the power to provide accommodation to a child or young person under s.17 (6) – however, being provided with accommodation under s.17 does not bring a child into the “looked after” system. Furthermore, the power to provide accommodation under section 17 will almost always involve children needing to be accommodated with their families¹ and this may not offer the child or young person the necessary level of protection.

¹ Local Authority Circular LAC(2003)13 Dept of Health (2003)

Section 20

- S.20 (1) places a duty on every local authority to provide accommodation for any child “in need” within their area who appears to them to require accommodation. This can be as a result of (amongst other things) the person who has been caring for the child being prevented (whether or not permanently, and for whatever reason) from providing them with suitable accommodation or care.
- S20 (3) requires that every local authority shall provide accommodation for any child in need within their area who has reached the age of sixteen and whose welfare the authority consider is likely to be seriously prejudiced if they do not provide them with accommodation.
- If the child is under the age of 16 years old and is not the subject of a care order, it is still possible for a local authority to offer accommodation under s.20 Children Act 1989. The local authority, however, will not share parental responsibility for the child and will not be able to offer them the same level of protection. A child who is accommodated by the local authority in this way, may be removed from such accommodation at any time by the parent. Once the child reaches 16 years old, however, the parent loses that power.

Remember

The fact that a child or young person under the age of 18 years old has gone through a form of marriage does not detract from the local authority’s responsibilities to assess the child’s needs and take action to protect the child including providing them with accommodation.

The local authority will need to take the young person’s wishes and feelings into account in planning for their care and once the child or young person feels safe, they may wish to move to accommodation that is more independent. The local authority will be responsible for helping to identify options for the young person’s future accommodation and supporting them through this transition. Depending on the length of time that they will have been “looked after” the young person may be entitled to continuing support from leaving care services. This means that if a young person has been “looked after” by the local authority for 13 weeks or more, even if the young person ceases to be “looked after”, the local authority still has a duty to support them².

Local authorities are frequently reluctant to accommodate older teenagers, especially those aged 16 and 17, and provide them with services as “looked after” children. When young people are facing or have been victims of forced marriage, this kind of vigorous protective action may be essential to provide the level of inter-agency protection that the young person will need.

Under the homelessness legislation (Part 7, Housing Act 1996), local housing authorities in England and Wales have a duty to secure suitable accommodation for people who are eligible for assistance, unintentionally homeless and who fall within a priority need group. S.189 (1) Housing Act 1996, The Homelessness (Priority Need for Accommodation) (England) Order 2002 and the Homeless Persons (Priority Need) (Wales) Order 2001 define those who have a priority need for accommodation.

² Sections 23A 23B and 23C Children Act 1989 (as amended by the Children (Leaving Care) 2000)

The following priority need categories are likely to be the most relevant when dealing with young people who are homeless:

- 16 and 17 year olds, other than “relevant” children under the Children (Leaving Care) Act 2000 and “children in need” who are owed a duty under s20 Children Act 1989
- Care-leavers aged 18, 19 or 20 years old who were looked after, accommodated or fostered when aged 16 or 17, and who are not “relevant students”.
- People aged 21 or over who are vulnerable as a result of being looked after, accommodated or fostered by the local authority, and who are not “relevant students”
- People who are vulnerable as a result of ceasing to occupy accommodation because of violence from another person or threats of violence from another person which are likely to be carried out.

In Wales the most relevant categories are

- A care leaver or person at particular risk of sexual or financial exploitation, 18 years or over but under the age of 21
- A 16 or 17 year old
- A person fleeing domestic violence or threatened domestic violence
- A former prisoner homeless after being released from custody, including a person leaving a Youth Offending Institution.

The test of whether a person is vulnerable for the purpose of the homelessness legislation has been developed through case law and is set out in the Homelessness Code of Guidance for Local Authorities. Paragraph 10.13 of the code states “the local authority should consider whether, when homeless, the applicant

would be less able to fend for him/herself than an ordinary homeless person so that he or she would suffer injury or detriment, in circumstances where a less vulnerable person would be able to cope without harmful effects.

Other homelessness priority need categories include:

- A pregnant woman or a person with whom she resides or might reasonably be expected to reside
- A person with whom dependent children reside or might reasonably be expected to reside
- A person who is vulnerable as a result of old age, mental illness or handicap or physical disability or other special reason, or with whom such a person resides or might reasonably be expected to reside

11.3 ACCOMMODATING ADULTS

Adults who are homeless or likely to become homeless may be able to obtain accommodation from the local housing authority under part 7 Housing Act 1996. Local housing authorities in England and Wales have a duty to secure suitable accommodation for people who are eligible for assistance, unintentionally homeless and who fall within a priority need group.

