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Forced Marriage and

Honour Based Violence

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| Document control |
| Status | Guidance  |
| Effective from | October 2020  |
| Who Must Comply with this Guidance? | BCP Childrens Practitioners  |
| Who must be aware of this guidance?  | BCP Childrens Practitioners  |
| Review Frequency | Annual  |
| Policy Lead and Approval Body  | Quality Assurance  |
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# **Introduction**

This protocol is produced to support all professionals working with children, young people and their families in any capacity, to identify and respond to situations where they believe a child/young person may be at risk of or subject to a forced marriage.

# **Background information**

# 2.1 Definitions

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

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

Forced marriage is a human rights abuse. It can constitute both child abuse and sexual abuse. The United Nations considers it a form of trafficking, sexual slavery, and exploitation. Some, however, still see it as a private, personal, domestic, family, religious, or cultural issue.

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

# 2.2 Religion and Culture

Forced marriage, whether a religious or civil ceremony, cannot be justified on religious grounds. Every major faith condemns it and freely given consent is a prerequisite of Christian, Jewish, Hindu, Muslim and Sikh marriages.

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

# 2.3 Reasons for Forced Marriage

Some of the key motivators and reason underpinning forced marriage have been identified:

* Controlling unwanted behaviour and sexuality (including perceived promiscuity, or being gay, lesbian, bisexual or transgender) - particularly the behaviour and sexuality of women;
* Protecting 'family honour';
* Responding to peer group or family pressure;
* Attempting to strengthen family links;
* Ensuring land, property and wealth remain within the family;
* Protecting perceived cultural ideals;
* Protecting perceived religious ideals (which are misguided);
* Preventing 'unsuitable' relationships, e.g. outside the ethnic, cultural, religious or caste group;
* Assisting claims for residence and citizenship;
* Fulfilling long-standing family commitments.

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

# 2.4 Incidence of Forced Marriage

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

The majority of cases of forced marriage encountered in the UK involve South Asian families. This is partly a reflection of the fact that there is a large, established South Asian population in the UK. However, it is clear that forced marriage is not solely a practice associated with families originating in South Asia and there have been cases involving families from East Asia, the Middle East, Europe and Africa. Some forced marriages take place in the UK with no overseas element, while others involve a partner coming from overseas or a British citizen being sent abroad.

# **Issues**

Forced marriage involving anyone under the age of 18 constitutes a form of child abuse. A child who is forced into marriage is likely to suffer Significant Harm through physical, sexual or emotional abuse. Forced marriage can have a negative impact on a child’s health and development, and can also result in sexual violence including rape. If a child is forced to marry, he or she may be taken abroad for an extended period of time which could amount to child abduction. In addition, a child in such a situation would be absent from school resulting in the loss of educational opportunities, and possibly also future employment opportunities. Even if the child is not taken abroad, they are likely to be taken out of school so as to ensure that they do not talk about their situation with their peers.

Female Genital Mutilation may also be a factor in cases of forced marriage, practitioners should look at this guidance also.

Circumstances can change quickly and increase the risk to the victim and any friends/family members supporting the victim - especially following a disclosure to the police. Perpetrators may respond by moving the victim or bringing forward a forced marriage. Perpetrators will use controlling and coercive methods to control the victim.

Women, men and younger members of the family can all be involved in perpetrating the abuse. Offences that may be committed include; common assault, grievous bodily harm, harassment, false imprisonment, kidnap, threats to kill and murder. There may be instances of child trafficking.

Perpetrators may take victims abroad for the purpose of forced marriage, under the pretext of a family holiday, a wedding or illness of a grandparent/family member.

# **Indicators that a Child/Young Person is at Risk of/Subject to Forced Marriage**

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

* **Family History**;
Siblings forced to marry;
Family disputes;
Domestic violence and abuse;
Running away from home;
Unreasonable restrictions e.g. house arrest;
* **Education**;
Truancy;
Low Motivation/changes in motivation;
Poor exam results;
Withdrawal from school life;
* **Health**;
Self-harm;
Attempted suicide;
Eating disorders;
Depression;
Isolation;
* **Employment**;
Poor performance;
Poor attendance;
Limited career choices;
Not allowed to work;
Unreasonable financial control e.g. confiscation of wages/income.

# **Principles**

All children have a right to protection, irrespective of race, colour or culture. Addressing this issue is an integral part of child protection.

