



department for
education and skills



Young people & vulnerable adults facing forced marriage

Practice Guidance for Social Workers

Forced Marriage

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Forced marriage is an abuse of human rights.

“Marriage shall be entered into only with the free and full consent of the intending spouses.”

(Universal Declaration of Human Rights, Article 16 (2))

“A woman’s right to choose a spouse and enter freely into marriage is central to her life and her dignity and equality as a human being.”

(General Recommendation No. 21, UN Convention on the Elimination of All Forms of Discrimination Against Women)

“State parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.”

(UN Convention on the Rights of the Child, Article 19)

“In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities, or legislative bodies, the best interests of the child shall be a primary consideration.”

(UN Convention on the Rights of the Child, Article 3)

“States parties shall take all appropriate measures to prevent the abduction of, the sale of, or traffic in children for any purpose or in any form.”

(UN Convention on the Rights of the Child, Article 35)

“No marriage shall be legally entered into without the full and free consent of both parties.”

(UN Convention on consent to marriage, minimum age for marriage and registration of marriages, Article 1)

These guidelines are published by the Association of Directors of Social Services, the Foreign & Commonwealth Office, the Department for Education and Skills, the Department of Health and the Home Office. They have been compiled by Eleanor Stobart in consultation with social services departments throughout the UK, national and local elements of education, health and police, and with relevant non-governmental organisations (NGOs).

These guidelines form part of the actions taken in this country and overseas to protect young British nationals and vulnerable adults from the crimes and abuses of human rights associated with forced marriage.

We would like to thank everyone who contributed to the guidelines and the consultation process especially the Children’s Legal Centre for their help towards the legal sections.

Throughout this document, for the purposes of simplicity of expression, the term “young people” is used to describe children under 18 years old and people of every age who are vulnerable to whom social services have a statutory duty of care.

The broad definition of a vulnerable adult is a person over the age of 18 years:

“who is, or may be, in need of community care services by reason of mental or other disability, age or illness and who is, or may be, unable to take care of him or herself, or unable to protect him or herself against significant harm or exploitation.”

(Who Decides?, 1997, Law Commission Green Paper)

In the application of these guidelines the local authority/social services will not discriminate against any persons on the basis of sex, race, colour, language, religion, political or other opinion, national or social origin, association with national minority, property, birth, or other status as defined under Article 14, European Convention on Human Rights (ECHR).

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INTRODUCTION TO FORCED MARRIAGE

The difference between arranged and forced marriage

The tradition of arranged marriages has operated successfully within many communities and many countries for a very long time. A clear distinction must be made between a forced marriage and an arranged marriage. In **arranged marriages**, the families of both spouses take a leading role in arranging the marriage but the choice whether or not to accept the arrangement remains with the young people. In **forced marriage**, one or both spouses **do not consent** to the marriage and some element of duress is involved. Duress includes both physical and emotional pressure.

Forced marriage is primarily, but not exclusively, an issue of violence against women. Most cases involve young women and girls aged between 13 and 30, although there is evidence to suggest that as many as 15 per cent of victims are male.

Incidence of forced marriage

Currently, some 250 cases of forced marriage are reported to the Foreign & Commonwealth Office each year. Many more cases come to the attention of the police, social services, health, education, and voluntary organisations. Many others go unreported. With greater awareness, the number of cases reported is likely to increase.

The majority of cases of forced marriage encountered in the UK involve South Asian families. This is partly a reflection of the fact that there is a large, established South Asian population in the UK. Indeed, it is clear that forced marriage is not solely a South Asian problem and there have been cases involving families from East Asia, the Middle East, Europe, and Africa. Some forced marriages take place in the UK with no overseas element, while others involve a partner coming from overseas or a British citizen being sent abroad. The guidelines deal with these different situations.

Motives prompting forced marriage

Parents who force their children to marry often justify their behaviour as protecting their children, building stronger families, and preserving cultural or religious traditions. They do not see anything wrong in their actions. **Forced marriage cannot be justified on religious grounds**; every major faith condemns it and freely given consent is a prerequisite of Christian, Jewish, Hindu, Muslim and Sikh marriages.