S.189 (1) Housing Act 1996, the Homelessness (Priority Need for Accommodation - England) Order 2002 and the Homeless Persons (Priority Need) (Wales) Order 2001 set out the categories of people who have a priority need for accommodation.

Homelessness priority need categories include:

- A pregnant woman or a person with whom she resides or might reasonably be expected to reside
- A person with whom dependent children reside or might reasonably be expected to reside
- A person who is vulnerable as a result of old age, mental illness or handicap or physical disability or other special reason or with whom such a person resides or might reasonably be expected to reside
- A person under 21 years old (other than a 'relevant student') who at any time between the ages of 16 – 18 was, but is no longer looked after, accommodated or fostered
- People aged 21 years old or over who are vulnerable as a result of being looked after, accommodated or fostered by the local authority, and who are not 'relevant students'
- People who are vulnerable as a result of ceasing to occupy accommodation because of violence from another person or threats of violence from another person which are likely to be carried out.
- A person who is homeless or threatened with homelessness as a result of an emergency such as flood, fire or other reason

Adults with support needs

An adult with support needs is a person over the age of 18 years "who is, or may be, in need of community care services by reason of mental or other disability, age or illness and who is, or may be, unable to take care of him or herself, or unable to protect him or herself against significant harm or exploitation."

Although an adult with support needs may fall within the priority need categories above, local authorities may also have responsibilities to provide them with safe accommodation under community care legislation.³

A person who may need community care services has a right to be assessed by a local authority as to his needs

³ Sections 21 and 29 of the National Assistance Act 1948

under section 47 of the NHS and Community Care Act 1990 ("the 1990 Act"). Community care services are defined in section 46(3) of that Act. They are-

- residential accommodation for those who have a need for care and attention which is not otherwise available, under section 21 of the National Assistance Act 1948 ("the 1948 Act");
- welfare arrangements for those with certain disabilities (those listed under section 29 of the 1948 Act);
- services promoting the welfare of old people under section 45 of the Health Services and Public Health Act 1968;
- services under section 254 of, and Schedule 20 to, the NHS Act 2006 (care of mothers and young children; prevention, care and after-care; home help and laundry facilities); and
- after-care services under section 117 of the Mental Health Act 1983

Remember

A person is statutorily homeless if it is not reasonable for them to continue to occupy their accommodation. It is not reasonable for a person to continue to occupy accommodation if it is probable that this will lead to domestic abuse against him or her or against another person who normally lives – or might reasonably be expected to live – with him or her.

The test of whether a person is vulnerable for the purpose of the homelessness legislation has been developed through case law and is set out in the Homelessness Code of Guidance for Local Authorities. Paragraph 10.13 of the code states "the local authority should consider whether, when homeless, the applicant would be less able to fend for him/herself than an ordinary homeless person so that he or she would suffer injury or detriment, in circumstances where a less vulnerable person would be able to cope without harmful effects."

11.4 NO RECOURSE TO PUBLIC FUNDS

People whose immigration status means they have no recourse to public funds have few options for housing and financial support:

Women and men who have been victims of domestic abuse can apply for Indefinite Leave to Remain (ILR) if they meet the criteria set out in the Domestic Violence Provisions in the Immigration Rules (page 96).

However, until their application is successful, they will have no recourse to public funds – this means they will not be eligible for benefits such as income support or housing benefit. In practice, it is extremely difficult to access any funding for victims while they await the outcome of their application.

Consider

- Contacting Southall Black Sisters to access the No Recourse Fund⁴. The fund is used to help accommodate and provide subsistence costs for a limited period for women who have experienced domestic violence and whose immigration status means they have no recourse to public funds. The fund is not conditional on a successful application and will pay accommodation and subsistence costs of up to £30 per week for an adult and £10 per week for a child:
 - Single women will be assisted for a maximum of 6 weeks
 - Women with children will be assisted for one week.
- Contacting children's social care particularly pregnant women, those with children or those especially vulnerable due to age or ill health, for help under the Children Act 1989, the National Assistance Act 1948 or other legislation
- Making an application in the family courts for maintenance from their sponsor. However this option may be limited if it is a short marriage, the sponsor

⁴ <http://www.southallblacksisters.org.uk>

has a low income and if there are long delays or problems in obtaining public funding or a court hearing date

- Applying to the Home Office Asylum Support Services if they have claimed asylum. Asylum Support may also provide assistance for some categories of human rights applicants. Check eligibility as rules are subject to change by contacting the Home Office or immigration advice agencies such as the Refugee Council (www.refugeecouncil.org.uk).