All agencies should work in partnership with members of local communities, to empower individuals to develop support networks and education programmes.

Staff who have responsibility for child protection work must be acquainted with any local preventative/education/awareness raising programmes which exist.

All attempts to intervene with families involved in the practice of forced marriages must be approached in a culturally sensitive and non-punitive manner with appropriate and helpful professionals who can communicate effectively with the family concerned.

All contact with the child or young person's family should only be initiated as an agreed outcome from a [**Strategy Discussion/Meeting**](http://trixresources.proceduresonline.com/nat_key/keywords/strategy_discussion_meeting.html) and with the consent of the child or young person.

It will be necessary to work closely with community representatives who can help to bridge the gaps between the families involved and Children's Social Care and work proactively in raising awareness within the wider community. Any translation services should be appropriately and sensitively sourced. A list of suggested providers are featured in the **Appendix 3: Useful Contacts**.

The ultimate aim is to prevent and discourage the practice of forced marriage, by appropriate educational and preventative approaches.

The existing legal framework affords a great deal of protection to children and young people at risk of being forced into marriage. The Local Safeguarding Children Partnership supports agencies in ensuring that the powers are proactively applied, and promotes the training of individuals and agencies to respond positively to referral and identification of forced marriage. Forced Marriage Protection Orders can be applied for and contain legally binding conditions and directions that change the behaviour of a person or persons trying to force someone into marriage. Any relevant third party can apply for this order.

# **Procedures for Safeguarding Children and Young People from Incidents of Forced Marriage**

# 6.1 Initial Referral

Information about a forced marriage may be received from the victim, from a friend or relative, or from another agency. Forced marriage issues may also become apparent through careful questioning in the course of investigating other incidents/crimes such as domestic violence and abuse, assault and abduction or missing persons.

Reports of forced marriage, including reports from victims who fear they may be forced to marry, must be taken seriously. For young people under the age of 18 years, it will be appropriate to deal with the situation as a child protection issue.

It is essential that whichever agency receives the first contact regarding an allegation of forced marriage as much information as possible is obtained regarding the situation and the individuals involved. This may only be the only opportunity to speak freely with the individual).

It will also be important to discuss how the child or young person can be kept safe during the period of the investigation and beyond, as well as outlining the action to be taken should there be an immediate threat to the child or young person's safety. This information should form the basis of the child or young person's **safety plan**. Further information regarding safety planning can be found in **Appendix 2: Guidance On Safety Planning**.

Any individual or agency who receives information, or has reason to believe that a child/young person is at risk of or subject to a forced marriage, should also refer the child to Children's Social Care in accordance with the **Making Referrals to Children's Social Care Procedure**. MASH??

If a referral is received concerning one child in a family, consideration must be given by Children's Social Care as to whether siblings or other family members are at similar risk.

Owing to the complex and sensitive issues involved in relation to forced marriage, such referrals are to be brought to the attention of a Senior Manager. Investigation of such cases requires a co-ordinated, multi-agency response.

Forced marriage places children and young people at considerable risk of rape and possible physical harm, including murder. Under no circumstances should any individual or individual organisation conduct an initial investigation or assessment of suspected cases of forced marriage.

# 6.2 Strategy Discussion/Meeting

Following receipt of the referral, Children's Social Care will convene a Strategy Discussion/Meeting - in the form of a face-to-face meeting - within one working day.

The Strategy Discussion/Meeting will be chaired by a manager from Children's Social Care and be attended by:

* The social worker and manager who will be responsible for the enquiry;
* A representative of the Police Public Protection Investigation Unit;
* Any other relevant professional who may have knowledge or involvement with the child or family, e.g. health visitor, teacher etc.;
* Local specialist services.

The Strategy Discussion/Meeting should cover, at a minimum, the following issues:

* Family history and background information;
* Scope of the investigation, what needs to be addressed and who is best placed to do this, the need for immediate protection;
* Roles and responsibilities of individuals and organisations within the investigation, with particular reference to the role of the police;
* Identify key outcomes for the child or young person, including the need for protection and potential risk factors;
* The need for specialist consultation/support from the [**Forced Marriage Unit**](http://trixresources.proceduresonline.com/nat_cont/contacts/force_mar.html);
* Implications and impact on the wider community;
* A contingency plan.

