

Adult Safeguarding Board

Forced Marriage and Honour Based Violence

Guidance for staff working with
Vulnerable Adults

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Introduction

This document has been produced to give guidance to professionals and volunteers from all agencies in Suffolk working to safeguard adults.

This guidance should be read in conjunction with the Adult Safeguarding Policy and Operational Guidance, found on the Suffolk Adult Safeguarding web site www.suffolkas.org and the Practice Guidance for Professionals produced by the Forced Marriage Unit, Foreign and Commonwealth Office.

Definitions

What is forced marriage?

Forced marriage is a term used when a marriage is conducted under the duress of a person, and without their valid consent. A forced marriage may be performed through pressure or abuse to both or one of the parties to be married. A marriage should be the choice of both parties involved.

Duress and pressure placed on an individual to enter into marriage could be the threat of physical violence, actual physical violence, emotional/psychological pressure, financial abuse and sexual harm.

The following definition is used by The Foreign and Commonwealth Office

“A forced marriage is a marriage in which one or both spouses do not (or, in the case of some vulnerable adults, cannot) consent to the marriage and duress is involved. Duress can include physical, psychological, financial, sexual and emotional pressure.”
‘The Right to Choose: Multi-Agency Statutory Guidance for dealing with Forced Marriage’ (November 2008)

It is important that the distinction should be made between an arranged marriage and a forced marriage. An arranged marriage is one whereby a suitable husband or wife is found primarily by the person’s family, and the marriage is entered into freely, with the consent of both individuals.

It is essential that with cases involving a vulnerable adult that the vulnerable adult’s capacity to consent is assessed under the guidance of the Mental Capacity Act 2005.

What is honour based violence?

“Honour based violence” or “honour” crime is a term used to describe violent acts primarily, although not exclusively, against women due to the perceived shame that a person has brought on the family or community.

Honour based violence includes acts of harassment, assault, imprisonment, unexplained death (suicide), forced pregnancy/abortion and in some cases murder. The family may perceive that the person has acted inappropriately and dishonoured the family and community, the violence carried out is to punish them for this.

Background and Context

Incidence of forced marriage

Currently, the Foreign and Commonwealth Office have reported to them approximately 250 cases each year. Other cases are reported to other agencies such as health, education, social care services, voluntary agencies and the police. There are, of course, the other incidences of forced marriage that go undetected and unreported.

In Suffolk between March – December 2009 there were 22 reports of forced marriage and 37 incidents of honour based violence reported to the police.

Forced marriage is an issue for all communities; however the occurrence is significantly higher in South Asian families. Other communities affected include those from East Asia, the Middle East, Europe and Africa. Although there is yet to be any studies regarding the prevalence of forced marriage with people with learning disabilities, the forced marriage unit has dealt with the majority of cases from the South Asian community and incidence of learning disability within this group is three times as high as the rest of the population.

Motives for forced marriage

There may be many reasons that parents give to justify their actions when people are forced into marriage. Religion and culture are often used as primary justifications alongside pressure from extended families.

Key motives include:

- Controlling unwanted sexuality (including perceived promiscuity, or being lesbian, gay, transgender or bisexual)
- Controlling unwanted behaviour perceived as westernised such as use of make up, alcohol, drug use and also displays of intimacy in public
- Preventing relationships outside of religious, caste or cultural group
- Achieving financial gain
- Stronger family ties
- Protecting cultural ideals
- Assisting claims for UK residence and citizenship
- Control of a young person following their rejection of a marriage proposal

Additional motives in cases involving vulnerable adults include:

- Marriage can be seen as a means of providing a carer and continuing support. Parents may be primary carers, and as they get older and less able to provide support, they may view marriage as a means of ensuring continuing care for their son or daughter.
- A forced marriage is also a way of improving the chances of getting a visa to the UK. A person with learning disabilities may be seen as easier to deceive or coerce into such a marriage and into then acting as a visa sponsor.
- Families may believe that marriage will “cure” an individual’s learning disability and / or allow a person with learning disabilities to lead a “normal” life.

Every major religion condemns forced marriage, honour based violence and female genital mutilation.

The Victim

Victims of forced marriage often feel very isolated, they may be unable to speak English thus exacerbating their feelings of being trapped and alone.

These feelings can leave people who face or experience forced marriage at a higher risk of depression, self harm, low self esteem and suicide.

People with a learning disability, physical disability, mental health difficulty or sensory impairment who find themselves facing forced marriage are even more vulnerable than most. They may be unable to communicate with others what is happening or know where to go for help.

Case Study

The possible consequences of forced marriage

There are many possible consequences of forced marriage, one of which can be domestic abuse (physical, emotional, sexual and financial abuse).

Children can then subsequently be affected by the violence and abuse they witness.

Some victims consider that their only option is running away, this can, in turn, lead to people living in fear that they will be traced and lead to honour based violence.

For vulnerable adults the consequences are the same and more. Vulnerable adults forced to marry may not understand that there is an expectation that a marriage will be consummated and their understanding of sex and sexual relationship may be limited leaving them vulnerable to sexual abuse and rape.

There is also a risk that the spouse may not have a full understanding of the needs of the vulnerable adult leading to frustration and resentment that could, in turn, lead to domestic violence and abuse. Ultimately this could then lead to the abandonment of the vulnerable adult, leaving the vulnerable adult with feelings of rejection.

