



The Scottish
Government



RESPONDING TO FORCED MARRIAGE

MULTI-AGENCY PRACTICE GUIDELINES

A Summary

FORCED MARRIAGE IS AN ABUSE OF HUMAN RIGHTS

Everyone has a right to enter into marriage with their full and free consent and to make decisions about their lives.

The Scottish Parliament passed the Forced Marriage etc. (Protection and Jurisdiction)(Scotland) Act 2011 both to protect people from being forced to marry without their free and full consent as well as those who have already been forced to do so.

The Scottish Government has published **statutory** guidance under section 11 of the Act. It describes the responsibilities of chief executives, directors and senior managers within agencies involved in handling cases of forced marriage. It covers roles and responsibilities, accountability, training, inter-agency working and information sharing, risk assessment and record keeping. This is available online at: www.scotland.gov.uk/ForcedMarriageStatutory

There are also practice guidelines which aim to inform frontline practitioners who are responsible for protecting children and adults from the abuse associated with forced marriage. The guidelines encourage practitioners to work together safely to protect those affected. This approach is also consistent with the Scottish Government's emphasis on a multi-agency response to tackling domestic abuse and responding to children and adults at risk of harm. *Responding to forced marriage: multi-agency practice guidelines* are available online at: www.scotland.gov.uk/ForcedMarriagePractice

Two young women from an Asian community were referred by a local college to a health care team. They were very concerned that their families were planning to force them to marry overseas. They believed they would be sedated to the point where they would not be able to talk but still be able to walk. They said that, in such circumstances, women were commonly encircled by family members and guided through airport security. Both indicated that they did not want to leave Scotland or be married. The nurses contacted a specialist support agency with the women's consent. However, when they went to meet with the women at the college as arranged, they were not there and had dropped out of college.



KEY PRACTICE MESSAGES

Always remember the 'one chance' rule: you may only have one chance to speak to a potential victim of forced marriage and, therefore, only one chance to save a life

About forced marriage

- ✓ A forced marriage is a marriage in which one or both spouses do not (or, in the case of children/young people/adults at risk, cannot) consent to the marriage and duress is involved. Duress can include physical, psychological, financial, sexual and emotional pressure, threatening conduct, harassment, threat of blackmail, use of deception and other means. It is also 'force' to knowingly take advantage of a person's incapacity to consent to, or understand the nature of, the marriage. Duress may be from parents, other family members and the wider community
- ✓ Forced marriage is a form of violence against women/gender-based violence and, when children are involved, child abuse. It is associated with other forms of domestic abuse and 'honour-based' violence
- ✓ Forced marriage is different to arranged marriage in which the families of both spouses take a leading role in arranging the marriage but the prospective spouses have the choice whether or not to accept the arrangement. This tradition has existed successfully in many communities and countries for a very long time. But, if the spouse changes their mind and is forced to go ahead with the marriage, it is considered a forced marriage
- ✓ Women are usually the victims of forced marriage but men can be victims too. People with physical and learning disabilities may be forced into marriage by families wanting to ensure their long-term care. Lesbian, gay, bisexual, transgender (LGBT) people are also affected
- ✓ Victims are under **enormous** cultural pressure to conform to the wishes of family and community. This is often accompanied by severe physical, emotional and sexual abuse. It is not uncommon for victims to be killed (so-called 'honour' killing) or to commit suicide
- ✓ The circumstances of forced marriage are such that victims may remain with or return to families and communities or not be able to follow through on actions. This is not a failure on their part. Stress to victims that your service is always available to them

Legal context

- ✓ Forced marriage is an abuse of children's rights under the UN Convention on the Rights of the Child. It is also an abuse of the basic human rights of children, young people and adults, as set out in the European Convention on Human Rights and is directly contrary to the domestic laws of Scotland and the other UK countries
- ✓ Forcing someone to marry, or taking advantage of their lack of understanding to trick them into taking part in a marriage, is against the law in Scotland; so too is taking someone away from Scotland, against their will, to be married elsewhere. There may be associated criminal activities such as abduction, physical abuse and threats
- ✓ Forced Marriage Protection Orders (under the Forced Marriage etc. (Protection and Jurisdiction)(Scotland) Act 2011) aim to protect people who are threatened with or who are already in a forced marriage; third parties can apply for these on a victim's behalf
- ✓ There are complexities associated with factors such as immigration status, nationality, dual nationality and whether the victim is in Scotland, elsewhere in the UK or overseas. These complexities affect how you can assist victims