The need for immediate protection and placement away from home must be considered. If the young person is in immediate danger, then protective action must be taken, either through [**Police Protection**](http://trixresources.proceduresonline.com/nat_key/keywords/police_protection.html) or an application for an [**Emergency Protection Order**](http://trixresources.proceduresonline.com/nat_key/keywords/emerge_prot_order.html). **NB Extended family members are not an option for placement and it may be that the placement needs to be out of the local authority area, in order to protect the child/young person.**

Advice regarding decisions relating to legal proceedings should be sought from the Local Authority Legal Adviser.

Where the professionals involved in the Strategy Discussion/Meeting consider that the child/young person is not in immediate danger, arrangements should be made for a [**Section 47 Enquiry**](http://trixresources.proceduresonline.com/nat_key/keywords/sec_47_enq.html) to be undertaken and also for the child/young person to be provided with information on rights, choices and support services in relation to forced marriage.

At the close of the Strategy Discussion/Meeting a date should be agreed to reconvene and discuss the outcomes from the Section 47 Enquiry. However, this meeting can be reconvened earlier should circumstances dictate.

Minutes from the Strategy Discussion/Meeting should be circulated as soon as possible after the meeting. At the very least, the decisions and recommendations from the meeting should be circulated to all those in attendance within one working day.

**Appendix 4: Practice Examples** provides details of practice examples and some of the potential options and outcomes from investigation and assessment, while**Appendix 5: General Guidelines for Police Officers Investigating Cases of Forced Marriage** and **Appendix 6: General Guidelines for Social Workers Assessing Cases of Forced Marriage** provides specific guidance for Police and Social Workers.

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

Where the child/young person concerned is not in the United Kingdom, the professionals at the Strategy Discussion/Meeting are to make arrangements for as much information as possible to be discretely gathered and for the Forced Marriage Unit at the Foreign and Commonwealth Office to be contacted.

# 6.3 Section 47 Medical Assessment

If it is necessary to arrange a Section 47 Medical Assessment for emotional or physical illness or to give attention to injuries, this should be undertaken with the necessary consents. However, there must be consideration as to whether using a medical practitioner from the local ethnic community may jeopardise or threaten the security of the young person. If there is seen to be a risk, then medical assistance is to be sought through another route.

# 6.4 Interpreters

Where necessary, the services of an interpreter should be sought. Careful consideration needs to be given as to the choice of the interpreter and to the information to which (s)he is to be made party.

There must be consideration as to whether using an interpreter from the local ethnic community may jeopardise or threaten the security of the young person. If there is seen to be a risk, then interpreting services should be sought elsewhere.

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

In cases where an interpreter is not used, and English is not the child's first language, the reasons for not using an interpreter should be recorded as part of the assessment.

# 6.5 Legal Position

The Forced Marriage (Civil Protection) Act 2007 was implemented on 25 November 2008, enabling a court to make a Forced Marriage Protection Order to protect someone who is facing being forced into a marriage or who is in a forced marriage.

Anyone threatened with forced marriage or forced to marry against their will can apply for a Forced Marriage Protection Order. Third parties, such as relatives, friends, voluntary workers and police officers, can also apply for a protection order with the leave of the court.

Local authorities can seek a protection order for vulnerable adults and children without leave of the court.

Examples of the terms the court might order are:

* To prevent a forced marriage from occurring;
* To hand over passport or travel documents;
* To stop intimidation or violence;
* To reveal the whereabouts of a person;
* To stop someone from being taken abroad.

[**The Anti-social Behaviour, Crime and Policing Act 2014**](http://www.legislation.gov.uk/ukpga/2014/12/contents/enacted) made it a criminal offence, with effect from 16 June 2014, to force someone to marry. This includes:

* Taking someone overseas to force them to marry (whether or not the forced marriage takes place);
* Marrying someone who lacks the mental [**Capacity**](http://trixresources.proceduresonline.com/nat_key/keywords/capacity.html) to consent to the marriage (whether they’re pressured to or not).

Breaching a [**Forced Marriage Protection Order**](http://trixresources.proceduresonline.com/nat_key/keywords/force_marriage_prot_ord.html) is also now a criminal offence. The civil remedy of obtaining a Forced Marriage Protection Order through the family courts continues to exist alongside the criminal offence, so victims can choose how they wish to be assisted.

***Forcing someone to marry can result in a sentence of up to 7 years in prison. Disobeying a Forced Marriage Protection Order can result in a sentence of up to 5 years in prison***.