Remember

Some victims of domestic abuse could have specific needs for care and attention and/or have dependent children, which may make them eligible for assistance under s.47 NHS & Community Care Act, s.2 Local Government Act, the Children Act 1989 or other relevant legislation.

Refer to How can I support her: Domestic violence, immigration and women with no recourse to public funds, Southall Black Sisters and Women's Resource Centre, 2006⁵.

Refer to the Home Office publication No recourse to public funds – what does it mean?⁶

Note

The Home Office and UK Border Agency are currently developing a scheme to strengthen the way in which domestic violence cases are considered enabling those victims who are vulnerable to access additional support.

⁵ http://www.wrc.org.uk/includes/documents/cm_docs/2008/h/1_how_can_i_support_her_dv_immigration_and_women_with_no_recourse_to_public_funds_nov_2006.pdf

⁶ <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/residency/publicfunds.pdf>

Appendix One

DOMESTIC VIOLENCE PROVISIONS IN THE IMMIGRATION RULES

The domestic violence concession was introduced on 16 June 1999. Under the concession, foreign spouses or unmarried partners who wanted to leave their partner because of domestic violence during their probationary period have been allowed to remain in the UK, even though they were no longer living with their sponsor.

The concession was brought into the Immigration Rules in November 2002 and paragraph 289A sets out the requirements that victims of domestic violence must meet to be eligible to apply for indefinite leave to remain in the UK.

A person who has limited leave to enter or remain in the UK as the spouse, unmarried partner, registered civil partner or same-sex partner of a British citizen or a person present and settled in this country and whose marriage or relationship breaks down during the probationary period as a result of domestic violence, may be granted indefinite leave to remain in the UK.

This is provided that the domestic violence occurred during the probationary period while the relationship was subsisting, and the applicant is able to provide evidence that domestic violence has taken place and caused the relationship to break down permanently.

There are some pieces of evidence that indicate domestic violence has occurred such as a relevant court conviction against the sponsor or full details of a relevant police caution issued against the sponsor. However, any evidence of domestic violence can be provided.

Some pieces of evidence suggest that domestic violence has occurred but the alleged perpetrator has neither been found guilty by a court nor admitted

to guilt. These include a non-molestation order or a letter from Chair of a Multi Agency Risk Assessment Conference (MARAC).

Other forms of proof that would suggest domestic violence has occurred (although not exhaustive) include:

- A medical report from a hospital doctor confirming that the applicant has injuries consistent with being the victim of domestic violence, and/or a letter from a GMC registered family practitioner who has examined the applicant and is satisfied that the applicant has injuries consistent with being a victim of domestic violence
- An undertaking given to a court that the perpetrator of the violence will not approach the applicant who is the victim of the violence
- A police report confirming attendance at an incident resulting from domestic violence
- A letter from a social services department confirming its involvement in connection with domestic violence
- A letter of support or a report from a Domestic violence support organisation.

Enquiries should be directed to:
Directorate of Central Operations and Performance
UK Border Agency
5th Floor, Vulcan House (Iron)
6 Millsands
Sheffield S3 8NU
Telephone: 0870 606 7766

Appendix Two

BRITISH HIGH COMMISSIONS AND EMBASSIES

Please contact the Forced Marriage Unit if you require further details of any other British High Commission or Embassy (section 2.13)

BANGLADESH

Dhaka

British High Commission

United Nations Road

Baridhara

Dhaka

Postal Address:

