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Policing

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Public Protection:

Forced Marriage

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Authorised Professional Practice

These notes are aimed at learners completing their Initial training to meet the learning outcomes specified on the National Policing Curriculum. The primary source of content is the Authorised Professional Practice (APP) and the supporting evidence based research of “what works” in policing.

APP can be found at: <http://www.app.college.police.uk/>

1. Forced Marriage

This chapter provides an introduction to forced marriage and key pieces of legislation. It aims to provide you with essential information to help you understand the complexities of incidents of forced marriage, warning signs, and risk indicators and assist you in understanding your responsibilities and the actions you should take as a first responder.

1.1 Definitions

Arranged Marriage

Families take a leading role in choosing the marriage partner but the marriage is entered into freely by both people.

Forced Marriage

A forced marriage is a marriage conducted without the full and free consent of both parties.

It is important not to get arranged marriage confused with forced marriage; families are central to arranged marriages but both parties can decide for themselves whether or not they choose to accept or decline the arrangements. Individuals can choose to back out of arranged marriages at any point. Having a choice and being able to exercise that choice is ultimately how arranged marriage differs from forced marriage.

Forced marriage can occur in this country or abroad. Incidents of forced marriage are a breach of human rights and can be linked to cases of domestic abuse, and where it affects children and young people; child abuse.

In forced marriages, family members or spouses may perpetrate physical, psychological, and emotional abuse either by forcing the victim into the marriage or by continuing the abuse after the marriage. The abuse may be committed by any family member, regardless of gender, and may or may not include the other party to the forced marriage. 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. There is no religious justification for forced marriage, every major faith condemns it.

1.2 Prevalence of Forced Marriage

There is no 'typical' victim of forced marriage. Men and women can be victims of forced marriage, although most cases involve young women and girls aged between 13 and 30. To date in the UK the majority of forced marriage cases involve South Asian families, in part

due to the established South Asian population in the UK. Nevertheless, cases have also been reported involving families from East Asia, the Middle East, Europe, and Africa. Forced Marriages do not always take place abroad; partners can come to the UK from overseas.

To provide you with a scale of Statistics taken from the Foreign and Commonwealth Office Forced Marriage Unit (FMU) in 2012 showed:

- the FMU gave advice or support to 1485 possible forced marriage cases
- 82% involved female victims, 18% involved male victims
- 30% of victims were aged 18-21
- 22% of victims were aged 16-17
- 19% of victims were aged 22-25
- 13% of victims were below 15 years old
- the FMU dealt with over 60 countries; cases were most prevalent in Pakistan (47.1%), Bangladesh (11%), and India (8%)

1.3 Motives Prompting Forced Marriage

Families who force their relatives into marriage often justify their behaviour as protecting their children and their best interests by building stronger families and preserving cultural or religious traditions. They cannot see anything wrong in their actions. Some of the key motives of forced marriage are:

- attempts to control unwanted sexual behaviour and sexual preferences, e.g. perceived promiscuity, or being gay, bisexual or transgender
- attempts to control unwanted behaviour, e.g. drug or alcohol use, wearing make-up or behaving in what is perceived to be a 'westernised manner'
- preventing 'unsuitable' relationships, e.g. outside of ethnic, cultural, religious or caste groups
- protecting 'family honour'
- responding to peer group or family pressure
- attempts to strengthen family links
- achieving financial gain

- ensuring land, property and wealth remain in the family
- attempts to protect perceived cultural and/or religious ideals
- ensuring the care of a child or adult with special needs when the parents or existing carers can no longer fulfil that role
- assisting claims for UK residence and citizenship
- long standing family agreements or commitments of marriage.

1.4 Warning Signs and High Risk Indicators

Warning signs and high risk indicators that an individual may be at risk of being forced to marry can take many forms, these can be classified under distinct headings, such as:

Family History:

- having siblings who married early or who were forced to marry
- having siblings who self-harmed or committed suicide
- death of a parent
- family disputes
- running away from home
- subjected to unreasonable restrictions at home e.g. being kept under 'house arrest'.

Education:

- absence
- being withdrawn from school by those with parental responsibility
- removal from a day centre for those with physical or learning disabilities
- not being permitted to attend extra curricular activities
- requests for extended leave
- fear of forthcoming school holidays
- decline in behaviour, performance or punctuality
- failure to return from visits to their country of origin

- surveillance by siblings or cousins at school
- prevented from progressing to higher or further education.

