



# Forced marriage - recognition and response

This briefing is intended primarily for frontline practitioners working in child and family social work. It aims to build confident social work and family support practice to recognise, prevent and intervene in forced marriage involving children and young people. The briefing is likely also to be of interest to other frontline practitioners who work with children and young people who may be at risk of forced marriage.

**The briefing comprises seven sections:**

1. Introduction and context
2. Differences between a forced and arranged marriage
3. Characteristics of honour-based abuse
4. Potential warning signs and indicators of forced marriage and honour-based abuse
5. Responding to cases of forced marriage
6. Forced Marriage Protection Orders
7. Resources for practitioners, victims and survivors

Unless otherwise stated, the Karma Nirvana Survivor Ambassador Panel is the source of all case studies and survivor quotes in this briefing. Karma Nirvana is a charity founded by the author of this briefing, that advocates on behalf of victims experiencing forced marriage and honour-based abuse.

## 1. Introduction and context

Forced marriage is against the law.<sup>1</sup> It is recognised in the UK as a form of domestic abuse or child abuse and a serious abuse of human rights (FMU, 2019; HM Government, 2014a, 2014b), and a form of exploitation that is closely related to modern slavery (HM Government, 2018).<sup>2</sup>

Government guidelines are set out in two parts:

- > Multi-agency statutory guidance for senior leaders of public bodies whose role includes safeguarding and promoting the welfare of children, including local authorities and the police (HM Government, 2014a).
- > Accompanying multi-agency practice guidance for all frontline practitioners (HM Government, 2014b). Practitioners may be asked to cooperate with a criminal investigation and there is an expectation that professionals are able to understand and use the guidance, in line with their existing statutory duties.

It is highly likely that children's social care will play a key role in safeguarding a child or young person affected by or at risk of forced marriage. As with most forms of harm, it is unlikely that children's social care, or any single agency, will be able to meet all of a child or young person's needs (HM Government, 2014b). Effective risk assessment and management relies on cooperation between professionals in different agencies, including but not limited to the police, social care, health and education.

Children and young people affected by forced marriage are a heterogeneous group and will have diverse needs and wishes, with a wide range of individual protective factors; this requires a varied and adaptable response tailored to the individual needs of the child. Emotional support for the child or young person is a crucial part of the professional response to forced marriage. Where necessary the professional response may include care planning, removal of the child or young person, a Forced Marriage Protection Order (FMPO) and prosecution of the perpetrators. Clear case management and coordinated partnership working is essential to achieve positive, safe and timely outcomes for those affected by forced marriage and honour-based abuse (HBA).

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<sup>1</sup> Section 121 of the *Anti-social Behaviour, Crime and Policing Act 2014* made it a criminal offence to force someone to marry. This includes taking someone overseas to marry them (whether or not the marriage takes place) and causing someone to marry who lacks the capacity to consent (whether or not coercion is used).

<sup>2</sup> Since 2017 the International Labour Organization has included forced marriage in its estimates of modern slavery worldwide (ILO, 2017).

## The concept of 'honour'

In order to gain a deeper understanding of forced marriage, it is important to have an understanding of the concept of 'honour', which is often at the root of a forced marriage. In cultures where codes of honour operate, family and community members often share an overwhelming motivation towards collective morality, values and behaviours to conform to such codes. Children and young people are expected to conform in how they behave. Non-compliance may be deemed shameful and place the individual at risk (HM Government, 2014a; Brandon and Hafez, 2008; HM Inspectorate of Constabulary, 2015).

The terms 'honour-based abuse' or 'honour-based violence' refer to a variety of violent acts that are used within families predominantly, though not exclusively, to control the behaviour of women and girls in the name of 'honour'. Honour crimes include assault, imprisonment and, in extreme cases, murder, whereby the individual is punished by their family and/or community for undermining the honour system.

Honour is not an unproblematic term and there have been calls to discard the term and locate HBA within domestic abuse. Others have argued that the term is understood and owned by survivors and is enshrined in international frameworks (see HMIC, 2015: 26-27).

## Scale

In 2018 the Government's Forced Marriage Unit (FMU), which advises victims and professionals working with them, gave advice or support related to a possible forced marriage in 1,764 cases; of these, 574 cases (33 per cent) involved victims under the age of 18 (Home Office and FCO, 2019). In a further 542 (31 per cent) cases the victim was between 18 and 25 years old (in 17 per cent of cases the age of the victim was unknown).

The majority of cases (1,322 – 75 per cent) handled by the FMU involved girls or women; males were the subject of 297 (17 per cent) cases (in the remaining cases the gender of the victim is not known). During 2018, the FMU handled cases relating to 74 countries. The six countries with the highest number of cases were:

- > Pakistan 769 cases (44%)
- > Bangladesh 157 cases (9%)
- > India 110 cases (6%)
- > Somalia 46 cases (3%)
- > Afghanistan cases 44 (3%)
- > Romania 43 cases (2%)

During 2018 there was a noticeable increase in cases linked to Romania, with the FMU providing support to 43 such cases compared to 29 across the whole of the previous seven years (2011-2017). Seven per cent (119) of cases during 2018 had no overseas element, with the potential or actual forced marriage taking place entirely in the UK. Although this is a decrease compared with previous years, it highlights that forced marriages continue to take place in the UK and many remain hidden (Home Office and FCO, 2019).

Since the FMU was established in 2005, thousands of victims deemed at risk of forced marriage have been repatriated from overseas countries, some repeatedly; some victims have been as young as five years old.