Often parents believe that they are upholding the cultural traditions of their home country, when in fact practices and values there have changed. Some parents come under significant pressure from their extended families to get their children married. In some instances, an agreement may have been made about marriage when a child is in their infancy.

Some of the key motives that have been identified are:

- ◆ Controlling unwanted behaviour and sexuality (including perceived promiscuity, or being gay, lesbian, bisexual or transgender) – particularly the behaviour and sexuality of women.
- ◆ Protecting ‘family honour’.
- ◆ Responding to peer group or family pressure.
- ◆ Attempting to strengthen family links.
- ◆ Ensuring land, property and wealth remain within the family.
- ◆ Protecting perceived cultural ideals (which can often be misguided or out-of-date).
- ◆ Protecting perceived religious ideals which are misguided.
- ◆ Preventing ‘unsuitable’ relationships, e.g. outside the ethnic, cultural, religious or caste group.
- ◆ Assisting claims for residence and citizenship.
- ◆ Fulfilling long-standing family commitments.

While it is important to have an understanding of the motives that drive parents to force their children to marry, these motives should not be accepted as justification for denying them the right to choose a marriage partner. **Forced marriage should be recognised as a human rights abuse.**

The legal position

The **Marriage Act 1949** and the **Matrimonial Causes Act 1973** govern the law on marriage in England and Wales. The minimum age at which a person is able to consent to marriage is 16; a person between the ages of 16 and 18 may not marry without parental consent (unless the young person is a widow/widower).

Section 12c of the **Matrimonial Causes Act 1973** states that a marriage shall be voidable if “either party to the marriage did not validly consent to it, whether in consequence of duress, mistake,

unsoundness of mind or otherwise”. Voidable means the marriage is valid until it is challenged by one of the parties, at which time the court can award a decree of nullity invalidating the marriage.

Although there is no specific criminal offence of “forcing someone to marry” within England and Wales, criminal offences may nevertheless be committed. Perpetrators – usually parents or family members – could be prosecuted for offences including threatening behaviour, assault, kidnap, abduction, imprisonment, and murder. Sexual intercourse without consent is rape.

The Crown Prosecution Service (CPS) defines domestic violence as “any criminal offence arising out of physical, sexual, psychological, emotional or financial abuse by one person against a current or former partner in a close relationship, or against a **current or former family member**”.

Possible offences include:

- | | |
|---|---|
| ◆ Common Assault | S39 Criminal Justice Act 1988 |
| ◆ Cruelty to persons under 16 (including neglect and abandonment) | S.1 (1) Children and Young Persons Act 1933 |
| ◆ Failure to secure regular attendance at school of a registered pupil | S.444 (1) Education Act 1996 |
| ◆ Theft (e.g. passport) | S.1 (1) Theft Act 1968 |
| ◆ Child Abduction | S.1 (1) Child Abduction Act 1984 |
| ◆ Abduction of unmarried girl under the age of 16 from parent or guardian | S.20 (1) Sexual Offences Act 1956 |
| ◆ Abduction of a woman by force or for the sake of her property | S.17 (1) Sexual Offences Act 1956 |
| ◆ Rape | S.1(1) Sexual Offences (Amendment) Act 1976 |
| | S.30 and 31 Sexual Offences Act 2003 |
| ◆ Aiding and abetting a criminal offence | Common Law Offence |
| ◆ Kidnapping | Common Law Offence |
| ◆ False Imprisonment | Common Law Offence |
| ◆ Murder | Common Law Offence |

Note: This list is not intended to be exhaustive

The victim

Young people forced into marriage often become estranged from their families. Sometimes they themselves become trapped in the cycle of abuse with serious long-term consequences. Many women forced into a marriage suffer for many years from domestic violence. They feel unable to leave because of their children, a lack of family support, economic pressures and other social circumstances. They may live within a forced marriage for many years before they feel able to challenge the situation. Some victims may be vulnerable adults. They may have a disability or learning difficulty and be unable to challenge the situation.

Isolation is one of the biggest problems facing victims of forced marriage. They may feel they have no one to speak to about their situation. These feelings of isolation are very similar to those experienced by victims of domestic violence and child abuse.