Health:

- being accompanied to medical appointments
- depression
- isolation
- self harm
- substance misuse
- suicide attempts
- eating disorders
- early/unwanted pregnancy
- female genital mutilation.

Employment:

- not allowed to work
- poor performance
- poor punctuality and attendance
- limited career choices
- unable to be flexible in their working arrangements
- unable to attend business trips or functions
- subject to financial control e.g. wages are confiscated
- accompanied leaving work.

Linked offences:

- victim or other siblings within the family reported missing
- reports of domestic abuse, stalking and harassment, or breaches of the peace at the family home

- female genital mutilation
- victim reported for offences e.g. shoplifting or substance misuse
- threats and/or attempts to kill or harm
- rape
- kidnap
- acid attacks.

1.5 Aggravating Factors

A number of factors which have been identified which may increase the risk of someone being forced into marriage. These aggravating factors include:

- Family bereavement – occasionally when a parent, in particular a father dies, the remaining parent may feel there is more urgency to ensure that the children are married
- When an older child refuses to marry, the younger siblings are forced to marry to protect family honour and/or to fulfil the original commitment
- Disclosure of sexual abuse – when a woman or girl discloses abuse parents may feel the abuse has brought shame on the woman or girl and they must ensure she is married to restore family honour; they may also feel that marriage will bring an end to the abuse
- Sexual preferences – lesbian, gay, bisexual or transgender people may be forced into marriage so their sexuality or gender identity will not be questioned; parents may also believe this will ‘cure’ their child of what they perceive to be abnormal sexual preferences.

1.6 Consequences of Forced Marriage

Those forced to marry, particularly women and girls, could find it very difficult to initiate any action to end the marriage. They may be subjected to repeated rape, and in some cases forced pregnancy, forced child bearing, and ongoing domestic abuse from their partner and their extended family. They could be forced to undertake all of the household chores. Victims frequently end up in relationships marred by physical and sexual abuse; and this in turn impacts upon children within the marriage. Children may learn it is acceptable behaviour to be abusive in order to get what they want. Children consistently witnessing abuse can be traumatised as persistent violence undermines their emotional security and capacity to meet

the demands of everyday life – their academic abilities can be affected. In addition, witnessing violence as a child is associated with depression, trauma-related symptoms, and low self-esteem in adulthood.

1.7 The Offence of Forced Marriage

Section 121 of the Anti-social Behaviour, Crime and Policing Act 2014 makes it an offence for a person to intentionally force a person to enter into marriage, believing the person does not consent, or to deceive someone into going abroad for the specific purpose of forcing them to marry. An important point within this is that the offence is committed whether or not the forced marriage goes ahead.

Subsection (1) also makes it a criminal offence, under the law in England and Wales, for a person to use violence, threats or any other form of coercion for the purpose of causing another person to enter into a marriage without their free and full consent.

Where the victim lacks the capacity to consent (within the meaning of the Mental Capacity Act 2005) the offence is capable of being committed by any conduct carried out for the purpose of causing the victim to marry, whether or not it amounts to violence, threats or any other form of coercion (subsection (2)).

Subsection (3) additionally creates a criminal offence any form of deception practised with the intention both of causing another person to leave the United Kingdom to travel to another country and that the other person be subjected to conduct that is an offence under subsection (1) or would be an offence if the victim were in England and Wales.

Subsection (4) provides that “marriage” means any religious or civil ceremony of marriage recognised by the customs of the parties to it, or the laws of any country in which it is carried out, as constituting a binding agreement, whether or not it would be legally binding according to the law of England and Wales.

Subsection (6) provides that an offence is committed whether the violence, threats or other forms of coercion are directed at the victim of a forced marriage or another person.

Subsections (7) and (8) make provision to take extra-territorial jurisdiction over both the coercion and deception elements of the new offence. Any of the prohibited acts in subsections (1) and (2) carried out outside the UK by a UK national or person habitually resident in England or Wales, or to a UK national or person habitually resident in England or Wales, will be an offence under domestic law and triable in the courts of England and Wales.

The effect of subsection (5)(b) is that it will also be an offence under domestic law if the prohibited acts in subsection (1) or (2) are conducted by or against a person habitually resident in England and Wales, but take place in Scotland or Northern Ireland.

Subsections (9) and (10) set out that the maximum penalties for the new offences in subsections (1) and (2).