In 2018 the charity Karma Nirvana received over 1,000 new contacts related to children and young people under 18, some as young as nine years old. In 2016-17, the NSPCC hosted 205 counselling sessions for children concerned about a forced marriage, an increase of 45 per cent since 2013-14 when there 141 sessions (NSPCC, 2017). There were also 6,099 visits to the Childline forced marriage webpage during 2016-17.

### Key messages

- > Forced marriage is not specific to any particular country or culture. Since 2011, the FMU has handled cases relating to over 110 countries across Asia, the Middle East, Africa, Europe and North America (Home Office and FCO, 2019).
- > Forced marriage is not supported by any religion. This includes Islam, Sikhism, Christianity and Hinduism.
- > A majority of identified British victims are from families of Pakistani or Bangladeshi origin. These countries are almost entirely Muslim and families may invoke religious justification for the practice. A background paper produced by the charity Islamic Relief explores the issues of early and forced marriage from an Islamic faith perspective and dismantles some potential misconceptions.

[www.islamic-relief.org/gender-justice](http://www.islamic-relief.org/gender-justice)

## 2. Differences between a forced and an arranged marriage

While awareness is increasing (FMU, 2012) many practitioners remain unclear about the difference between an arranged and a forced marriage. This can lead to reluctance among professionals to intervene in what they perceive as a cultural practice (Khanum, 2008). The confusion can also be exploited to defend forced marriage by misrepresenting it as an arranged marriage (Deveaux, 2007).

### **There is a clear distinction between an arranged and a forced marriage.**

In an arranged marriage, the families of both spouses take a leading role in arranging the marriage, but the *choice* of whether or not to accept the marriage remains with the prospective spouses. An arranged marriage should only be considered for someone who is over the age of 16 and has full mental capacity to make the decision. If they do not have full mental capacity, it is a forced marriage.

In a forced marriage, either one or both prospective spouses *do not (or cannot) consent* to the marriage but are *coerced* into it. Family members place individual(s) under physical, psychological, financial or sexual duress. Because of the loyalty they feel towards their family and their desire not to shame them, victims commonly describe the emotional pressure as unbearable.

It is important also to bear in mind, however, that what starts out as an arranged marriage can sometimes escalate into a forced marriage if, for example, one of the partners changes their mind but is coerced into going through with it by their family.

The practice of first cousin marriage is legal and in certain communities is culturally acceptable, a valued tradition and indeed an expectation. In such cases, the child may be 'promised' to a first cousin from birth or infancy, which creates a heightened expectation that the marriage will take place; this can place enormous pressure on the young person as they grow up and greatly increase the risk of the victim being forced into marriage when they reach legal age.

## Case study

In May 2018 a couple from Leeds were found guilty of tricking their daughter into travelling to Bangladesh in order to force her to marry her cousin.

The couple had told their children they were travelling to Bangladesh, in the summer of 2016, to visit relatives for a holiday. When the daughter refused to go through with the marriage, she was threatened with violence and her phone was taken away. She was assaulted and her father threatened to 'chop her up' in 18 seconds – one for each year of her life.

The British High Commission, the Forced Marriage Unit and the Bangladeshi police worked together and were able to rescue her and bring her back to the UK after her sister had managed to make contact with the High Commission (CPS, 2018a).

## Key messages

- > Consent is essential within all marriages – only the individual themselves can know or say if their consent has been given freely.
- > A disclosure of forced marriage should not be dismissed as a family matter. For many victims, seeking help is a last resort and therefore all disclosures of forced marriage must be taken seriously.
- > Young people at risk of forced marriage are at greater risk of being taken out of the country by family members, often under the guise of a family holiday or a family bereavement (DfES et al, 2005; Kazimirski et al, 2009). Summer holidays are a particular risk; families will often use school holidays as an opportunity to take the child or young person abroad for an engagement or marriage (Kazimirski et al, 2009).



## Questions for reflection and discussion

- > How would you describe the difference between an arranged and a forced marriage?
- > To what extent do you see forced marriage as being supported by religion?
- > In your area, are you aware of any communities affected by forced marriages? What practical steps would you take if you identified a child being promised into a marriage?
- > 'Cultural acceptance does not mean accepting the unacceptable' (see page 17). What is your understanding of this statement? What does it mean to you – and what are the implications for your practice?
- > Why is the risk of a forced marriage greater where there is the practice of first cousin marriage?



### 3. Characteristics of honour-based abuse

*'It's like the weather, you can't question it. Izzat<sup>3</sup> [honour] is there so therefore it's always been around ... [it's] special control.'*

*'It could be if you talked to anyone else outside then it becomes a shame issue because it would be shameful if people find out.'*

(Gilbert et al, 2004)

HBA is designed to coerce and control the victim:

*'Coercive behaviour is an act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim.'*

*'Controlling behaviour is a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour.'*

(Crown Prosecution Service, 2017, 2018b)

Practitioners should consider these definitions when seeking to identify whether a person is at risk from HBA and codes of honour. Children and young people who experience honour abuse will often have learnt and understand how they are expected to behave (conform) from a very young age. They will understand what is deemed 'honourable' and 'dishonourable' to the family through controlling behaviour.

<sup>3</sup> In cultures derived from Pakistan and the Indian sub-continent, izzat is a term used to depict family honour. It is related to reflected shame but has no single meaning. South Asian women (aged 16 to 25) involved in the research described izzat as 'a learnt, complex set of rules an Asian individual follows in order to protect the family honour and keep his/her position in the community' (Gilbert et al, 2004). Brandon and Hafez (2008) define izzat as 'the collective honour of a family, community or even a country'.