Isolation is also very real for those who have escaped a forced marriage or the threat of one. For many, running away is their first experience of living away from home and they suffer without their family, friends and their usual environment. They often live in fear of their own families who will go to considerable lengths to find them and ensure their return. Families may solicit the help of others to find their runaways (e.g. bounty hunters and members of the community), or involve the police by accusing the young person of a crime. Some families have even managed to trace young people through local taxi drivers and shopkeepers.

For young people, especially females from ethnic minority communities, leaving their family can be especially hard. Family occupies a much more important role, and the young person may have no

experience of life outside the family. In addition, leaving their family (or accusing them of a crime or simply approaching statutory agencies for help) may be seen as bringing shame on the honour of the young person and their family in the eyes of the community. This may lead to social ostracism and harassment from the family and community. For many, this is simply not a price they are prepared to pay.

Young people forced to marry, or those who fear they may be forced to marry, are frequently withdrawn from education, restricting their educational and personal development. They may feel unable to go against the wishes of their parents and consequently may suffer emotionally, often leading to depression and self-harm. Studies have shown that the suicide rate of young Asian women is two to three times the national average and contributory factors include lack of self-determination, excessive control, and the weight of expectations on the role of women and their marriages (*Young Asian women and self-harm: mental health needs assessment of young Asian women in Newham, East London*, Newham Asian Women's Project and Newham Innercity Multifund 1998). These factors can contribute to impaired social development, limited career and educational opportunities, financial dependence and lifestyle restrictions. The act of forcing a young person to marry takes away their freedom to choose a partner and is an abuse of their human rights.

The needs of victims of forced marriage will vary widely. They may need help avoiding a threatened forced marriage. They may need help dealing with the consequences of a forced marriage that has already taken place.

Whatever a young person's circumstances, they have rights that should always be considered, including:

- ◆ The young person's wishes.
- ◆ Personal safety and the level of risk to the young person.
- ◆ Confidentiality.
- ◆ Accurate information about rights and choices.

The role of social services

Forced marriage has many parallels with domestic violence and child abuse. For many young people, turning to a social worker, police officer, doctor, nurse, or teacher, is a last resort. Many young people will not even discuss their worries with their friends for fear that their families may find out. Frequently, when an initial referral is made to social services, the young person may not mention forced marriage.

Cases may present with a variety of problems such as truancy, a young person reported missing or episodes of depression and self-harm. Social workers need to be sensitive to the fact that these presenting problems could mean that forced marriage is an underlying issue, and ensure that they consider this when dealing with the case. (See symptom chart of risk factors page 7).

Some cases of forced marriage take place in the UK and in others a young person may be taken overseas and forced to marry. In either situation, social services should be ready to give guidance to the young person about their rights and the choices open to them.

To gain the confidence of the young person, a social worker needs to have a good understanding of the issues surrounding forced marriage and the steps that the social services department can take in order to protect the young

person. Social workers need to be aware that young people living within a forced marriage, or those under threat of one, may face significant harm if their families become aware that they have sought assistance from either statutory agencies such as social services and police, or from voluntary/community-based organisations. It is essential that young people are not returned home without due consideration being given to their safety and in many cases it may not be in the young person's best interest to remain within the family home.

Social services are often the first statutory agency that young people turn to, or are referred to, and are therefore in an ideal position to identify and respond to victims' needs at an early stage. Although it is unlikely that social services or any single agency will be able to meet all the needs of a young person who is affected by forced marriage, it is probable that social services will play a key role in protecting the interests of the young person. This can be achieved not only by offering practical help such as accommodation and financial support, but also emotional support by listening to the young person, respecting their wishes, and providing them with information about their rights and choices.

It should be remembered that social services have a duty to make enquiries into allegations of abuse or neglect against a child under s.47 Children Act 1989 and that forced marriage can amount to sexual and emotional abuse and put children at risk of physical abuse.

Although social services need to be sensitive to cultural and racial differences, they also have a clear overriding duty to identify children who are likely to suffer significant harm, and to invoke the necessary child protection procedures.