On summary conviction the maximum penalty is a fine or six months' imprisonment (rising to 12 months once the increase in magistrates' courts sentencing powers in section 154(1) of the Criminal Justice Act 2003 is commenced), or both, and on conviction on indictment the maximum penalty is seven years' imprisonment.

1.8 Forced Marriage (Civil Protection) Act 2007

Forced Marriage Protection Orders (FMPOs) introduced as part of the Family Law Act 1996, Part A, Sections 63A – 63S allow the High Court or county courts to protect a person from being forced into a marriage, or from any attempt to force a person into marriage, or to protect a person who has already been forced into a marriage. FMPOs can include prohibitions, restrictions, or requirements to protect a victim from a spouse, family member or anyone involved.

In cases involving children forced marriage protection orders can be used alongside wardship – involvement can include aiding, abetting, counselling, procuring, encouraging, or assisting another person to force or attempt to force a person to marry. The person seeking protection can make an application direct to the court.

Breach of an order made under the Forced Marriage (Civil Protection) Act 2007 is not a criminal offence; however, there is provision within 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.

1.9 First Responder Actions

As a first responder if you are notified of an incident of forced marriage you should escalate the incident to your line manager as soon as possible in order to seek assistance from your force Public Protection Specialist. In the interim if you suspect a victim is at risk of being forced to marry you should:

- see and speak to the victim on their own, in a private place where conversation cannot be overheard
- explain all the options available to them, if they are fearing they will be forced to marry:
 - 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

Or if they are already in a forced marriage, you should:

- explain all the options available to them:
 - 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 their family
 - to leave the family and publicly refuse to sponsor their spouse's visa application for entry into the UK
 - to initiate nullity or divorce proceedings to end the marriage, a religious divorce will not end the marriage under UK law.
- perform a risk assessment, utilising the DASH risk assessment tool – proceeding with some of the available options may leave them open to further escalating risk, ensure all decisions are recorded
- where the person is under 18, or deemed an 'adult at risk' initiate safeguarding procedures
- consider the need for immediate protection and placement away from the family
- listen to, recognise and respect their wishes
- reassure them about confidentiality e.g. that you will not inform their family

- give them personal safety advice
- develop a safety plan in case they are seen e.g. prepare another reason as to why you are meeting
- establish if there is a history of forced marriage e.g. were siblings forced to marry, identify other indicators such as domestic abuse, self harm etc.
- advise them not to travel overseas, where overseas travel is imminent and unavoidable obtain addresses
- identify any other criminal offences
- give them advice on support services
- establish a way of contacting them discreetly in the future
- gather and record sufficient information to pass to the specialist officer.

Where an incident of forced marriage has been disclosed by a partner agency or third partner, for example a friend or relative confidentiality and discretion remain vitally important. In cases where the victim has been taken overseas do not contact an overseas police force or organisation to begin your enquiries. If the family become aware they may move the victim or expedite the forced marriage. In these instances you should:

- collect and record securely as much information as possible
- discuss the case with the Forced Marriage Unit
- where the child is under 18 refer the case to the Child Protection Officer
- check existing missing persons reports
- follow existing national and local procedures for multi-agency liaison, ensuring the incident is being handled with appropriate confidentiality.

1.10 Support for Victims of Forced Marriage

You should always provide victims with details of police specialist departments and of other voluntary and statutory agencies that are in a position to support them, regardless of whether criminal proceedings are pursued. Resources include (but are by no means limited to):

- Victim Support

- Forced Marriage Unit (FMU)
- Karma Nirvana

There may also be local organisations that support victims of domestic abuse. If there are any such organisations in your force's region, ensure that you are aware of their contact details.

1.11 Revision Questions

- What is the difference between forced marriage and arranged marriage?
- Who could be a victim of forced marriage?
- Why is it important to take account of multiple warning signs and risk indicators when responding to forced marriage incidents?
- What is a FMPO?
- Where can the offence of 'forced marriage' under Section 121 of the Anti-social Behaviour, Crime and Policing Act 2014 take place?

2. Key Legislation

- Forced Marriage (Civil Protection) Act 2007

3. E-learning

In addition to this book the following e-learning is available via the NCALT Managed Learning Environment (MLE):

- The 'Public Protection Family Disturbance' e-learning includes definitions and common indicators in relation to female genital mutilation; honour based abuse and forced marriage. Using scenario based learning it covers how to identify, and manage cases and reports of honour based abuse and forced marriage.

The MLE is regularly updated with new learning programmes and materials.