There are many actions that victims will understand as having the potential to cause shame and dishonour to individual families. Some examples are listed below but the list is by no means exhaustive, as the range of actions is broad. It is important that practitioners should always ask the victim what actions may be considered by their family as bringing shame or dishonour.

- > Associating with male friends/ having a boyfriend
- > Being too westernised or 'integrating' beyond the family's perceived or cultural norms
- > Violating dress codes or wearing make-up
- > Being a member of the LGBT community
- > Social networking
- > Having a mobile phone
- > Reporting abuse to agencies
- > Saying 'no' to an arranged marriage.

### Who are the offenders?

Those who enforce honour systems are highly likely to be responsible for parenting, disciplining and punishing children and young people. They are often members of the immediate and extended family and include men and women, usually mothers. A characteristic of HBA is that it is 'condoned and supported by multiple family members', with decisions made and facilitated by the collective (Aplin, 2017), which differentiates HBA from traditional constructs of domestic violence against women.

In analysis of 100 HBA investigations (which took place between 2012 and 2014, 22 of which were against under-18-year-old children), Aplin (2017) found that three-quarters of cases (76) involved female perpetrators, most often mothers. Mothers were found to play a significant and fundamental role in perpetrating HBA against their daughters. Police tended to under-record female perpetration. Aplin warns that practitioners in the safeguarding arena should not assume that mothers are secondary victims who will automatically protect their children. Victims' loyalty towards their mothers contributes to the blurring of boundaries between mothers as 'perpetrators' and mothers as secondary 'victims' acting under duress.

The research identified various forms of abusive behaviour perpetrated by women, including physical violence, while in some cases women were 'passive and complicit' in condoning violence inflicted by others. Abuse also included the use of intrusive surveillance, threats, verbal derision, false imprisonment and emotional blackmail. Many child victims were subject to 'stifling and extreme levels of control largely by mothers'. Children were also threatened with harsh ultimatums – they would be 'dead' to their parents, 'cut off' or 'thrown out' if they did not comply with a marriage or refused to stop seeing a boyfriend. In other cases women employed a 'softer' psychological approach, relying instead on 'emotive language, tears and/or deception to encourage fleeing women back to the fold'.

### Key messages

- > Rumours and gossip, even if untrue, can damage the status of a family or an individual.
- > All cases of HBA involve multiple perpetrators. The victim will experience abuse from within the immediate and extended family, as they are expected to control their children and uphold honour.



### Questions for reflection

- > How would you explain the concept of honour in this context?
- > How might honour manifest itself in the everyday lives of those living in a family that operates an honour system?

## 4. Potential warning signs and indicators of forced marriage and honour-based abuse

Victims facing the prospect of a forced marriage may become anxious, depressed and emotionally withdrawn. They may begin to self-harm (Aplin, 2018), they may suffer low self-esteem, their self-care may suffer or they may appear to have few or no aspirations. They may exhibit a sudden decline in their performance at school or college. (HM Government, 2014a, 2014b). Figure 1 illustrates some of the possible warning signs, categorised by agency.

Young people with poor mental health and/or who are disabled are at particular risk of being forced to marry (HMIC, 2015; HM Government, 2014b). Some disabled young people may be especially vulnerable because of an impaired capacity to resist or understand (HMIC, 2015) or because they are reliant on their families for care and may have fewer opportunities to tell anyone outside the family what is happening (HM Government, 2014b).

There can be many reasons behind the factors listed here and it is important not to make assumptions on the basis of limited evidence. Do not assume, for example, that a young person is at risk of being forced into a marriage simply because they are being taken on an extended family holiday. Such assumptions and stereotyping can cause considerable distress to children and their families (HM Government, 2014b). If you suspect that a child or young person is at risk of forced marriage or HBA, always make every effort to establish the full facts of the case at the earliest opportunity. The following suggested questions should help you be clearer about views within the family.