Focus on safety and protection

- ✓ **Always** focus on the safety and protection of victims and avoid contributing to risk
- ✓ **Always** take the issue and the concerns of the victim seriously and recognise the potential risk of very significant harm to the victim; many practitioners underestimate, or find it hard to believe, the lengths that families go to in order to force a marriage and that families do kill in the name of 'honour'
- ✓ **Never** attempt family counselling, mediation, arbitration and reconciliation if forced marriage is an issue because this can put a victim at further risk
- ✓ **Never** share information with family/friends/community members; and, if sharing information with other practitioners in your own or other agencies, only do so if necessary to protect victims

- ✓ **Always** store information about the case securely, with restricted access and in compliance with record management procedures
- ✓ **Remember** that family/community members may work in your agency
- ✓ **Remember** that a victim's life may be at stake

Born and brought up in Scotland, M was 16 when she approached Women's Aid asking for information on domestic abuse 'for a friend'. She came back the next day asking to speak to the same worker and said that her family were forcing her to marry her cousin, also 16. The family planned to visit their home country in the summer holidays and get her married. Her father was abusing her because of her refusal to cooperate and was threatening to stop her from going to school.

Women's Aid helped M plan her escape from home and go to a refuge in another city. It was difficult for her to leave her mother and siblings. She was extremely protective of them, felt guilty about leaving them and worried about them. She was concerned that domestic abuse against her mother by the extended family would increase. So, after a few days in hiding, she phoned her mother who pressured her to meet. Her mother told her:

- 'Your granddad had a heart attack and is in the hospital and wants to see you'
- 'Your sisters and brothers are very upset and not eating'
- 'If you come back, we will move out of Edinburgh, and leave your dad'
- 'We can't face the community so we are leaving the UK'

Despite intense pressure, M was resolute. Eventually, her mother and siblings returned overseas but phoned constantly asking her to join them. Her mother insisted that M should visit for a short while, 'for the family's honour', and that they would not force her to marry. M finally gave in and left Scotland to meet her mother. She later returned to Scotland with a husband. Her two sisters stayed overseas because the family did not want them to refuse to marry as M had done. Both were engaged to their cousins before they were 13.

✓ ONE CHANCE CHECKLIST

You may only have **one chance** to speak to a potential victim of forced marriage and, therefore, only **one chance** to save a life

- See the victim¹ on her own – even if she is accompanied by others
- See her immediately in a secure and private place where you will not be overheard
- Reassure her about confidentiality (in line with your organisation's policy) and explain that you will not give information to her family/friends or community
- Accept what she says
- Explain all the options to her and their possible outcomes
- Recognise and respect her wishes
- Assess the risk she faces by conducting an appropriate and thorough risk assessment
- Contact, as soon as possible, the lead worker responsible for forced marriage (If she is under 16, refer to child protection inter-agency guidance; If she is an adult at risk, discuss with your adult support and protection lead and refer to inter-agency guidance)
- Agree a way to contact her safely (for example agree a code word)
- Obtain full details to pass on to the lead worker and record these safely
- Give her (or help her memorise) your contact details and/or those of a support agency such as Women's Aid
- Consider the need for immediate police involvement, protection and placement away from the family and arrange this if necessary; this includes any action to stop her from being removed from the UK
- Do everything you can to keep her safe
- Get immediate advice if you are not sure what to do

¹ Victims can be male or female, but are most likely to be the latter.

DO NOT

- Send her away or let her leave without a safety plan and follow up arrangements
- Approach her friends/family or community unless she asks you to do so
- Approach community leaders for advice
- Share information with anyone without her express consent (unless there is a risk of immediate harm to her or any children or she lacks capacity to give consent or she is unable to give informed consent)
- Attempt to mediate with the family

See more at **www.scotland.gov.uk/ForcedMarriagePractice**

Further advice available from the UK Forced Marriage Unit:
www.fco.gov.uk/forcedmarriage

C was always able and keen at school but, when she was 15 turning 16, her behaviour and attitude changed and deteriorated further as the summer holidays approached. She missed several exams and at the start of the autumn term she did not turn up at school at all. One of her friends told her guidance teacher that she feared a possible forced marriage, and that C had been left overseas by her family. The school contacted the police and social work who also contacted the Forced Marriage Unit. C was finally located and repatriated to the UK. She had to re-sit her exams the following year but is doing well and living in foster care.

NATIONAL SUPPORT AGENCIES AND OTHER USEFUL CONTACTS

This is not an exhaustive list. Agencies can signpost to local services.