# **Confidentiality**

Confidentiality is an extremely important issue for any child/young person threatened with, or already in, a forced marriage. A breach of confidentiality could lead to the death of the child or young person.

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

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

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

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

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

If professionals are being pressured to disclose confidential information this matter should be brought to the attention of their immediate line manager for action.

If for any reason it is not appropriate to discuss this with the direct line manager or other managers within their agency, then professionals should contact the Senior Lead for Child Protection either within their own agency or from another organisation.

Should it become apparent that confidential information has been divulged by an individual in a position of trust, this will be shared with their own organisation and they will be subject to disciplinary procedures and/or criminal investigation.

# **Appendix 1: Information Required For All Cases**

* Obtain details of the individual making the report, their contact details, and their relationship with the young person;
* Obtain details of the young person under threat including:
	+ Date of report;
	+ Name of individual under threat;
	+ Nationality/ethnicity;
	+ Age;
	+ Date and place of birth;
	+ Passport details;
	+ School details;
	+ Employment details;
	+ Full details of allegation;
	+ Name and address of parents;
	+ National Insurance Number;
	+ Details of any travel plans e.g. date, flight numbers, airline, destination and date of departure;
	+ Outline of Safety Plan;
	+ First language;
	+ Religion;
	+ Particular needs i.e. hearing/visual impairment, learning disability etc.
* Obtain a list from the young person under threat of all those friends and family who can be trusted;
* Establish a code word to ensure you are speaking to the right person;
* Establish a way of contacting them discreetly in the future that will not put them at risk of harm;
* Obtain any background information including schools attended, involvement by Police, doctors or other health services, etc.;
* Record details about any threats or hostile actions against the young person, whether reported by the victim or a third party;
* Obtain a recent photograph and other identifying documents. Document any other distinguishing features such as birthmarks and tattoos, etc. Remember to get the consent form signed;
* Establish the nature and level or risk to the safety of the individual (e.g. they are pregnant, do they have a secret boyfriend/girlfriend, are they self-harming, are they already secretly married?);
* Establish if there are any other family members at risk of forced marriages or if there is a history of forced marriages and abuse within the wider family/community;
* Check all Children's Services records for past referrals of family members including siblings. This may also involve checks with Other Local Authorities.

**Consider approaching:**

* Local Schools;
* Local Education Authority;
* Voters Register;
* Police;
* Benefits Agency;
* Passport Office;
* Child Protection register;
* Police databases, including domestic violence and abuse databases;
* Housing agencies;
* Health Services;
* Voluntary Groups.

**This must be done in a discreet manner.**

**If the young person is going overseas the following is required:**

* Emergency money;
* A photocopy of the young person's passport for retention. Encourage them to keep details of their passport number and the place and date of issue. If a choice is available, use a British passport to travel on;
* As much information as possible about the family is required (this will need to be gathered discreetly) including:
	+ Full name of young person;
	+ Their father's name;
	+ Any addresses where the young person may be staying overseas;
	+ Potential spouse's name;
	+ Date of proposed wedding;
	+ The name of the potential spouse's father/address/village (if known);
	+ Addresses of the extended family in the UK and overseas and maps of the area, if possible.
* Information that only the young person would be aware of (this may assist any subsequent interview at an Embassy/British High Commission in case another person of the same sex/age is produced pretending to be the young person);
* Details of any travel plans and people likely to accompany the young person;
* Names and addresses of any close relatives remaining in the UK;
* A safe means by which contact may be made with the young person, e.g. a mobile telephone that will function overseas. Record the number;
* Details of safe third party, in order to maintain contact in case the young person contacts them whilst overseas or on their return;
* Any estimated return dates. Ask that they contact you **without fail** on their return;
* A written statement by the young person explaining that they want social care or a third party to act on their behalf if they do not return by a certain date.

**Remember:**

* If the family is approached, they may deny that the young person is being forced to marry, move the young person, expedite any travel arrangements and bring forward the forced marriage;
* Report details of the case, with full family history, to the Community Liaison Unit at the Foreign and Commonwealth Office (Page 44 - Practice Guidance for Social Workers). Encourage the young person to get in touch with the Community Liaison Unit. The Unit gives advice to young people who fear they may be forced to marry;
* When referring a case of forced marriage to other organisation/agencies, ensure they are capable of handling the case appropriately. If in doubt, consider approaching established women's groups, who have a history of working with survivors of domestic violence and abuse, and forced marriage, and ask these groups to refer them to reputable agencies.