### Possible questions for parents or other adult family members

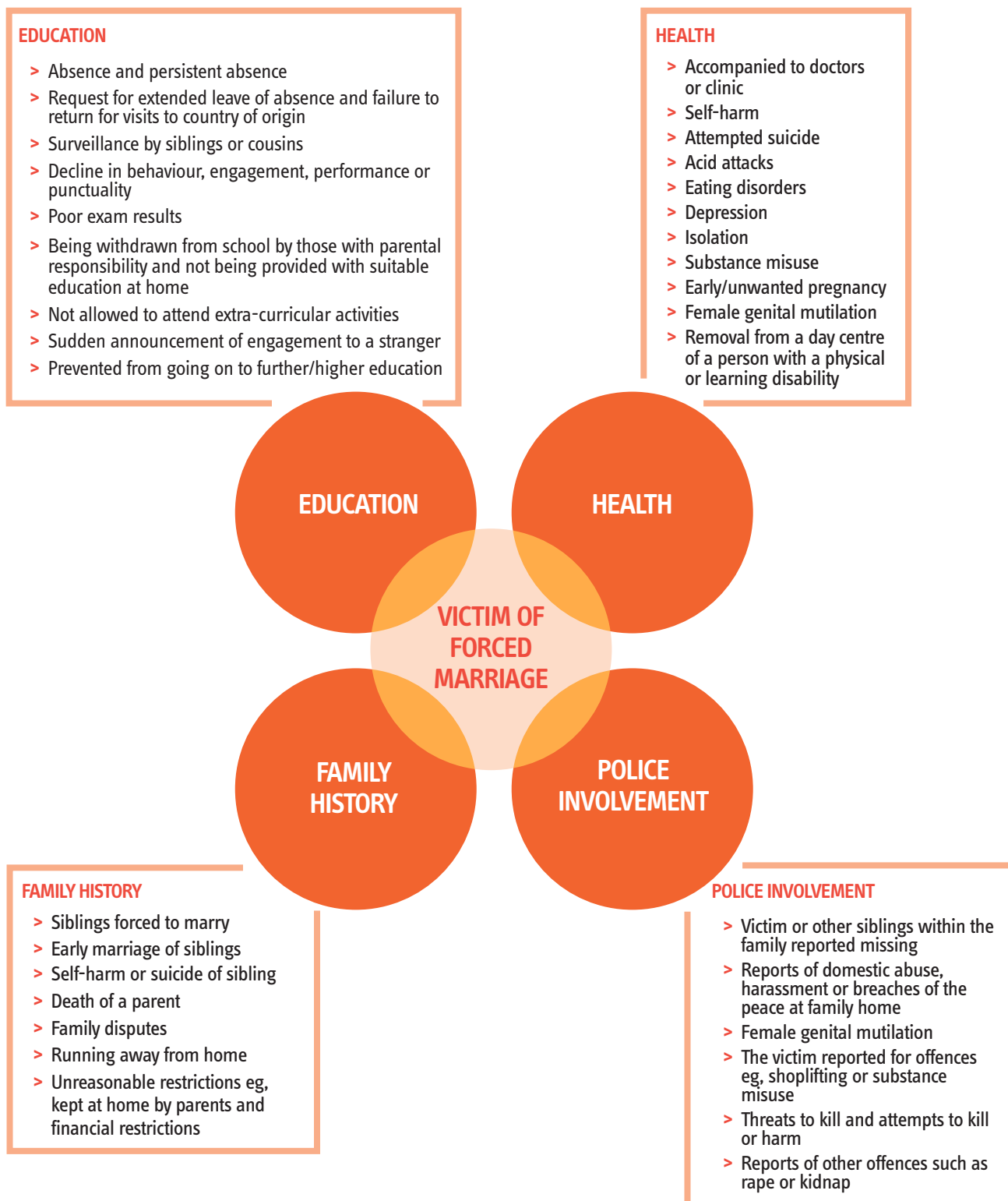
- > What does honour mean to you and how you are perceived in the community?
- > Did you marry as first cousins? (If the answer is 'yes', it is likely this may also be an expectation for the children.)
- > At what age did you marry or become engaged?
- > What are your views about marriage?
- > How would you feel about your child marrying out of choice?



### Possible questions for the child or young person

- > What does honour mean to you and your family?
- > What kind of behaviours would you or your family deem to be shameful?
- > Who cares about honour the most in your family? (identifying key perpetrator/s)
- > What would happen if you were to shame your family?
- > What are your views about marriage?
- > Are you being pressured to marry? If so, what do you think the consequences would be of going against it?
- > Was anyone in your family forced to marry?

## Warning signs of a victim of forced marriage



**Figure 1: Warning signs and indicators by agency (lists are not exhaustive)** (adapted from multi-agency guidelines for tackling forced marriage, HM Government, 2014a, 2014b)

## Experiences of victims of HBA

This is a list of experiences that are common among children and young people affected by HBA.

- > Unreasonable parenting restrictions
- > Isolation – eg, not being allowed a mobile phone or having it confiscated
- > Not allowed to express their sexuality
- > Not allowed to have male friends or boyfriends
- > Fear of family rejection and disownment
- > Unable to integrate as deemed being ‘too westernised’
- > Having to dress modestly to protect unwanted male attention
- > Depression due to internalising guilt and shame/unable to go against their parents’ wishes
- > Leading two lives, one secretly outside the family – for example, wearing make-up outside the home and removing it before returning
- > Accompanied to and from school
- > Not allowed to go into town alone
- > Living under the threat of a forced marriage
- > No one they can trust and no one to speak to about their situation due to fear of reports back to family
- > Fear of not being believed due to families ganging up on them
- > Fears for other siblings if they report and wishing to protect them
- > Has limited or no independence.



## Questions for reflection

- > Reflecting on the potential warning signs of forced marriage (Figure 1) have you ever observed any of them in a professional capacity? If so, at the time did you see them as possible indicators?
- > If you were to observe any of the potential warning signs now, what would you do?

## Case study: Landmark conviction of a mother

In 2018 a woman from Birmingham was convicted of taking her 17-year-old daughter to Pakistan, under the guise of a holiday, and forcing her to marry a man 16 years her senior as soon as she turned 18. It was the first time a conviction had been secured after a victim testified against her own family.

The teenager had already been ‘promised’ to the then 29-year-old man when she was just 13 years old, at which time she had also been taken to Pakistan, again under the pretext of a holiday. While in Pakistan she was raped by the man she was being forced to marry and became pregnant, and had a termination on her return to the UK.

Throughout the girl’s life, her mother had persistently used the threat of black magic to instil fear in her daughter should she dare challenge the family’s norms and values. Concerned for her welfare, the girl’s GP had in the past made a referral to children’s social care, with whom the mother was already in contact as she had been struggling to deal with her daughter’s behaviour. The mother was later to tell the court that her daughter had gone ‘off the rails’ at this time – that is, she was behaving ‘dishonourably’, going out with friends and staying out late. The girl was placed in care with the mother’s consent. However, the daughter continued to have an emotional attachment to her mother and asked to return home. By the time she was nearly 18 she was spending a lot of time with her mother.

