

# Forced Marriage Act

Speakers:

**Michelle Lilly-Hills** (FILEX and Family Panel Member)  
**Shamima Ali** (Solicitor and Specialist in Domestic Violence)



# Definition: What is Forced Marriage?

- Forced Marriage is a marriage that is conducted without the **valid consent** of one or both spouses where **duress** is involved
- DURESS may include physical, psychological, financial, sexual and emotional pressure
- The law surrounding Forced Marriage is governed by the Forced Marriage (Civil Protection) Act 2007 and the Anti-Social Behaviour, Crime and Policing Act 2014
- It is an **abuse of human rights** and a form of **domestic abuse** and, where it affects children and young people, it is **child abuse**

# Who are the Victims?

- There are no typical victims, this can be anyone; therefore including victims aged under and over 18, disabled or even with children
- It is extremely distressing for the victim as they may be forced to live in another country; suffer violence and abuse; sometimes even repeatedly raped until they become pregnant.
- We all have a responsibility to recognise and take action on Forced Marriage incidents as the victims normally only have “one chance” to tell you

# FACTS

- Usually happens to women aged between 13-30
- They often suffer violence, rape, forced pregnancies and forced childbearing
- Sometime when victims escape, the families may go to extreme lengths to find them; if successful, there have been cases of “honour killings” linked to them
- It doesn't just happen to women; Around 15% of the calls that the Forced Marriage Unit receives involves boys and men
- There are over 1600 cases reported each year
- Mostly common within South Asian families – but cases have been reported from around the world
- It can happen to people who suffer from learning or physical disabilities
- The impact upon children can be immense – both long term and short term

# Arranged VS Forced

- Are arranged marriages the same as forced marriages?
- NO – arranged marriages have the consent of both spouses who enter into the marriage
- Forced Marriages means there is no valid consent from either one or both spouses



# Culture and Religion

- When dealing with a case of forced marriage, it's important to make allowances for different cultures.  
True or False?
  - False – cultural reasons do not justify forced marriages
- When dealing with a case of forced marriage, it's important to make allowances for different religions.  
True or False?
  - False – protecting perceived/misguided religious ideals does not justify forced marriages

# The Victim's Feelings

- Isolation – no one to turn to and sometimes may be the case that they cannot speak English
- Depression – suffer from emotional turmoil before and after the act
- Vulnerable – especially in the cases of people with learning difficulties and disabilities



# Warning Signs

- Education Professionals
  - Persistent absence or requests for extended leave
  - Failure to return from visits from country of origin
  - Fear of holidays
  - Siblings keeping watch
  - Feeling withdrawn from school/day centre
  - Decline in behaviour, engagement, performance and/or punctuality
  - Sudden announcement of engagement with stranger
  - Not allowed to attend extra curricular activities
  - Prevented from school trips
- Health Professionals
  - Accompanied to appointments
  - Family members speaking on behalf of the victims
  - Self harm, attempted suicide
  - Eating disorder, depression, isolation
  - Substance abuse
  - Early/unwanted pregnancy
  - Female genital mutilation

# Warning Signs (Continued)

- Police
  - Victim or other sibling reported missing
  - Reports of DV, harassment or breach of the peace in family home
  - Victim reported for offences
  - Threats to kill and/or attempts to kill
  - Reports of rape or kidnap
  - Acid attacks
- Family History
  - Siblings forced to marry/Early marriage of siblings
  - Family Death
  - Family disputes
  - Running away
  - Unreasonable restrictions
- Employment
  - Poor performance/attendance
  - Limited career choices or not even allowed to work
  - Not able to attend business trips/functions
  - Financial control
  - Leaving work accompanied
  - Unable to be flexible in their working arrangements

# The “ONE CHANCE” Rule

- You may only have “one chance” to speak to a potential victim and so, theoretically, only “one chance” to save a life.
- If the victim can walk out of the door without support being offered, that “one chance” might be wasted
- If you lose that chance, it may lead to tragic consequences

# Future Contact

- Meeting place – somewhere they feel comfortable e.g. cafes, library or private place
- Keeping in touch - Establish if you can contact the victim in their workplace, school or through a friend, sibling or organisation
- Phones – find out who pays their bills or records – Remember to set up a code word to ensure its safe
- Written communication – text/email/Facebook – make sure no one has access to the same
- Third parties – sometimes this is the only way; have all their contact details
- Victim moves – Make sure you don't meet them at their new address as there is a risk you may be followed

# Future Contact (Continued)

- REMEMBER – if you see them, never speak to them in front of their “friends”
- ALWAYS – keep a record of every conversation and meeting you have with them. This may be later used as evidence in court
- ADVICE – if they are leaving then remind them to change their passwords and address details to protected documents e.g. online banking, phone, computer, social networking sites
- NEVER initiate, encourage or facilitate family counselling or mediation – whether this is offered by the family, community councils, religious leader or professional groups – may lead to serious risk of harm for the victim
- NEVER use their friends, relatives, neighbours and community leaders as interpreters