Potential Warning Signs and Indicators

The following example may indicate that a forced marriage has or is likely to take place:

- Low self esteem or motivation
- History of siblings leaving education to marry early
- Poor attendance in the workplace/day service
- Poor performance in the workplace/day service
- Parental control of income and limited career choices
- Evidence of self harm
- Treatment for depression or attempted suicide
- Parental control/misuse of medication
- Social isolation
- Eating disorder
- Substance abuse
- Evidence of family disputes or conflict
- Persistent running away from home or desire to run away
- Unreasonable restriction i.e. house arrest

Most cases of forced marriage involve a British citizen being sent abroad (a vulnerable person may disclose that they are going overseas on a “family holiday and have concerns about this”) or a partner coming from overseas, some take place in the UK with no overseas element. The majority of the cases in the UK involve South Asian families but can also involve families from Middle East, Europe and Africa.

Female Genital Mutilation (FGM) in some communities is required prior to a woman being married and although usually performed in young girls, it has been known of young women undergoing female circumcision.

FGM is illegal in the UK and it is a criminal offence to take someone overseas for the purpose of FGM.

Safeguarding Vulnerable Adults at risk of forced marriage and Honour Based Violence

It is very important to remember that some vulnerable adults do not have the capacity to consent to marriage. However, this does not stop people forcing vulnerable adults to marry. Sometimes the reason for this can be to ensure that they will have someone to care for them when their parents have died. Another motivation can be to ensure that the vulnerable adult follows cultural norms and is not identifiable as different.

The legal framework in relation to protecting vulnerable adults from forced marriage is the same as for those who are not vulnerable under the definition. However it is important for practitioners and agencies to remember that that additional support maybe required when supporting vulnerable adults.

Good Practice should include:

- Listening to vulnerable adults and making sure that their communication needs are met
- Supporting vulnerable adults to extend their support network outside of the family so that they have people they can talk to
- Ensure staff that work with vulnerable adults are aware and have relevant training

Following a concern raised by a vulnerable adult:

- Always ensure an Adult Safeguarding referral form is completed (www.suffolkas.org)
- Assess the immediate vulnerability of the person and ensure their immediate safety
- Contact the police if a criminal act has taken place
- REMEMBER that these cases can be very complex and require handling with sensitivity
- Do not ignore the allegations of forced marriage as a domestic issue
- Do not contact the family or attempt any mediation with the family
- Do not contact community leaders
- Consider where to discuss the issues with them, i.e. a private secure place
- Consider who they may wish to speak to, i.e. a practitioner of the same gender
- Consider their communication needs and whether an interpreter is required

- Stress the need for confidentiality to any persons supporting the vulnerable adult
- Record all decisions and actions
- Seek advice from the Forced Marriage Unit
- Seek advice from Suffolk County Council Legal Department

Each case where a vulnerable adult has been forced into marriage will be overseen by the Adult Safeguarding Manager. It will be necessary to convene a strategy meeting as a matter of priority, keeping in mind the 'one chance' rule below.

The 'one chance' rule

All Chief Executives, directors and senior managers providing services to victims of forced marriage and honour based violence need to be aware of the 'one chance' rule. That is that their staff may only have one chance to speak to a potential victim and thus staff may only have one chance to save a life.

This means that all professionals working within statutory organisations need to be aware of their role and responsibilities when they come across forced marriage and honour based violence.

In consideration of the 'one chance' rule, practitioners should also obtain the following information, if possible:

- Establish any family history of forced marriage and/ or domestic violence (previous records can sometimes be helpful in this task)
- Nationality of vulnerable adult
- Preferred language of vulnerable adult and family
- Date and place of birth
- Passport details
- Recent photograph or with consent take a photograph
- Distinguishing marks or features of the vulnerable person

Ask the person's consent, if possible, to refer them to appropriate local or national support groups.

Legal Framework

It is important to know that there is not a criminal offence of 'forcing someone to marry', however, there may have been other offences that have taken place. There are also protective measures that can be sought through civil and family courts.

Any criminal offence that has taken place whilst a person is being forced to marry or evidence of honour based violence should be reported to the police. These could include conspiracy, assault, kidnap, abduction, theft (passports), threats to kill, imprisonment, rape, and murder.

A Forced Marriage Protection Order can be sought under the Forced Marriage (Civil Protection) Act 2007, that came into force in November 2008. The Act enables courts to tailor the order so that it protects and meets the specific needs of the victim. Forced Marriage Protection Orders (FMPOs) can be used to:

- Stop individuals entering into engagement or marriage arrangements
- Confiscate passports to prevent a person from being taken abroad
- Prevent intimidation and violence; and reveal the whereabouts of an individual.

Those who do not comply with an FMPO could face a custodial sentence.

From 2 November 2009, local authorities, as a relevant third party, have the power to seek a protection order for vulnerable adults and children at risk of a forced marriage without having to seek leave from the courts.

The local authority may also wish to consider application to the Court of Protection in cases where an adult lacks capacity to consent to marriage.

Case Study

Further Information

HM Government have published Multi-Agency Practice Guidelines for handling cases of Forced Marriage (Section 10 – Guidelines for Adult Social Care).

www.fco.gov.uk/resources/ur/pdf/FM-Guidelines

Referral Contact Details

- Suffolk County Council – Adult and Community Services

During office hours, please call Customer First - **0808 800 4005** (Freephone from landlines and some mobiles)

Out of office hours, please call the Emergency Duty Service - **01473 299669**

Adult Safeguarding Team (online referral form)

www.suffolkas.org

- Suffolk Constabulary: Force Operations Room (24 hour)

01473 613500

- **In an Emergency Call 999**

Useful Contacts

- The Forced Marriage Unit

0207 008 0135 / 0230 / 8706 9.00am – 5.00pm

0207 008 1500 Out of hours

www.fco.gov.uk/forcedmarriage

- Karma Nirvana – Honour Network Helpline Number

0800 5999 247(Freephone) from 9.30 am – 9.00 pm 7 days per week

www.karmanirvana.org.uk

- Southall Black Sisters

020 8571 9595

www.southallblacksisters.org.uk/

- The Honour Network

0800 5999 247