The mother then duped her daughter into travelling to Pakistan just before she turned 18. In the UK the age of sponsoring a foreign national for the purposes of securing a marriage (spousal) visa is 18 years. While abroad, on her daughter’s 18th birthday, the mother revealed her plan for a full Islamic marriage to the same man and threatened to tear up her daughter’s passport if she did not comply. The mother abandoned her daughter in Pakistan and returned to England, but was later summoned to the Family Division of the High Court after the teenager raised the alarm by contacting a friend on Facebook.

The mother lied under oath when asked by a judge whether a ceremony had taken place. She said her daughter had not got married, was happy and wanted to stay in Pakistan. She later admitted lying but pleaded not guilty to perjury (she claimed she had been acting under the instructions of her daughter, who had wanted to break the news to friends and family herself). Giving evidence in court, the daughter described being taken to a wedding party to meet her husband on the day of the wedding. She told the court: ‘We had to walk down the stairs to the stage. I was telling my mum I did not want to get married and she was holding my arm. I was crying to my mum telling her I didn’t want to get married.’ The mother was given a four-and-a-half-year sentence for duping her daughter into travelling to Pakistan and forcing her to marry.

(Summers H, 2018, with additional detail supplied by the author)



## Black magic

Families may use various methods to ensure children conform to expected levels of social behaviour and/or to ensure compliance in achieving an intended outcome, such as a forced marriage. If an individual persists in challenging the norm or status quo, families may resort to methods such as the practice of 'black magic'.

Faced with the victim's 'challenging behaviour', the family may deem them 'possessed' and invite outside help to 'cure' them. This may happen to lesbian, gay, bisexual and transgender (LGBT) victims, for example. The majority of male callers to the Karma Nirvana helpline are gay men forced into marriage so as not to shame the family. Such experiences reinforce victim blaming and the internalisation of guilt and shame; faced with multiple perpetrators, victims begin to believe they are at fault.



## Questions for reflection

- > Why was 18 years of age significant in the case study on page 15?
- > What might be the dangers of seeing the daughter's behaviour as simply that of an unruly teenager?

## 5. Responding to cases of forced marriage

### Real-life messages from survivors of forced marriages and honour-based abuse

*'My greatest fear was that if I reported to my teacher or social workers they would go straight to my family, and they would have given an Oscar winning performance saying all the right things and once that front door closed, the risk to me would have doubled.'*

*'My family always blamed me for saying no to marrying a stranger and for a while I believed I was to blame, until my social worker helped me understand that I was the victim and it was them who were the perpetrators.'*

*'They [social care] kept forcing me to have telephone contact with my father when I was in foster placement, I told them he keeps threatening to kill me. Then one day they made sure an interpreter listened in and they heard the threats that were always spoken in our language because otherwise my father spoke perfect English.'*

*'I told my teacher and she told my mum that I was worried about a forced marriage. My mum reassured the teacher that they would not force me into a marriage, I mean come on what person would admit it? I would go home be beaten and then one day I just ran away aged 14, and thankfully the police officer understood the risk and [I] am now growing in independence without my family. This is something I am accepting with counselling and lovely foster parents but at least I do not have to think about marrying a stranger and neither will my children in the future.'*



***‘Cultural heritage is important to many people, but it cannot take precedence over standards of childcare embodied in law ... There can be no excuse or justification for failing to take adequate steps to protect a vulnerable child, simply because that child’s cultural background would make the necessary action somehow inappropriate.***

***This is not an area in which there is much scope for political correctness’***  
(Victoria Climbié Inquiry, Laming, 2003: 346).

Although children’s social care practitioners need to be sensitive to cultural and racial differences, they also have a clear and overriding duty (Section 47 of the *Children Act 1989*) to identify children who are likely to suffer significant harm, and to invoke the necessary safeguarding procedures. Safeguarding the child or young person must always come first. Families may tell practitioners that their practices are an integral part of their culture, religion or tradition. It may also be the case that such a view will have been reinforced to the young person over many years.

Government-commissioned research by the National Centre for Social Research (Kazimirski et al, 2009) found statutory agencies were sometimes reluctant to intervene due to a perception among some practitioners that forced marriage was a ‘cultural issue’ and therefore ‘beyond their remit’. The research included qualitative case studies in four local authority areas, which identified ‘variation among key partners in the importance they attached to responding to forced marriage’. In one area, schools were not perceived as sufficiently proactive in identifying cases and reporting suspicions; in another, Children’s Services were seen as ‘non-responsive’ to other agencies’ concerns about specific cases.

Practitioners may fear causing offence or being accused of racism. But however challenging, it is essential that practitioners remember forced marriage is a safeguarding issue not a cultural one, and that cultural acceptance must not mean accepting the unacceptable. Those affected are vulnerable children and young people who fear severe repercussions for speaking to agencies and going against the family (Brandon and Hafez, 2008).

