

## **1.14.21 Forced Marriage Awareness**

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### **1 Legislative Framework and Guidance**

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- [The Anti-Social Behaviour, Crime and Policing Act 2014](#)
- [The Right to Choose - Multi-Agency statutory guidance for dealing with forced marriage](#)
- [Multi-Agency practice guidelines: Handling cases of forced marriage 2014](#)
- [Forced Marriage and Learning Disabilities - Multi-agency practice guidance 2011](#)
- [E-Learning Training for the awareness of forced marriage](#)
- [Forced marriage protection orders](#)
- [Forced marriage protection unit](#)
- [Information for people affected by forced marriage](#)
- <https://www.gov.uk/guidance/forced-marriage>

### **2 Scope**

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To ensure that staff are aware that the issue of Forced Marriage falls under the requirements for protection of children, young people and vulnerable adults.

### **3 Overview**

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- A forced marriage is where one or both people do not (or in the cases of people with learning disabilities, cannot) consent to the marriage and pressure or abuse is used. It is an appalling and indefensible practice and is recognised in the UK as a form of violence against women and men, domestic/child abuse and a serious abuse of human rights.
- The pressure put on people to marry against their will can be physical (including threats, actual physical violence and sexual violence) or emotional and psychological (for example, when someone is made to feel like they're bringing shame on their family). Financial abuse (taking a persons wages or not giving them any money) can also be a factor.
- 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 of whether or not to accept the arrangement still remains with the prospective spouses (young Person).

- In a forced marriage, one or both spouses do not consent to the marriage but are coerced into it. Duress can include physical, psychological, financial, sexual and emotional pressure. In the cases of vulnerable adults who lack the capacity to consent to marriage, coercion is not required for a marriage to be forced.
- Forced Marriage is an abuse of human rights and, where a child is involved, an abuse of the rights of the child.
- 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.
- Forced Marriage is a violation of a person's human rights and cannot be justified on religious or cultural grounds.
- Forced Marriage is primarily an issue of violence against women. Most cases involve young women and girls aged between 13 and 30.
- The minimum age at which a person is able to give consent to marriage is 16; a person between the ages of 16 and 18 may not marry without consent from all those with parental responsibility.
- Sexual intercourse without consent is rape, regardless of whether this occurs within the confines of a marriage.
- In addition, the Forced Marriage (Civil Protection) Act 2007, which was implemented in November 2008, makes provision for protecting children, young people and adults from being forced into marriage without their full and free consent through forced marriage protection orders.
- Children's social care has a duty under S.47 Children Act 1989 to make enquiries when they have reasonable cause to suspect that a child is suffering, or is likely to suffer, significant harm. This includes allegations of abuse or neglect against a child. 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 safeguarding and promoting the welfare of children, including helping children and young people who are facing abuse. Every children's social care 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.

Staffordshire Safeguarding Children Board have developed multi-agency procedures to help us all protect young people who have or fear they will be forced into marriage **4 The Law**

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The Anti-social Behaviour, Crime and Policing Act 2014 make it a criminal offence 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 to consent to the marriage (whether they're pressured to or not)
- Breaching a Forced Marriage Protection Order is also a criminal offence
- The civil remedy of obtaining a Forced Marriage Protection Order through the family courts will continue to exist alongside the new criminal offence, so victims can choose how they wish to be assisted. Details of the law can be found on the Legislation website
- 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

## **5 Reasons for Forced Marriage**

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- Perpetrators who force their children or other family members into marriage often try to justify their behaviour as protecting their children, building stronger families and preserving 'so called' cultural or religious beliefs. When challenged on this practice, they often do not see anything wrong in their approach. The act of forcing another person into marriage can never be justified on religious grounds; every major faith condemns it and crucially, freely given consent is a prerequisite of all religions.
- Often perpetrators are convinced that they are upholding the cultural traditions of their home country, when in fact these practices and values may have in fact changed in their countries of origin. There are also others who are placed under significant pressure from their extended family to ensure their children or other family members are married. In some instances, an agreement may have even been made about marriage during their infancy.
- Many young people will then endure their entire childhoods with the expectation that they will be made to marry someone of their parents or other family members choosing. What needs to be communicated to all of those at risk is forcing someone to marry is a criminal offence and that they have a fundamental human right to be able to choose their future spouse.

Some of the key motives that have been identified are:

- Controlling unwanted 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'.
- 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.

## **6 Warning Signs or Indicators**

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Isolation is one of the biggest problems facing those trapped in, or under threat of, a forced marriage. Young people, particularly girls, forced to marry, are frequently withdrawn from education, restricting their educational and personal development. Living away from home with minimal support can make a young person, more isolated, thus making it more likely that they will return to the abusive situation.

### **Potential warning signs and Indicators**

The following indicators are not intended to be an exhaustive list.

#### **Education**

- Absent and persistent absence
- Request for extended leave of absence and failure to return from visits to country of origin
- Fear about forthcoming school holidays
- Surveillance by siblings or cousins at school
- Decline in behaviour, engagement, performance or punctuality
- Poor exam results
- Being withdrawn from school by those with parental responsibility
- Removal from a day centre of a person with a physical or learning disability
- Not allowed to attend extra-curricular activities
- Sudden announcement of engagement to a stranger
- Prevented from going on to further/higher education

#### **Employment**

- Poor performance

- Poor attendance
- Limited career choices
- Not allowed to work
- Unable to attend business trips or functions
- Subject to financial control e.g. confiscation of wages/income
- Leaving work accompanied
- Unable to be flexible in their working arrangements

#### **Health**

- Accompanied to doctors or clinics
- Self-harm/attempted suicide
- Eating disorders
- Depression/Isolation
- Substance misused
- Unwanted pregnancy
- Female Genital Mutilation

#### **Family History**

- Siblings forced to marry
- Early marriage of siblings
- Self-harm or suicide of siblings
- Death of parent
- Family disputes
- Running away from home
- Unreasonable restrictions e.g. kept at home by parents

#### **Police**

- Victim or other siblings within the family reported missing
- Reports of domestic abuse, harassment or breaches of the peace at the family home
- Female Genital Mutilation
- The victim report for offences e.g. shoplifting or substance misuse
- Threats to kill and attempts to kill or harm
- Reports of other offences such as rape or kidnap
- Acid attacks

## **7 Duty to report Allegations or Suspicions**

Cultural sensitivities must not get in the way of tackling allegations. It is a legal obligation that child safeguarding concerns or suspicions must be reported. Any member of staff who has information that a child is potentially or actually at risk of forced marriage should pass information to the Designated Safeguarding Officer who will inform the local authority children's social care or the police. In urgent cases, staff should directly contact children's social care or police.

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## **Revision History**

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**End**