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# **Appendix 2: Useful Contacts**

**Asian Family Counselling Service: 020 8571 3933**
A national service offering counselling on marital and family issues for Asian men and women.

**Children's Legal Centre (Helpline): 01206 873820 (Helpline)**
Operates a free and confidential legal advice and information service covering all aspects of law and policy affecting children and young people.

**Careline: 020 8514 1177**
A national confidential counselling line for children, young people and adults on any issue including family, marital and relationship problems, child abuse, rape and sexual assault, depression and anxiety.

**Child Line: 0800 1111**
A service for any child or young person with a problem.

**Citizens Advice Bureau**
Offering free, confidential and impartial information on, for example, benefits, immigration, family and personal matters - see local telephone directory.

**Karma Nirvana - National Hotline**: 0800 5999247
Email: **info@saheli.org.uk**
Facebook: [**Saheli Ltd**](https://www.facebook.com/pages/Saheli-Asian-Womens-Organisation/258839217534994)
Twitter: [**@SaheliLtd**](https://twitter.com/saheliltd)

**Language Line: 020 7520 1430**
Can provide an interpreter on the telephone immediately in 100 different languages, 24 hours a day.

**Local Women's Aid refuge services:** [Womens Aid](http://www.womensaid.org.uk/%22%20%5Ct%20%22_blank)
Refuge projects, which can include advice centres, drop-in centres, outreach services.

**NSPCC Asian Child Protection Helpline: 0800 096 7719**
A free confidential service for anyone concerned about children at risk of harm, also connects vulnerable young people, particularly runaways, to services that can help.

**NSPCC Child Protection Helpline: 0808 800 500 Text Phone: 0800 056 0566**
A free confidential service for anyone concerned about children at risk of harm, also connects vulnerable young people, particularly runaways, to services that can help.

**Reunite International Child Abduction Centre: 0116 2556234 (Advice line) 0116 2555345 (administration) 0116 255 6370 (Fax).**
Leading charity specialising in international parental child abduction. Operates a 24 hour advice line, services include provision of information and support on the issue of forced marriage.

**Shelterline: 0808 800 4444**
Provide emergency access to refuge services.

**24hr Women's Domestic Violence and Abuse Helpline - 0808 200 0247 (freephone)**

**Victim Support - 0845 303 0900**

**The Forced Marriage Unit**

The Forced Marriage Unit (FMU) is the Government's central unit dealing with forced marriage casework, policy and projects. The FMU provides confidential information and assistance to potential victims and concerned professionals. It works with partners both in the UK and overseas to ensure that all appropriate action is taken to prevent a forced marriage taking place.

The FMU also provides advice and information to individuals who have already been forced to marry. All caseworkers in the FMU have wide experience of the cultural, social and emotional issues surrounding forced marriage.

The staff can offer advice and assistance to individuals who:

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

The staff can assist professionals by:

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

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| (Monday - Friday 09.00 - 17.00)The Forced Marriage UnitRoom G/55Old Admiralty BuildingWhitehall SW1A 2PA**Telephone:** 020 7008 0135/0230/8706**Email:** **fmu@fco.gov.uk** | For out of hours emergencies telephone 020 7008 1500 and ask to speak to the Foreign and Commonwealth Office Response Centre |

# **Appendix 3: Practice Examples**

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

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

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

**Choices for the Child/Young Person**

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

**Children's Services/Police response and legal options (as given in national guidance)**

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

* Police Protection under Section 46 of the Children Act 1989;
* Emergency Protection Order (EPO) under Section 44 of the Children Act 1989;
* Care proceedings;
* Wardship;
* Prohibited Steps Order;
* A [Forced Marriage Protection Order](http://trixresources.proceduresonline.com/nat_key/keywords/force_marriage_prot_ord.html);
* Police action under t[he Anti-social Behaviour, Crime and Policing Act 2014](http://www.legislation.gov.uk/ukpga/2014/12/contents/enacted).