## Key features of a good response

- > Do not try to talk to the victim in the presence of other family members, including siblings, as the victim may not feel free to speak openly.
- > Always believe the young person. This includes taking them seriously when they *perceive* that something will happen, as well as when they relate things that have already taken place. In families that operate honour systems, the victim's perception of risk is likely to be realistic (see case study of Banaz Mahmod on page 22).
- > When undertaking an assessment, ensure the needs of the child are paramount and that the child is at the centre of your assessment throughout.
- > Create an individual assessment and support plan to identify services required, including education.
- > Encourage the young person's education and encourage them to remain in education/training.
- > Reassure the victim that by resisting forced marriage/HBA they are not rejecting their family or going against their religion, tradition or culture.
- > Encourage the young person to speak to a specialist forced marriage/HBA organisation (see the resources section at the end of this briefing). Ideally, this should include the option to speak with a survivor who has overcome abuse. Victims may need significant emotional support both in recognising the risks they face and in coping with social and cultural isolation that can follow a professional intervention or estrangement from their family.
- > Consider offering the young person the use of your phone if it may otherwise be difficult for them to have such a conversation.
- > Confidentiality and discretion are vitally important in all cases of suspected forced marriage and HBA. Gather as much evidence as you can without involving the family. Child protection procedures should be followed within the context of specialist guidance on forced marriage (HM Government, 2014b) which demonstrates that in cases of forced marriage and HBA, victims are at increased risk if families are alerted.
- > If you can, seek specialist advice – for example, from specialist forced marriage organisations (see the resources section) before trying to engage family members.
- > Do not disclose or share with family members any information relating to anything that the victim has indicated is likely to be considered shameful by the family – for example, having a boyfriend, having a mobile, seeking contraception. To do so would place the young person at risk.
- > Consider with the victim the use of an agreed code word that can be used during a telephone or other conversation to indicate there is immediate danger.
- > Be flexible when agreeing locations for meetings. To enable a child or young person to speak in confidence meeting somewhere other than the young person's home may be necessary.
- > Put safety measures in place for any trips abroad – for example, a named guarantor (other than parents), contacts in the host country to check on the young person, provide the young person with the number of the FMU and a secret mobile. Establish a reliable method for maintaining contact.
- > If you need to use an interpreter consider the need to use safe interpreters only. For example, do not use individuals from the family or the close community.
- > Consider the use of protective measures, including the use of Forced Marriage Protection Orders (FMPOs) and Emergency Protection Orders. Do not return the child to the family home against their will. (In her study of 22 HBA investigations involving under-18s, Aplin (2019) found most children who were removed under Police Powers of Protection, for example, were returned to the family home, often against their will.)
- > Consider if it is in the best interest of the child to place them in a 'culturally appropriate' placement.<sup>4</sup>

<sup>4</sup> See B-M (Children) [2009] EWCA Civ 205  
[www.familylawweek.co.uk/site.aspx?i=ed33735](http://www.familylawweek.co.uk/site.aspx?i=ed33735)

## Section 47 enquiries

Under Section 47 of the *Children Act 1989*, children's social care have a duty to make enquiries when they have reasonable cause to suspect that a child is suffering, or is likely to suffer, significant harm. This includes investigating allegations of abuse and neglect against a child. Forced marriage is child abuse and can put children and young people at considerable risk of physical, emotional and sexual abuse and/or abduction. As there is no consent, forced marriage is de facto rape.

For a child or young person, seeking help may be an unthinkable breach of loyalty and parental authority, so a common difficulty for practitioners is that a child may refuse to say anything against their family. At this point, children's social care professionals have a key role in both recognising the pressures on the young person to understate the risk and seeking to work with the person to help them recognise the nature and severity of the risk. Work with other agencies (including education and the police), seek specialist advice from local and national support groups with expertise in working with survivors of forced marriage, and consider the use of court orders such as wardship or an FMPO to protect the child and prevent them from being taken abroad (HM Government, 2014b).

## Listening to children

Under Section 17 of the *Children Act 1989* (as amended by Section 53 of the *Children Act 2004*), Children's Services must give due consideration to the wishes and feelings of children in any decision regarding the provision of services. In cases of forced marriage or HBA, however, victims may sometimes advocate returning home and understate the risks they face – either through fear, a sense of loyalty or love for their parents, or possibly due to being psychologically worn down (Aplin, 2019).

Aplin highlights the tension social workers may face in trying to reconcile a child's best interests and a child's wishes. In her analysis of 22 HBA investigations involving children (under age 18) she found examples of police using 'the wishes, voice and freewill of the child as grounds to decriminalise incidents and justify reconciling children back home to perpetrators'. She also found that children's wishes *not* to return were often overridden – in 13 of the 22 cases, children were 'sent home contrary to their own wishes'.

## Working with families – the dangers of mediation

The multi-agency guidelines for frontline practice (HM Government, 2014b) emphasise that 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 whether they intend to force their child to marry or writing requesting a meeting following a child’s allegation of forced marriage. Similarly, family group conferences ‘are not normally appropriate in cases of forced marriage because it will often place the child or young person at greater risk of harm’.

The advice in the multi-agency guidelines is of long standing and was set out also in earlier guidance, which warned of the ‘danger of family counselling, mediation, arbitration and reconciliation’ (HM Government, 2009). Yet, in her analysis of 22 HBA investigations involving under-18s, Aplin (2019: Chapter 7) found that mediation was sometimes facilitated by children’s social care, who devised contractual ‘working agreements’ with perpetrating relatives in order to work with families, as opposed to placing the child in care.

Her research identified how in some cases, professionals (police and children’s social care) appeared to ‘support and concede to the controlling agenda of perpetrators rather than protect victims’. In one case, for example, a social worker devised a ‘working agreement’ with parents that the victim ‘will not be physically chastised or assaulted in the home’. A further control, set by the children’s social care core group ‘but at the instigation of the parents’, was that the child victim would have to ‘relinquish her phones every night and according to her parents she hadn’t been doing this’. The police log explores how the social worker criticised the victim for not conforming to parental boundaries, suggesting the victim hadn’t ‘been willing to compromise’ as much as her parents (case 96). The adolescent victim was in and out of the care system over several years, which Aplin argues reflects social care ‘aligning to the perpetrators’ agenda and under-protecting the victim’.