Introduction

Each Area Child Protection Committee (ACPC) has local child protection protocols and procedures for helping young people who are facing abuse. Key legislation is the Children Act (1989), the Family Law Act (1996), the Homelessness Act (2002) and the Sexual Offences Act (1956 and 2003). Government Guidance *Working Together to Safeguard Children* (1999), jointly issued by the Department of Health, the Home Office and the Department for Education and Skills, sets out how all agencies and professionals should work together to promote children's welfare and protect them from abuse. This guidance is summarised in *What to do if you are worried a child is being abused* (Department of Health et al., May

“Multicultural sensitivity is not an excuse for moral blindness.”

(Mike O'Brien, House of Commons Adjournment Debate on Human Rights (Women) 10 February 1999)

2003). Both criminal and civil proceedings can be used to protect young people suffering or at risk of significant harm. This document aims to help social workers protect young people from abuse by providing them with a range of practical advice, criminal and civil law remedies.

Providing young people with these services and information can help to prevent forced marriages occurring, in the UK or overseas, and early intervention can help limit the magnitude and severity of each case.

The Victoria Climbié Inquiry 2003

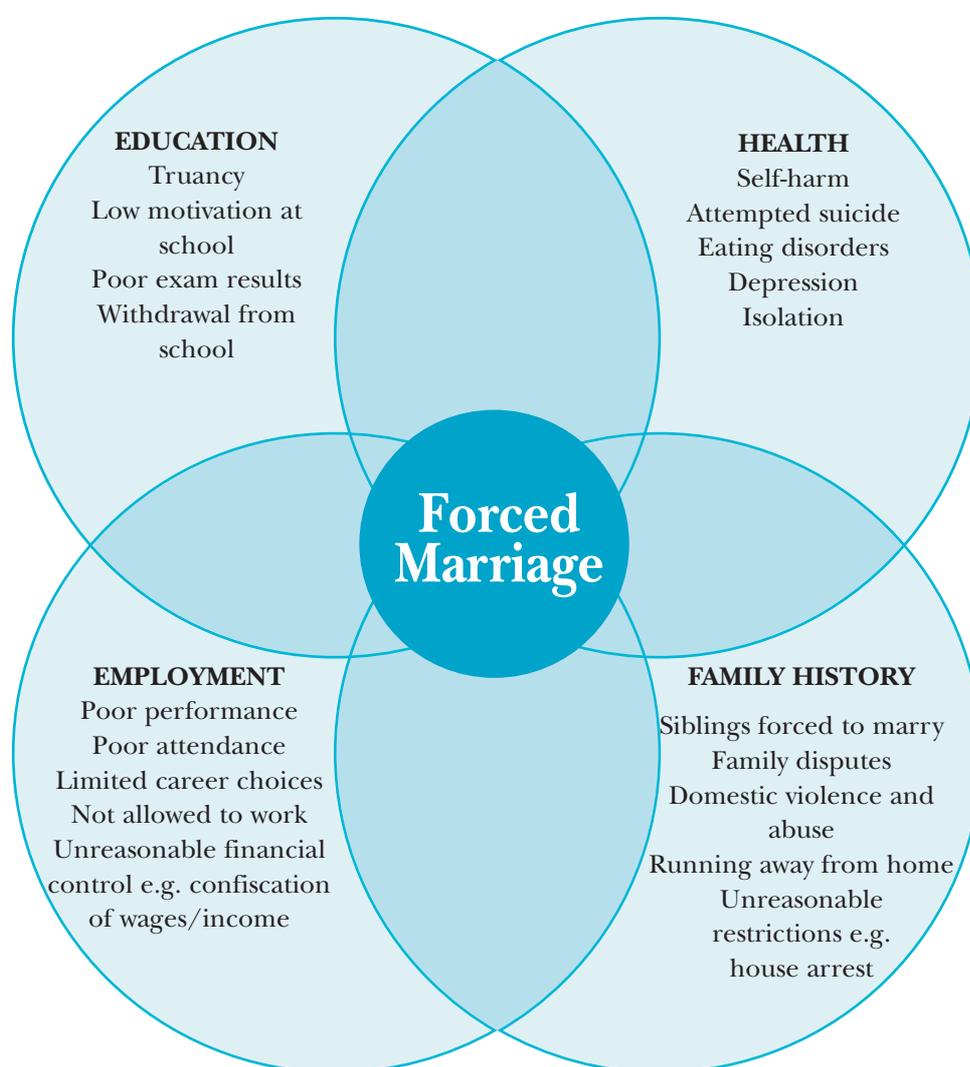
“The basic requirement that children are kept safe is universal and cuts across cultural boundaries. Every child living in this country is entitled to be given the protection of the law, regardless of his or her background. Cultural heritage is important to many people, but it cannot take precedence over standards of childcare embodied in law. Every organisation concerned with the welfare and protection of children should have mechanisms in place to ensure equal access to services of the same quality, and that each child, irrespective of colour or background, should be treated as an individual requiring appropriate care” (16.10 Victoria Climbié Inquiry).