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

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

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

**Children's Social Care response (as given in national guidance)**

The guidance gives the following main points:

* That confidentiality and discretion are crucial;
* Intelligence about the family should be gathered discreetly;
* There should be close working with the Community Liaison Unit at the Foreign and Commonwealth Office and through them the local Embassy/British High Commission;
* There should not be an attempt to immediately contact an overseas organisation to make enquiries, as this could increase the risk to the child/young person;
* There should be extreme care not to disclose information to overseas police or any other overseas organisation that could place the young person in further danger e.g. disclosure about previous/current boyfriends or partners in the UK.

**Legal position**

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

* A [Forced Marriage Protection Order](http://trixresources.proceduresonline.com/nat_key/keywords/force_marriage_prot_ord.html);
* Police action under t[he Anti-social Behaviour, Crime and Policing Act 2014](http://www.legislation.gov.uk/ukpga/2014/12/contents/enacted);
* Seeking the return of the young person to the jurisdiction of England and Wales by making them a Ward of Court. An application for wardship is made to the High Court Family Division, and may be made by a relative, a friend close to the young person, or by the Forced Marriages Team of the Foreign and Commonwealth Office. If the Foreign and Commonwealth Office makes the application, they may also be able to arrange repatriation once the young person has been made a Ward of Court and located abroad.

**A young person who has already been forced to marry.**

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

**Choices for the Child/Young Person**

These are:

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

**Children's Services (Social Care) response (as given in national guidance)**

Social Workers are expected to consider:

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

**Legal position**

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

Other possible steps are:

* A Non-molestation Order under s.42 of the Family Law Act 1996, which forbids the use of violence or other behaviour amounting to harassment;
* An Occupation Order under the Family Law Act 1996 which seeks the removal of the spouse from the house;
* An injunction under the Protection from Harassment Act;
* A [Forced Marriage Protection Order](http://trixresources.proceduresonline.com/nat_key/keywords/force_marriage_prot_ord.html);
* Police action under the [Anti-social Behaviour, Crime and Policing Act 2014](http://www.legislation.gov.uk/ukpga/2014/12/contents/enacted).

**A young person repatriated to the UK from overseas**

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

**Choices for the Child/Young Person**

The choices are limited:

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

**Children's Social Care response (as given in national guidance)**

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

**Legal position**

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

* Apply for a Care Order;
* Accommodate the young person under Section 20 of the Children Act 1989;
* Apply for a [Forced Marriage Protection Order](http://trixresources.proceduresonline.com/nat_key/keywords/force_marriage_prot_ord.html);
* Liaise with the police in relation to action under the [Anti-social Behaviour, Crime and Policing Act 2014](http://www.legislation.gov.uk/ukpga/2014/12/contents/enacted).

The young person may also:

* Apply for a Non-molestation Order;
* Take action under the Protection from Harassment Act 1997;
* Apply for a [Forced Marriage Protection Order](http://trixresources.proceduresonline.com/nat_key/keywords/force_marriage_prot_ord.html);
* Liaise with the police in relation to action under the [Anti-social Behaviour, Crime and Policing Act 2014](http://www.legislation.gov.uk/ukpga/2014/12/contents/enacted).

**A young person who has come to the UK from overseas**

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

**Choices for the Child/Young Person**

The choices available are:

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

**Children's Social Care response (as given in national guidance)**

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

# **Appendix 5: General Guidelines for Police Officers Investigating Cases of Forced Marriage**

* See the individual immediately in a secure and private place;
* See the individual on their own - even if they attend with others;
* If the services of an interpreter are required, take steps to ensure the interpreter is not connected, even tenuously, with the individual;
* Contact, as soon as possible, the nominated officer who had responsibility for such matters, or in their absence the duty Inspector/Sergeant;
* Reassure the victim of police confidentiality;
* Establish a way of contacting them discreetly in the future;
* Obtain full details to create a report to pass on to the nominated or specialist officer;
* Recognise and respect the victim's wishes.

**Do Not:-**

* Send the individual away in the belief that it is not a Police matter;
* Approach the family, unless the individual expressly asks you to do so;
* Approach community leaders unless requested to do so by the individual;
* Share information with anyone without the express consent of the individual;
* Breach confidentiality.

**Do Not:-**

* **Attempt to be a mediator**.