PO Box 6079, Dhaka - 1212

Telephone: (00) (880) (2) 8822705-9

Facsimile: (00) (880) (2) 8823437

Office Hours (GMT): Sun to Wed 03.00 - 10.15

Thurs 03.00 - 09.00

Local Time Sun - Wed 08.00 - 15.15

Thurs 08.00 - 14.00

BANGLADESH

Sylhet

British High Commission

House 37A

Kumarpara

Sylhet

Telephone: (00) (880) (821) 724694

Facsimile: (00) (880) (021) 720070

Office Hours (GMT): Sun to Wed 03.00 - 10.15

Thurs 03.00 - 09.00

Local Time Sun - Wed 08.00 - 15.15

Thurs 08.00 - 14.00

ETHIOPIA

Addis Ababa

British Embassy

Comoros Street

Addis Ababa

Postal address: PO Box 858, Addis Ababa

Telephone: (00) (251) (11) 6610588

Facsimile: (00) (251) (11) 6614154

Consular facsimile: (00) (251) (11) 6414154

Office hours (GMT): Mon-Thurs 05.00-13.00

Fri 05.00-10.00

Local time: Mon-Thurs 08.00-16.30

Fri 08.00-13.00

INDIA

New Delhi

British High Commission

Chanakyapuri

New Delhi 110021

Telephone: (00) (91) (11) 2687 2161

Facsimile: (00) (91) (11) 2 6116094

Email: conqry.newdelhi@fco.gov.uk

Office Hours (GMT) Mon - Fri 03.30 - 07.30

08.30 - 11.30

Local Time 09.00 - 13.00

14.00 - 17.00

INDIA

Mumbai (Bombay)

Office of the British Deputy High Commissioner

Naman Chambers
C/32 G Block
Bandra Kurla Complex (Opposite Dena Bank)
Bandra East
Mumbai 400051

Telephone: (00) (91) (22) 66502222

Facsimile: (00) (91) (22) 66502324

Office Hours (GMT) Mon – Thurs 02.30 – 10.30

Fri 02.30 – 07.30 and 08.30 – 10.30

Local Time Mon – Thurs 08.00 – 16.00

Fri 08.00 – 13.00 and 14.00 – 16.00

PAKISTAN

Islamabad

British High Commission

Diplomatic Enclave,
Ramna 5
PO Box 1122
Islamabad

Telephone: (00) (92) (51) 2012000

Facsimile: (00) (92) (51) 2012019

Email: cons.islamabad@fco.gov.uk

Office Hours (GMT) Mon – Thurs 03.00 – 11.15

Fri 03.00 – 08.00

Local Time Mon – Thurs 08.00 – 16.15

Friday 08.00 – 13.00

PAKISTAN

Karachi

British Deputy High Commission

Shahrah-E-Iran
Clifton
Karachi 75600

Telephone: (00) (92) (21) 5827000

Facsimile: (00) (92) (21) 5827012

Email: consularenquiries.karachi@fco.gov.uk

Office Hours (GMT) Mon – Thurs 03.00 – 11.15

Fri 03.00 – 08.00

Local Time Mon – Thurs 08.00 – 16.15

Friday 08.00 – 13.00

TURKEY

Istanbul

British Consulate General

Mesrutiyet Caddesi No 34
Tepebasi Beyoglu 34435
Istanbul

Telephone: (00) (90) (212) 334 6400

Facsimile: (00) (90) (212) 315 6401

Consular facsimile: (00) (90) (212) 334 6407

Email: Cons-istanbul@fco.gov.uk

Office hours (GMT): Mon–Fri 06.30–11.00

11.45–14.45

Local time: 08.30–13.00

13.45–16.45

YEMEN

Sana'a

British Embassy

938 Thaher Himiyar Street
East Ring Road (opposite
Movenpick Hotel)
PO Box 1287
Sana'a

Telephone: (00) (967) 1308 100

Facsimile: (00) (967) 1302454

Email: Consularenquiries.sanaa@fco.gov.uk

Office hours (GMT): Sat–Wed 04.30–11.30

Local time: 07.30–14.30

Appendix Three

NATIONAL SUPPORT AGENCIES

This section gives details of national support agencies including addresses, telephone numbers and an explanation of the service. There are also excellent regional organisations that can help victims of forced marriage and the contact details for many of these can be found on the FMU website at www.fco.gov.uk/forcedmarriage.

The Ann Craft Trust

0115 951 5400

www.anncrafttrust.org

The Ann Craft Trust offers advice to professionals, parents, carers and family members on issues relating to the protection of vulnerable children and adults. You can contact them about general issues but they are also happy to give advice about specific cases. If they are unable to answer your question, they will try to find you the most appropriate person to talk to about your concerns.

If you have been abused and would like to talk to someone contact the Respond Helpline on 0808 808 0700.

The Asian Family Counselling Service

020 85713933

www.asianfamilycounselling.org

This is a national service offering counselling on marital and family issues for Asian men and women. The national helpline is open from 9am to 5pm Monday to Friday. Telephone counselling is also available.