“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” (16.11 Victoria Climbié Inquiry).

SYMPTOM CHART OF RISK FACTORS

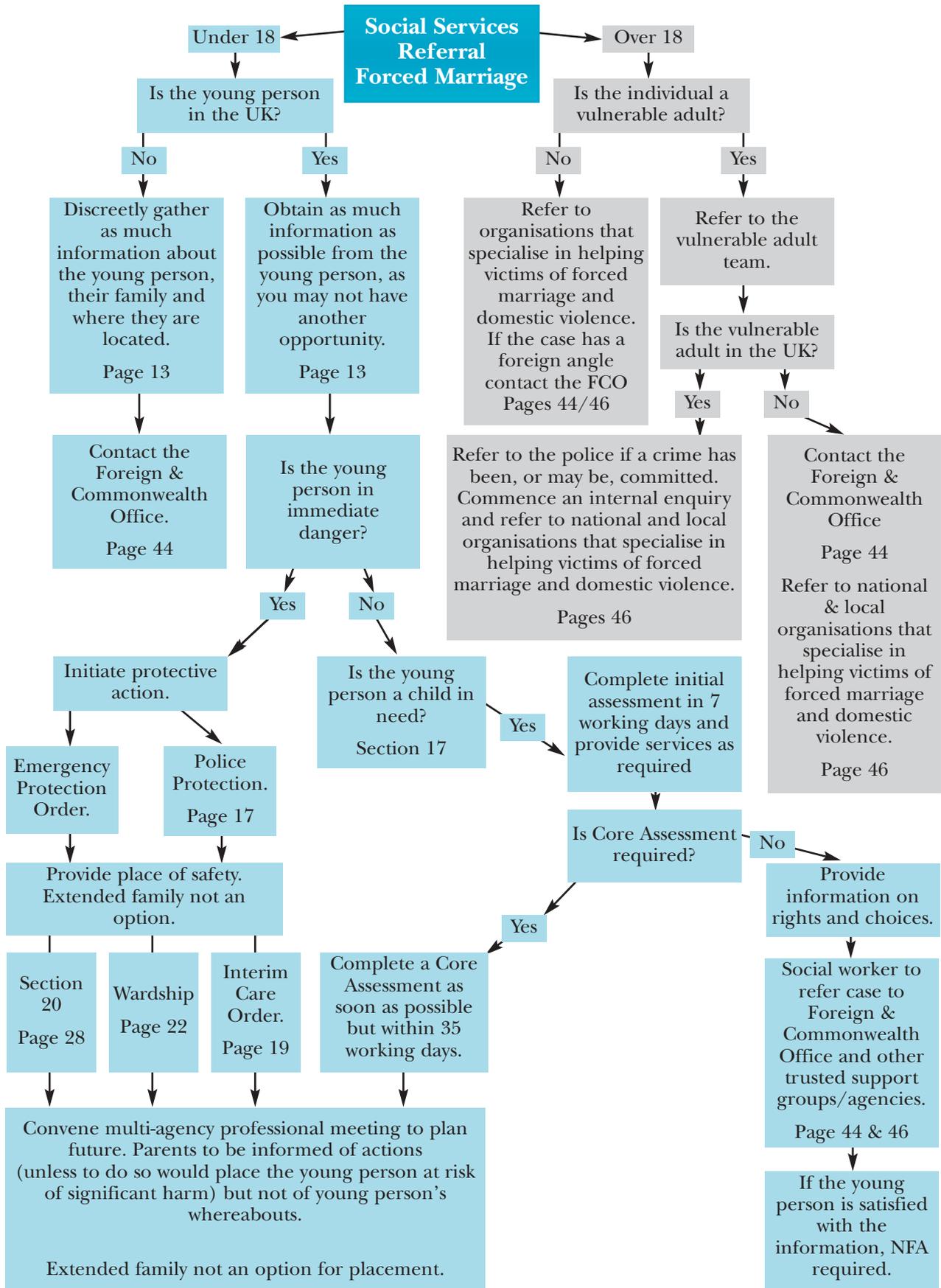
The factors set out in the diagram below, collectively or individually, may be an indication that a young person fears they may be forced to marry, or that a forced marriage has already taken place. Do not assume a young person is facing forced marriage simply on the basis that they present with one or more of these risk