Government departments

Forced Marriage Unit

Joint Foreign & Commonwealth Office/Home Office service

www.fco.gov.uk/forcedmarriage

Helpline: 020 7008 0151 (Mon-Fri: 9am-5pm)

Email: fmf@fco.gov.uk

For emergencies out of hours, phone 020 7008 1500 and ask for the Global Response Centre

Foreign and Commonwealth Office

Represents the UK Government overseas

www.fco.gov.uk

British High Commissions and Embassies

For details of all British High Commissions and Embassies see online at

www.fco.gov.uk/en/travel-and-living-abroad/find-an-embassy

Office of the Immigration Services Commissioner

Responsible for regulating immigration advisers

<http://oisf.homeoffice.gov.uk>

UK Border Agency

Enforces immigration and customs regulations and considers applications for permission to enter or stay in the UK, and for citizenship and asylum

www.ukba.homeoffice.gov.uk

Help for victims

Shakti Women's Aid

Support, advocacy, refuge and information to all black minority ethnic women, children and young people experiencing and/or fleeing domestic abuse

www.shaktiedinburgh.co.uk

Helpline: 0131 475 2399

Hemat Gryffe Women's Aid

Support, advocacy, refuge and information for black minority ethnic women, children and young people experiencing and/or fleeing domestic abuse

www.hematgryffe.org.uk

Helpline: 0141 353 0859

Scottish Women's Aid

National organisation responding to domestic abuse against women, children and young people with a network of local member groups providing direct services and refuge accommodation across Scotland

www.scottishwomensaid.org.uk

Business line: 0131 226 6606

Scottish Domestic Abuse Helpline

For anyone experiencing domestic abuse (signposting for male victims)

0800 027 1234 (24 hours)

Sojourner Project

Help for women with no recourse to public funds who entered the UK on a spousal or partner visa and are eligible to apply for Indefinite Leave to Remain (ILR) under the Domestic Violence Rule

www.eaves4women.co.uk/Sojourner/Sojourner.php

Duty worker: 0207 840 7147

Amina Muslim Women's Resource Centre

Works with Muslim women and promotes understanding of their needs

www.mwrc.org.uk

Helpline: 0808 801 0301

Saheliya

Supports the mental health and wellbeing of black and minority ethnic women in Edinburgh

www.saheliya.org.uk

Rape Crisis Scotland Helpline

For anyone, male or female who has experienced sexual violence

www.rapecrisisscotland.org.uk

08088 01 03 02 (daily 6pm to midnight)

Children-specific

Child Line

Counselling service for children and young people

www.childline.org.uk

Helpline: 0800 1111 (24 hours)

Scottish Child Law Centre

Free legal advice for and about children

www.sclc.org.uk

Helpline for under 18s: 0800 328 8970

Advice line: 0131 667 6333

Men-specific

Men in Mind

Edinburgh-based service for black and minority ethnic men who are experiencing issues that may affect their mental health and wellbeing

www.health-in-mind.org.uk/services/men-in-mind.html

Men's Advice Line

Confidential helpline for all men experiencing domestic abuse

www.mensadvice.org.uk

Helpline: 0808 801 0327

Other support

LGBT Domestic Abuse Project

Scotland's Lesbian, Gay, Bisexual and Transgender domestic abuse project

www.lgbtdomesticabuse.org.uk

Samaritans

Confidential emotional support service

www.samaritans.org

Helpline: 08457 90 90 90 (24 hours)

If abroad see **www.befrienders.org** for nearest helpline

Scottish Refugee Council

Helps refugees and people seeking asylum in Scotland

www.scottishrefugeecouncil.org.uk

Victim Support Scotland

Provides emotional support, practical help and essential information to victims, witnesses and others affected by crime

www.victimsupportsco.org.uk

Helpline: 0845 603 9213

Voice UK

Supports people with learning disabilities and other vulnerable people who have experienced crime or abuse

www.voiceuk.org.uk

Helpline: 0808 802 8686

Law and rights

Citizen's Advice Scotland

www.cas.org.uk

Ethnic Minorities Law Centre

Provides legal services exclusively to black and ethnic minority communities

www.emlc.org.uk

Family Law Association

Provides a point of reference for the public and for other organisations on family law issues

www.familylawassociation.org

Law Society of Scotland

Professional governing body for Scottish solicitors

www.lawscot.org.uk

Scottish Courts

Single access point for information relating to civil and criminal courts within Scotland

www.scotcourts.gov.uk

Scottish Legal Aid Board

Responsible for managing legal aid in Scotland

www.slab.org.uk

Shelterline

Free, national telephone advice line

<http://scotland.shelter.org.uk>

Helpline: 0808 800 4444

Telephone interpreting

Language Line

Telephone interpreting for emergency and non-emergency needs

www.languageline.co.uk

For more information see **Responding to forced marriage: multi-agency practice guidelines**, Scottish Government, 2011 online at:
www.scotland.gov.uk/ForcedMarriagePractice

For more information or a copy of this booklet in an alternative format contact:

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www.scotland.gov.uk

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