### Case study: Example of mediation

Yasmin planned to leave home from the age of 11 after being shown the photograph of the man her parents intended would be her future husband. When she was 12 Yasmin attended a party only to realise the party was to mark her 'engagement'. That night, after suffering horrific abuse at the hands of her parents for saying 'No' to the marriage, Yasmin actively began to plan her escape. A week before the family planned to take her overseas to marry, Yasmin turned to her school for help, but they refused to get involved. After being informed that she had made a disclosure of forced marriage, Yasmin's parents later withdrew her from college when she was 16.

For weeks, Yasmin was prevented from leaving the family home; she became depressed and suicidal. She started to communicate with a friend, who had secretly been advocating for her, and the friend advised her to see a college counsellor. The counsellor made a referral to social care, which eventually led to Yasmin being placed in care. During this time, Yasmin came under immense pressure to agree to mediation meetings with her parents, which were sometimes organised without her consent.

Yasmin's mother had herself married at age 14, which she described as part of her culture, and her parents did not feel they had done anything wrong. At the mediation meetings, Yasmin's mother would threaten her with violence in their own language, which the social workers did not understand. When Yasmin told the social worker, she was not believed. Yasmin refused to return home. Today Yasmin remains in hiding and is in the process of changing her identity, as she fears her family are tracking her and believes they will kill her. She believes that the dishonour and shame she has caused the family means she will always have to look over her shoulder. Yasmin has chosen to live in an area where there are not significant numbers from her community. She fears for her siblings who she thinks are also at risk of future forced marriage.



### Possible reflective questions

- > What could the impact for the young person be of mediation and involving the family as a response to forced marriage or honour based abuse?
- > If a family denies the allegation of a forced marriage and the child is returned to the family, what could be the consequences for the child or young person or siblings?
- > Where a young person has been removed to a secret location, what measures would you consider to safeguard the person from being located by family members?
- > What are the risk factors involved in relation to family contact arrangements where a child has been removed due to a risk of forced marriage?
- > When considering fostering arrangements for young people at risk of forced marriage, would you consider placing a young person in a 'culturally appropriate' placement as a risk factor?
- > How will you plan for and support the child or young person with the social and cultural isolation that may well follow professional intervention?

### Case study: Banaz Mahmud

The tragic story of Banaz Mahmud highlights the importance of always listening to victims of HBA and taking what they say seriously. Banaz came to the UK at the age of ten with her Iraqi Kurdish family. She was murdered when she was 20 years old. After an arranged marriage when she was 16, Banaz had left her husband who she said was violent and had raped her.

When she was 19, Banaz was spotted kissing her secret boyfriend, who was from a different Iranian Kurdish clan. Knowing that her behaviour would be deemed dishonourable by her family, Banaz feared for her life. She reported in person to several police stations in London saying that she believed her life was in danger, but was not taken seriously; one officer dismissed her account as 'dramatic and calculating'. On one occasion, she gave five names – that of her father and four male relatives – to the police. These were the men they should look if her worst fears came true, she said.

Shortly afterwards Banaz disappeared. Her body was later found in a suitcase under a relative's house in Birmingham. She had been beaten, raped and strangled. All five men named by Banaz were later convicted. (Brandon and Hafez, 2008; HMIC, 2015; McVeigh, 2012)

## 6. Forced Marriage Protection Orders (FMPOs)

An FMPO is a legally binding order intended to significantly reduce the risk of forced marriage or protect somebody already in a forced marriage (CPS, 2018b).

Each FMPO is unique to the particular case. An FMPO will contain legally binding conditions and directions that are designed to change the behaviour of a person or persons trying to force someone into a marriage. An FMPO can be made to protect a victim from a family member, a spouse or anyone involved.<sup>5</sup> A court can make an order in an emergency so that protection is in place immediately.

### Who can apply for an order?

- > The person protected by the order
- > A relevant third party (a local authority)
- > Any other person with the permission of the court.

An FMPO can be applied for if children's social care or the person themselves *perceives* a forced marriage may take place.

In most cases involving children and young people, the local authority legal department will take the lead in applying for an FMPO. Local authorities should also develop a safety plan and inform the police about the order, as it is the police who have power of arrest for any breach.

<sup>5</sup> Involvement can include aiding, abetting, counselling, procuring, encouraging or assisting another person to force (or attempt to force) a person to marry (HM Government, 2014b).



An FMPO can last for a specified period of time or, if the court so decides, for an indefinite period (ie, until varied or discharged). Below are examples of the sorts of conditions that are commonly made by an order (the terms of an order will be tailored to the specific needs of the victim, so this list is not exhaustive):

- > The child or young person must attend school and any absences must be reported.
- > The child or young person must remain in education or training.
- > A social worker (or other practitioner) must be able to see the person alone and not only in the presence of their family.
- > The person named in the order may be required to surrender their passport to the court to prevent them being taken abroad. It is important to ask the court to order the surrender of all passports, not just the British passport, if the person is a dual national.

Consideration should be given to the need to include siblings in the FMPO, as the risk to them may have increased. Younger siblings may be at risk when they reach a similar age. When an older child refuses to marry, younger female siblings are sometimes forced to marry that individual to protect the family honour or fulfil the original 'contract' (HM Government, 2014b). Consider speaking to younger siblings to explain the risk of forced marriage and give them information about the help available.