**Additional Steps:-**

* Give the individual, where possible, the choice of the race and gender of the officer who deals with their case;
* Inform them of their legal rights;
* Give them personal safety advice;
* Obtain all details of the person involved including date, place of birth, national Insurance number and a copy of their passport;
* Create a restricted entry in the Force intelligence system (\*the Force does not have this facility at present - work is ongoing to establish a suitable means of recording the intelligence);
* Identifying any potential criminal offence and submit a crime report if applicable;
* Secure evidence at all stages as a prosecution may follow;
* Give the individual advice on what service they should expect and from whom;
* Perform a risk assessment in all cases;
* Maintain a full record of the decisions made and the reason for those decisions;
* Ensure that the individual has the nominated officer's contact details.

**Try to:**

* Refer the individual, with their consent, to appropriate local and national groups and counselling services;
* Obtain a recent photograph or consider, with their consent, taking a photograph;
* Note any distinguishing features, e.g. birthmarks.

# **Appendix 5: General Guidelines for BCP Social Workers Assessing Cases of Forced Marriage**

* See the young person immediately in a secure and appropriate venue;
* See the young person on their own - even if they attend with others;
* Explain all the options to the young person and recognise and respect their wishes. If the young person does not wish Children's Services involvement, the social worker will need to consider whether the young person's wishes should be respected or whether the young person's safety requires that further action be taken;
* Contact, where necessary, the lead professional in the Child protection Unit or the Police Family Support Unit for consultation;
* Please refer to Achieving Best Evidence in Criminal Proceedings: Guidelines for vulnerable or intimidated witness;
* Re-assure the young person of the commitment to maintain confidentiality, including consideration of excluding those with parental responsibility. Information should only be disclosed with the young persons' permission except where they are a danger to themselves or others;
* Involve the young person in the discussion, together with the Police and other relevant professionals and detail in the plan agency roles and responsibilities, and actions taken.

**General Guidelines for all cases: -**

* Consider the need for immediate protection and placement away from the family;
* Refer to the Police Family Support Unit if there is any suspicion that a crime has been, or may be, committed, or the young person is, or has children, under 18;
* Liaise with the Police if there are concerns about the safety of the victim, their siblings or the victim's children.

**Do Not:-**

* Treat such allegations merely as a domestic issue and send the young person back to the family home as part of routine child protection procedures;
* Ignore what the young person has told you or dismiss out of hand the need for immediate protection;
* Approach the young person's family, friends or those people with influence within the community, without the express consent of the young person and as part of a multi-agency investigation;
* Contact the family in advance of any enquiries, either by telephone or letter;
* Share information outside child protection information-sharing protocols without the express consent of the young person;
* Breach confidentiality except where necessary in order to ensure the young person's safety.

**Do Not:-**

* **Attempt to be a mediator.**

**Additional steps**

* Information from case files and database files should be kept strictly confidential. Every effort should be made to keep information to a restricted staff group;
* Give the young person, where possible, the choice of the race and gender of the practitioner who is involved with them;
* Inform them of their right to seek legal advice and representation;
* Liaise with the Children's Services Legal Section;
* In all cases, assess the risk of harm facing the young person and the staff member. **Risk assessment to be noted in the case file with copy to Team Manager and shared with the young person and appropriate colleagues**;
* Provide the young person with personal safety advice;
* Record any injuries and arrange a medical examination. Keep detailed documentation of any injuries or history of abuse, and record details of all conversations with the young person, as the Police may require this for any subsequent prosecution as detailed in child protection procedures;
* Keep the young person informed of steps taken and resources allocated and available in the community;
* Maintain a full record of the decisions made and the reason for those decisions;
* Ensure that the young person has the contact details for the service and a complaints form.

**Try to:**

* Refer the young person, with their consent, to appropriate local and national support groups and counselling services.

**Remember**

* Children's Services has a duty to make enquiries when there is an allegation of abuse against a young person;
* Circumstances may be more complex if the young person is lesbian, gay, bisexual or transgender;
* Some young people may lack the capacity to consent to marriage and male victims of forced marriages may have difficulty in having their situation taken seriously.

# **Appendix 6: Legal Framework**

**1. Children Act 1989 Section 17**

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

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

**2. Children Act 1989 Section 47**

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

'Harm' is defined as:

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

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

**3. Marriage Act (1949)**

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

**4. Matrimonial Causes Act (1973)**

Section 12c of the Matrimonial Causes Act states that a marriage shall be voidable if "either party to the marriage did not validly consent to it, whether in consequence of duress, mistake, unsoundness of mind or otherwise". Voidable means the marriage is valid until it is challenged by one of the parties, at which time the court can award a decree of nullity invalidating the marriage.