factors. It is important for social workers to build a relationship with the young person in order to assess the young person's situation and understand what action should be taken. Use the *Framework for the Assessment of Children in Need and their Families* (Department of Health, Department for Education and Skills and Home Office, 2000).



Introduction

FLOWCHART FOR CASES



GENERAL GUIDELINES FOR ALL CASES

Cases of forced marriage can involve complex and sensitive issues that should receive the attention of the manager responsible for child protection (in the case of a child under the age of 18) or the team responsible for vulnerable adults. At the earliest opportunity, social workers dealing with such cases should seek advice from a specialist social worker who has had specific training in handling the issues raised. Close continuous consultation and supervision with such a person should be subsequently offered.

Information or a referral about a forced marriage may be received from the young person or from a friend or relative, or from another agency or non-governmental/community-based organisation. Forced marriage may also become apparent when other family issues are addressed, such as domestic violence, self-harm, child abuse or neglect, family/adolescent conflict or missing persons/runaways.

All social services should have procedures and protocols that include dealing with cases where forced marriage is alleged or known about.

Remember:

Forced marriage places children and vulnerable adults at risk of rape and possible physical harm. Some cases have resulted in the reluctant spouse being

murdered. Where an allegation of forced marriage or intended forced marriage is raised, the following steps should be taken.

FIRST STEPS:

- ✓ See the young person immediately in a secure and private place (page 32).
- ✓ See the young person on their own – even if they attend with others (page 32).
- ✓ Explain all the options to the young person and recognise and respect their wishes. If the young person does not want social services to intervene, the social worker will need to consider whether the young person's wishes should be respected or whether the young person's safety requires that further action be taken.
- ✓ Contact, as soon as possible, the trained/specialist social worker who has responsibility for such matters or, in their absence, the officer responsible for child protection.
- ✓ Where there are concerns for an individual under 18 or the young person has children, activate local child protection procedures and use existing national and local protocols for multi-agency liaison (*Working Together to Safeguard Children* (1999) and the *Framework for the Assessment of Children in Need and their Families* (2000)).
- ✓ If the victim is a vulnerable adult i.e. they are over 18 and have mental or physical disabilities, or they are a young person with a disability/learning difficulty, refer to the appropriate team (page 38).
- ✓ Reassure the young person of social service confidentiality (page 33).
- ✓ Initiate a strategy discussion under child protection procedures to decide whether the young person is suffering, or at risk of, significant harm. Plan the next steps in accordance with *Working Together to Safeguard Children* (1999).
- ✓ Involve the young person in the discussion, together with the police and other relevant professionals and detail in the plan which agency is taking what action.

General Guidelines for all Cases

- ✓ Consider the need for immediate protection and placement away from the family.
 - ✓ Refer to the local police Child Protection Unit if there is any suspicion that a crime has been, or may be, committed or the young person is, or has children, under 18. Liaise with the police if there are concerns about the safety of the victim, their siblings or the victim's children.
- Do not:**
- ✗ Treat such allegations merely as a domestic issue and send the young person back to the family home as part of routine child protection procedures.
 - ✗ Ignore what the young person has told you or dismiss out of hand the need for immediate protection.
 - ✗ Approach the young person's family, friends or those people with influence within the community, without the express consent of the young person, as this will alert them to your enquiries.
 - ✗ Contact the family in advance of any enquiries, either by telephone or letter.
 - ✗ Share information outside child protection information-sharing protocols without the express consent of the young person (page 33).
 - ✗ Breach confidentiality except where necessary in order to ensure the young person's safety.
 - ✗ **Attempt to be a mediator.**

Mediation/Reconciliation

Mediation, reconciliation, and family counselling as a response to forced marriage can be extremely dangerous. Social workers undertaking these activities may unwittingly increase the young person's vulnerability and place them in danger.