If a social worker (or other practitioner) suspects someone is going to be taken abroad to be forced into a marriage, then the local authority should seek to prevent travel by applying for an FMPO. However, the order will have to be served to the named perpetrators, which may take more time than is available. Therefore, you may need to consider urgent police assistance in undertaking a joint investigation.

As an additional protection, the police can issue an airport alert to prevent someone being taken overseas where this is thought to be a risk.

While an FMPO is a civil law remedy, breach of an FMPO is a criminal offence and carries a maximum penalty of five years' imprisonment (CPS, 2018b).

## Gathering and considering evidence for an FMPO

It will be important to gather as much evidence as possible about the reality of a pending or actual marriage. The courts will consider applications on the basis of the perception of risk and psychological pressure and evidence will be determined on the balance of probabilities.

- > If possible gather the views of the young person, offer reassurance.
- > Identify and speak to a designated specialist in forced marriage/HBA within your organisation, if there is one. If there isn't, speak to a specialist organisation (see the resources section at the end of this briefing) or trained specialist police officer. (At the time of writing, Karma Nirvana have trained 27 police forces, each of which has dedicated forced marriage/HBA officers; check if yours is one.)
- > Have flights been booked? One way tickets?
- > Have other siblings been forced to marry?
- > Consider speaking to a teacher, friend etc.
- > Does the person suspect a future marriage or are they being forced to marry? If so gather information about the wedding.
- > Who are the suspected perpetrators?
- > Consider what the risks will be if the young person leaves or wishes to return to their family; how would you mitigate these risks?



## Reflective questions

- > What is your understanding of a Forced Marriage Protection Order?
- > What advice would you give to a 17-year-old who is considering going abroad and who suspects a forced marriage, but does not believe her parents would marry her off? What would you offer in terms of support?



## 7. Resources for practitioners, victims and survivors

It is important to know that you are not ever alone and there are many agencies to jointly risk assess cases.

In Southampton and Portsmouth, domestic violence services include community development workers with specific remit to support survivors of honour-based abuse, forced marriage and female genital mutilation (FGM) as well to work in local communities and train professionals. Are there similar specialists in your local area?

**Multi-agency practice guidelines: Handling cases of forced marriage** (HM Government, 2014b). The Government's multi-agency guidelines includes general advice and tailored guidance for children's social care, schools and colleges, and health professionals, as well as the police and adult social care. Guidance for children's social care includes advice on how to respond when:

- > a child or young person fears they may be forced to marry
- > a third party (such as a friend, partner, relative, practitioner) reports that a child or young person has been taken abroad for the purposes of a forced marriage
- > a forced marriage has already taken place
- > a child or young person is repatriated after being taken abroad
- > a foreign national is brought to the UK having been forced to marry overseas.

[www.gov.uk/guidance/forced-marriage#access-guidance-and-training](http://www.gov.uk/guidance/forced-marriage#access-guidance-and-training)

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**The Forced Marriage Unit** is a joint Foreign and Commonwealth Office and Home Office unit. The FMU operates a public helpline to provide advice and support to victims of forced marriage as well as to professionals dealing with cases. It operates both inside the UK (where support is provided to any individual) and overseas (where consular assistance is provided to British nationals, including dual nationals).

Tel: 020 7008 0151

[www.gov.uk/guidance/forced-marriage#how-the-forced-marriage-unit-can-help](http://www.gov.uk/guidance/forced-marriage#how-the-forced-marriage-unit-can-help)

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**Karma Nirvana** is a national charity supporting men and women affected by honour abuse and forced marriage, and concerned professionals. The national helpline is a resource for professionals; trained call handlers will offer guidance on forced marriage and HBA, FMPOs and jointly risk assess any concerns. The helpline is also available for victims by offering listening support in confidence; handlers never talk to family members.

Helpline: 0880 5999 247

[www.karmanirvana.org.uk](http://www.karmanirvana.org.uk)

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**Muslim Youth Helpline** provides confidential faith and culturally sensitive services to Muslim youth in the UK.

Tel: 0808 808 2008

[www.myh.org.uk](http://www.myh.org.uk)

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**The Halo Project** is a national charity that offers advice and support to victims of forced marriage and HBA.

Tel (advice): 01642 683045.

Tel (emergency number): 08081 788 424

[www.haloproject.org.uk](http://www.haloproject.org.uk)

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**Iranian and Kurdish Women's Rights Organisation** provides advice and support to Middle Eastern women and girls facing honour-based abuse and forced marriage.

Tel: 020 7920 6460

[www.ikwro.org.uk](http://www.ikwro.org.uk)

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**Survivor Ambassadors** is a website dedicated to survivors and highlights their experiences as they transform their lives after honour abuse. The website is designed to reduce isolation of those making the decision to leave or who have left their families. Many survivors courageously share their stories and offer guidance to others from their own experiences. Young people will be able to identify with the survivors' stories, so it is important to direct them to the website. However, remember to provide them with access to a computer.

[www.knsap.org.uk](http://www.knsap.org.uk)

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**Heathrow Travel Care** is a crisis social work service whose purpose is to safeguard and promote the wellbeing of any vulnerable person in crisis or distress at Heathrow Airport. Victims of forced marriage may require assistance when they arrive at Heathrow and Travel Care can be contacted for advice.

Tel: 020 8745 7495

[www.heathrowtravelcare.com](http://www.heathrowtravelcare.com)

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[www.karmanirvana.org.uk](http://www.karmanirvana.org.uk)

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