**5. Forced Marriage (Civil Protection) Act 2007**

The Forced Marriage (Civil Protection) Act 2007 was implemented on 25 November 2008, enabling a court to make a Forced Marriage Protection Order to protect someone who is facing being forced into a marriage or who is in a forced marriage.

Anyone threatened with forced marriage or forced to marry against their will can apply for a Forced Marriage Protection Order. Third parties, such as relatives, friends, voluntary workers and police officers, can also apply for a protection order with the leave of the court.

Local authorities can seek a protection order for vulnerable adults and children without leave of the court.

Examples of the terms the court might order are:

* To prevent a forced marriage from occurring;
* To hand over passport or travel documents;
* To stop intimidation or violence;
* To reveal the whereabouts of a person;
* To stop someone from being taken abroad.

**6. Anti-social Behaviour, Crime and Policing Act 2014**

[**The Anti-social Behaviour, Crime and Policing Act 2014**](http://www.legislation.gov.uk/ukpga/2014/12/contents/enacted) makes it a criminal offence, with effect from 16 June 2014, to force someone to marry. This includes:

* Taking someone overseas to force them to marry (whether or not the forced marriage takes place);
* Marrying someone who lacks the mental [**Capacity**](http://trixresources.proceduresonline.com/nat_key/keywords/capacity.html) to consent to the marriage (whether they’re pressured to or not).

Breaching a [**Forced Marriage Protection Order**](http://trixresources.proceduresonline.com/nat_key/keywords/force_marriage_prot_ord.html) is also now a criminal offence. The civil remedy of obtaining a Forced Marriage Protection Order through the family courts continues to exist alongside the criminal offence, so victims can choose how they wish to be assisted.

Forcing someone to marry can result in a sentence of up to 7 years in prison.

Disobeying a Forced Marriage Protection Order can result in a sentence of up to 5 years in prison.

**7. Offences**

Under the Anti-social Behaviour, Crime and Policing Act 2014, forcing someone to marry can result in a sentence of up to 7 years in prison.

Disobeying a Forced Marriage Protection Order can result in a sentence of up to 5 years in prison.

Other criminal offences may also be committed. Perpetrators - usually parents or family members - could be prosecuted for offences including threatening behaviour, assault, kidnap, abduction, imprisonment and murder. Sexual intercourse without consent is rape.

# [**Further Information**](https://greatermanchesterscb.proceduresonline.com/chapters/p_force_marriage.html#further_reading)

European Convention on Human Rights
[Hellenic Resource Network](http://www.hri.org/)

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

Laming H. '[The Victoria Climbie Inquiry Report](http://www.victoria-climbie-inquiry.org.uk/)'

[Multi-Agency Practice Guidelines: Handling Cases of Forced Marriage 2014](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/322307/HMG_MULTI_AGENCY_PRACTICE_GUIDELINES_v1_180614_FINAL.pdf) - Step-by-step advice for frontline workers. Essential reading for health professionals, educational staff, police, children's social care, adult social services and local authority housing.

[Forced Marriage Unit (GOV.UK)](https://www.gov.uk/stop-forced-marriage) - Contact the Forced Marriage Unit (FMU) if you're trying to stop a forced marriage or you need help leaving a marriage you've been forced into.

[Home Office](https://www.gov.uk/forced-marriage) - Information and practice guidelines for professionals protecting, advising and supporting victims. This includes Multi-Agency Statutory Guidance for dealing with forced marriage.

[Apply for a Forced Marriage Protection Order](https://www.gov.uk/apply-forced-marriage-protection-order) (GOV.UK)

[Protocol on the handling of 'so-called' Honour Based Violence/Abuse and Forced Marriage Offences between the National Police Chiefs' Council and the Crown Prosecution Service](https://www.cps.gov.uk/publication/protocol-handling-so-called-honour-based-violenceabuse-and-forced-marriage-offences)

[Ending Violence against Women and Girls (VAWG) Strategy: 2016 to 2020](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/522166/VAWG_Strategy_FINAL_PUBLICATION_MASTER_vRB.PDF)

[SafeLives Dash risk checklist for the identification of high-risk cases of domestic abuse, stalking and ‘honour’-based violence](http://www.safelives.org.uk/node/516)

[Forced marriage – Children’s Legal Centre](https://www.childrenslegalcentre.com/)