BAWSO Women's Aid – (Wales)

0800 731 8147

www.bawso.org.uk

This is an all Wales, voluntary organisation. It provides a specialist service to Black and Minority Ethnic (BME) women and children made homeless through a threat of domestic abuse or fleeing domestic abuse in Wales. They have purpose built refuges across Wales. They also provide emotional and practical support for BME women living in social housing. The service is accessible 24 hrs a day.

Careline

020 8514 1177

This is 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

www.childline.org.uk

This service is for any child or young person with a problem.

Citizens advice bureau

www.citizensadvice.org.uk

The Citizens Advice Bureau offers free, confidential and impartial information and advice on a wide range of subjects including consumer rights, debt, benefits, housing, employment, immigration, family and personal matters. For a list of branches, see "Citizens Advice Bureau" in the telephone directory.

CLIC

029 2046 2222

www.cliconline.co.uk

CLIC is the national information and advice service for young people in Wales aged 11–25 to help them make informed decisions in their lives. It is funded by the Welsh Assembly Government.

ForcedMarriage.net

www.forcedmarriage.net

This website is for young people facing forced marriage. It provides advice, information and essential contacts to help young people who fear they may be forced to marry or those who are already in a forced marriage.

FORWARD

020 8960 4000

www.forwardk.org.uk

This service is an African Diaspora led UK-registered campaign and support charity dedicated to advancing and safeguarding the health and rights of African girls and women, in particular female genital mutilation (FGM) and forced and child marriage.

Gatwick Travel Care

01293 504283

www.gatwick-airport-guide.co.uk/disabled-facilities.html

This service ensures that young people are able to leave the airport and arrive at their destination safely and without delay. Victims of forced marriage may require assistance when they arrive at Gatwick and Travel Care can be contacted for advice. The service is available from 9am to 5pm Monday to Friday and 9am to 4pm Saturday, Sunday and Bank Holidays.

Heathrow Travel Care

020 8745 7495

www.heathrowtravelcare.com

This service ensures that young people are able to leave the airport and arrive at their destination safely and without delay. Victims of forced marriage may require assistance when they arrive at Heathrow and Travel Care can be contacted for advice. The service is available from 9am to 5pm Monday to Friday.

Henna Foundation

02920 498600/496920

Henna Foundation operates a “one stop” service that works to meet and advance the needs, concerns and aspirations of Asian and Muslim children and families. It also assists voluntary, statutory services and Government agencies to improve engagement and delivery of mainstream services. Henna Foundation hosts a National (multi-disciplinary) On-line Forced Marriage & HBV Directory and Knowledge Centre (to go live soon).

Honour Network

0800 5999 247

www.karmanirvana.org.uk

The Honour Network helpline is a confidential helpline providing emotional and practical support and advice for victims and survivors (male & female) of forced marriage and/or honour based violence and abuse. It provides advice and support to potential victims, victims in crisis and professional agencies.

Language line

020 7520 1430

<http://www.languageline.co.uk/>

This service can provide an interpreter on the telephone immediately in 100 different languages, 24 hours a day. This is not a free service.

Local Women's Aid specialist domestic violence services

www.womensaid.org.uk

There are nearly 370 organisations providing specialist domestic violence support services in England. For information about these go to www.womensaid.org.uk. The Survivors Handbook provides information for survivors in many different languages. TheHideout.org.uk provides information for children and young people about domestic violence and it is interactive.

Minority Ethnic Women's Network Wales (MEWN Cymru)

029 2046 4445

www.mewn-cymru.org.uk

MEWN is an umbrella body representing ethnic minority (visible and non visible) women across Wales, regardless of their age, religious observance, ethnicity or life choices.

Men's Advice Line

0808 801 0327

www.mensadviceline.org.uk

This service provides a freephone confidential helpline for all men experiencing domestic violence by a current or ex-partner. This includes all men – in heterosexual or same-sex relationships. The service gives men the chance to talk about what is happening to them and provides them with emotional support and practical advice. The advice line also has information about specialist services that can provide advice on legal, housing, child contact, mental health and other issues,

The helpline is open Monday to Friday 10am – 1pm and 2pm – 5pm. You can also email us: info@mensadviceline.org.uk

MIND

0845 7660163

0208 5192122 (legal helpline)

www.mind.org.uk

MIND is a mental health charity working for a better life for everyone with experience of mental distress. Their services include a legal helpline.