# Personal Safety and Leaving the Home

When leaving the home, it is the most dangerous time for the victim

THINK – Get the victim to think about:

- Emergency contacts
- Who may send them money
- What they need to start a new life
- How they will cope with their decision

DO – Safety is paramount, but if they can, then they should try to remember the following things before they leave their home:

- Proof of ID
- Money, cheque books, benefits book,
- Medicine and medical card
- Address book, photos, jewellery and clothing
- Marriage/Divorce Papers
- Immigration papers

The victim should always notify the police when they are leaving and why

# Case Study – Abena and Kwame's Story

**Name:** Abena xxxxxxxx

**Age:** 15

**Gender:** Female

**Nationality:** British

**Country of origin:** Ghana

**Notes:** Three months pregnant. Sister of Kwame xxxxxx. Recently removed from the child protection register.

**Name:** Kwame xxxxxxxx

**Age:** 16

**Gender:** Male

**Nationality:** British

**Country of origin:** Ghana

**Notes:** Learning difficulties. Brother of Abena xxxxxxxx. Recently removed from the child protection register.

# Case Study – Abena and Kwame's Story

- Case worker: Michael xxxxxxxxxx
- 21 Jan (2.30am)
- Abena and Kwame arrive at the support organisation's out of hours service (very protective of each other and want to stay together).
- Abena says they've run away from home after their father beat her. Their parents found out she's pregnant and are now forcing her to marry a cousin from back home. Plane tickets are booked for a flight at 10am tomorrow and the wedding is in three days' time.
- Abena says this isn't the first time her father has been violent – he's hit both of them before. Social care has been involved with the family in the past when they were taken out of school for extended periods.



# Case Study – Abena and Kwame's Story

- So what does Michael decide to do? These are his case notes:
- **21 Jan (3.00am):**
- Unsure of what to do, so asked around. No-one in the office knew of any specialist organisations in the area that might be able to help
- Thought of a refuge that might consider taking them. But wondered if because of their ages, care needs and the fact that Kwame is a young boy, whether they would take them?

# Case Study – Abena and Kwame's Story

- Six months later Abena managed to get in touch with a friend back in the UK. She had been taken overseas, made to have a termination and forced to marry her cousin
- He raped her and she became pregnant. She miscarried at 14 weeks after her husband kicked her in the stomach for leaving the house without permission. He raped her again, and she was now pregnant for a second time
- Abena hadn't seen or heard from Kwame since the night they went to the refuge for help.

# Case Study – Abena and Kwame's Story

- Michael established that they were not eligible for Refuges.
- He should have contacted Children Social Care at this point

BUT

- Michael didn't contact children's social care. Instead he returned Abena and Kwame to their family home.

# Case Study – Abena and Kwame's Story

- What if Michael had contacted children's social care? They could have planned emergency action for the brother and sister and so prevented further suffering.
- Emergency Accommodation could have been sought for them immediately especially as they were previously handled by Children's Social Care
- Emergency Orders could have been put in place to reduce/prevent and risk of harm towards either of them

# So What Should You Do?

- Speak to the person on their own in a secure and private place.
- Gather as much relevant information as possible.
- Explain all their options to them, and recognise and respect their wishes.
- Contact a solicitor, the Forced Marriage Unit and the police for advice and information.
- **DON'T TURN THEM AWAY**

# What Happens Next?

- Protection – police engage with Children Social Services to make a referral then the victim may obtain a Forced Marriage Protection Order [FMPO]
- FMPOs include provisions to protect the victim from harm from their spouse or families
- If victim under 18 then Social Care will get involved
- Housing Authority/Refuges to provide emergency accommodation to the victim (best to do this away from the victim's local area and family home)
- Divorce/Annulment – this cannot be granted by way of a FMPO; victim will have to apply for the same
- Ongoing risks – victim may potentially always be at risk of harm to kidnap, violence, harassment and/or honour killing
- The victim may be traumatised therefore it is important to provide her with ongoing support

# Forced Marriage Protection Orders

- Allow someone to return to the UK
- Surrender of passports and travel documents
- Forbid another from forcing the victim to marry elsewhere
- It is now criminalised under the Anti-Social Behaviour, Crime and Policing Act 2014 – it carries up to 7 years imprisonment if breached
- It **does not** annul/divorce the spouses
- Victims provided with Legal Aid Funding

# Conclusion

- Recognise the early warning signs
- Enforce the “One Chance” Rule
- Do not try and engage in family mediation
- Call the police and contact a solicitor immediately
- Enforce FMPO
- Find the victim suitable housing
- Provide ongoing support



ANY  
QUESTIONS?