Remember:

- ◆ Mediation can be extremely dangerous. There have been cases of young people being murdered by their families whilst mediation was being undertaken. Never allow the young person to have unsupervised contact with their family even if they request it.
- ◆ Mediation can place the young person at risk of further emotional abuse.
- ◆ Simply arranging a meeting between a young person and their family may lead to undue pressure being placed upon the young person to return home.
- ◆ If the young person wishes to go home or talk to their family explain all the risks of this course of action and put in place a strategy to monitor their ongoing safety.

“Hina” had planned to leave home from the age of ten, when she met her future husband. At 14, she had become engaged. However, Hina waited until she was 17 to make her escape, days before she was due to travel overseas with her family in order to marry. Hina had turned to her school for help, but they refused to get involved. Her parents later withdrew her from college when she turned to them for help at the age of 16. Hina was extremely depressed and suicidal. She started to see a therapist in secret, who referred her to social services. Although social services eventually placed Hina into care, she came under tremendous pressure to hold mediation meetings with her parents, which at times were organised without her consent. Hina’s mother had been married at the age of ten, and so her family did not feel they were in the wrong. They had often subjected Hina to horrific violence. Even at mediation meetings, Hina’s parents would threaten her with violence in their language, which the social workers did not understand. When Hina told social workers, she was not believed. Hina refused to return home and is no longer under the care of social services. However, she remains in hiding and is in the process of changing her whole identity as her family have continued to look for her and have, from time to time, threatened and attempted to assault her upon discovering her whereabouts. (Southall Black Sisters, Forced Marriage Interim Report, July 2001)

ADDITIONAL STEPS:

- ✓ Information from case files and database files should be kept strictly confidential and preferably be restricted to named members of staff only.
- ✓ Give the young person, where possible, the choice of the race and gender of the social worker who deals with their case (page 32).
- ✓ Inform them of their right to seek legal advice and representation.
- ✓ Liaise with the social services legal department.
- ✓ In all cases, assess the risk of harm facing the young person and the staff member.
- ✓ Give them personal safety advice (page 35).
- ✓ Record any injuries and arrange a medical examination. Keep detailed documentation of any injuries or history of abuse, as the police may require this for any subsequent prosecution (page 12).
- ✓ Give the young person advice on what service they should expect and from whom.
- ✓ Maintain a full record of the decisions made and the reason for those decisions.
- ✓ Ensure that the young person has the contact details for their social worker/manager.

General Guidelines for all Cases

Try to:

- ◆ Refer the young person, with their consent, to appropriate local and national support groups and counselling services (page 46).
- ◆ Encourage the young person to access an appropriate, trustworthy advocacy service that can act on their behalf (page 46).
- ◆ Male victims of forced marriage may have difficulty in their situation being taken seriously.
- ◆ When referring a case of forced marriage to other organisations/agencies, ensure they are capable of handling the case appropriately. If in doubt, consider approaching established women's groups who have a history of working with survivors of domestic violence and forced marriage and ask these groups to refer them to reputable agencies.

Remember:

- ◆ Social services have a duty to make enquiries when there is an allegation of abuse against a young person or vulnerable adult.
- ◆ Circumstances may be more complex if the young person is lesbian, gay, bisexual or transgender.

Medical examination

In some cases, it may be necessary to arrange a medical examination for emotional or physical illness; in other cases, a young person may require attention to injuries for treatment or evidential purposes. It may not be advisable to call or visit a medical practitioner from the local community as this may threaten the security of the young person.

The report of the medical examination together with social services' records and statements may provide police with vital evidence in a young person's case. It is advisable in all cases where injuries are apparent to encourage the young person to have those injuries documented for future reference.

Remember:

- ◆ The examination of a young person should be in accordance with child protection procedures and should normally be carried out by a consultant paediatrician.
- ◆ Inform the police even if the young person does not want any action taken.
- ◆ If the victim is a vulnerable adult, consider using an advocate to support them.