Free phone 24 Hour National Domestic Violence helpline

Run in partnership between Women's Aid and Refuge
0808 2000 247

All Wales Domestic Abuse Helpline

0808 8010 800

This service provides information, support, and practical help, 24 hours a day, 7 days a week, to women experiencing domestic abuse. It can refer women and their children to refuges throughout the UK. They will discuss the practical and legal options available, and if the young person wishes refer them to a local Women's Aid specialist domestic violence service, or other sources of help. All calls are taken in strictest confidence. Alternatively, you can contact the local Women's Aid service through the local phone book, or access the Women's Aid website (www.womensaid.org.uk).

NSPCC

Asian child protection helpline

Bengali speaking advisor

0800 096 7714

Gujurati speaking advisor

0800 096 7715

Hindi speaking advisor

0800 096 7716

Punjabi speaking advisor

0800 096 7717

Urdu speaking advisor

0800 096 7718

English speaking advisor

0800 096 7719

This free, confidential service for anyone concerned about children at risk of harm offers counselling, information and advice. The service also connects vulnerable young people, particularly runaways, to services that can help. It is open Monday – Friday 11.00 – 19.00.

NSPCC

0808 800 5000 (helpline)

0800 056 0566 (text phone)

www.nspcc.org.uk

This free, 24-hour helpline provides information, advice and counselling to anyone concerned about a child at risk of abuse.

Paladin Team - Heathrow

07747 055938

Practitioners may refer a child or young person to the Paladin Team at Heathrow for a wide variety of child protection issues. There may be concerns that a child or young person is an unaccompanied minor, an asylum-seeking child, being trafficked or about to be forced to marry. The team can be contacted directly on the above number. The service is available from 9am to 5pm Monday to Friday.

Respond

0808 808 0700 (helpline)

020 7383 0700 (admin line)

020 7387 1222 (fax line)

E-mail: admin@respond.org.uk

www.respond.org.uk

Respond provides a range of services to both victims and perpetrators of sexual abuse who have learning disabilities and those who have been affected by other trauma. They also offer support and training to families, carers and professionals.

reunite International Child Abduction Centre

PO Box 7124

Leicester

LE1 7XX

0116 2555345 (admin line)

0116 2556234 (advice line)

0116 2556370 (fax line)

www.reunite.org

reunite is the leading charity specialising in international parental child abduction. It operates a 24-hour advice line providing advice, support and information to parents, family members and guardians who have had a child abducted or who fear abduction. reunite also supports and informs parents who have abducted their children and assists with international contact issues. reunite's advice is impartial and confidential to one or both parties involved in an international parental child abduction case. reunite also provides information and support on the issue of forced marriage.

Samaritans

08457 90 90 90

www.samaritans.org

This is a 24-hour helpline that provides confidential support to any person in emotional distress.

Shelterline

0808 800 4444

www.shelter.org.uk

This service provides emergency access to refuge services.

Southall Black Sisters

020 8571 9595

www.southallblacksisters.org.uk

This is a resource centre offering information, advice, advocacy, practical help, counselling, and support to black and minority women experiencing domestic abuse. Southall Black Sisters specialise in forced marriage particularly in relation to South Asian women. The office is open weekdays (except Wednesday) 10.00 – 12.30 and 13.30 – 16.00.

Victim Support

0845 30 30 900

www.victimsupport.org

Victim Support offers information and support to victims of crime, whether or not they have reported the crime to the police. All help given is free and confidential. You can contact Victim Support direct, or ask the police to put you in touch with your local group. The national helpline is open from 9am to 9pm Monday to Friday and from 9am to 7pm on Saturdays, Sundays and Bank Holidays.

Voice UK

0845 122 8695

www.voiceuk.org.uk

Voice UK is a national charity supporting people with learning disabilities and other vulnerable people who have experienced crime or abuse. They also provide support and advice to their families, carers and practitioners.

Welsh Refugee Council

029 2048 9800

www.welshrefugeecouncil.org

The Welsh Refugee Council is an independent charity that empowers refugees and asylum seekers to rebuild their lives in Wales. They provide advice, information and support for asylum seekers and refugees in four offices in Cardiff, Newport, Swansea and Wrexham. They offer specialist services in areas such as housing, health and employment. They are actively involved in policy development and campaign for refugee rights.

You can download this publication online at:
www.fco.gov.uk/forcedmarriage

Copies of this publication can also be obtained from:
Forced Marriage Unit
G/58 Old Admiralty Building
London
SW1A 2PA

Tel: 020 7008 0151

email: fmufco.gov.uk

Extracts from this document may be reproduced for non-commercial education or training purposes on the condition that the source is acknowledged.