INFORMATION REQUIRED FOR ALL CASES

Subject to the need for safety and confidentiality in making enquiries, the following information and documentation should be acquired. It is important to get **as much information as possible** when a case is first reported, as there may not be another opportunity for the individual reporting to make contact. The case may be reported by a third party or the young person under threat. Whoever reports the case, you should:

- ✓ Obtain details of the individual making the report, their contact details, and their relationship with the young person.
- ✓ Obtain details of the young person under threat including:
 - Date of report
 - Name of individual under threat
 - Nationality
 - Age
 - Date and place of birth
 - Passport details
 - School details
 - Employment details
 - Full details of the allegation
 - Name and address of parents.
- ✓ Obtain a list from the young person under threat of all those friends and family who can be trusted.
- ✓ Establish a code word to ensure you are speaking to the right person. (page 32).
- ✓ Establish a way of contacting them discreetly in the future that will not put them at risk of harm (page 32).
- ✓ Obtain any background information including schools attended, involvement by police, doctors or other health services etc.
- ✓ Record details about any threats or hostile actions against the young person, whether reported by the victim or a third party.
- ✓ Obtain a recent photograph and other identifying documents. Document any other distinguishing features such as birthmarks and tattoos etc.
- ✓ Establish the nature and level of risk to the safety of the individual (e.g. are they pregnant, do they have a secret boyfriend/girlfriend, are they self-harming, are they already secretly married).
- ✓ Establish if there are any other family members at risk of forced marriage or if there is a family history of forced marriage and abuse.
- ✓ Check social services' records for past referrals of family members including siblings.

Gathering discreet information, in a confidential manner, about the young person and the families involved may be problematic. If a Section 47 enquiry is being undertaken,

consider approaching:

- ◆ Local schools
- ◆ Local Education Authority
- ◆ Voters register
- ◆ Police
- ◆ Benefits Agency
- ◆ Passport Office
- ◆ Child Protection Register
- ◆ Police databases including domestic violence databases
- ◆ Housing agencies
- ◆ Health services
- ◆ Voluntary groups
- ◆ Employers
- ◆ Fellow employees.

General Guidelines for all Cases

If the young person is going overseas (page 17), the following is required:

- ✓ A photocopy of the young person's passport for retention. Encourage them to keep details of their passport number and the place and date of issue.
- ✓ As much information as possible about the family is required (this will need to be gathered discreetly) including:
 - **Full name of the young person**
 - **Their father's name**
 - **Any addresses where the young person may be staying overseas**
 - Potential spouse's name
 - Date of the proposed wedding
 - The name of the potential spouse's father (if known)
 - Addresses of the extended family in the UK and overseas.
- ✓ Information that only the young person would be aware of (this may assist any subsequent interview at an Embassy/British High Commission in case another person of the same sex/age is produced pretending to be the young person).
- ✓ Details of any travel plans and people likely to accompany the young person.
- ✓ Names and addresses of any close relatives remaining in the UK.
- ✓ A safe means by which contact may be made with the young person e.g. a mobile telephone that will function overseas. Record the number.
- ✓ Details of the third party in order to maintain contact in case the young person contacts them whilst overseas or on their return.
- ✓ An estimated return date. Ask that they contact you **without fail** on their return.
- ✓ A written statement by the young person explaining that they want social services or a third party to act on their behalf if they do not return by a certain date.

Difficulties faced when overseas

For many young people, it may be their first experience of travelling overseas. If they are being held against their will and forced to marry there are various difficulties they may encounter if they want to return to the UK. They may find it impossible to communicate by telephone, letter and e-mail. They may not have access to their passport and money. Young women may not be allowed to leave the house unescorted. They may be unable to speak the local language. Often these young people find themselves in remote areas where even getting to the nearest road can be hazardous. They may not receive the assistance they might expect from the local police, neighbours, family, friends or taxi drivers. Some young people may find themselves subjected to violence or threats of violence.

Remember:

- ◆ If the family are approached, they may deny that the young person is being forced to marry, move the young person, expedite any travel arrangements and bring forward the forced marriage.
- ◆ Report details of the case, with full family history, to the Community Liaison Unit at the Foreign & Commonwealth Office (page 44). Encourage the young person to get in touch with the Community Liaison Unit. The Unit gives advice to young people who fear they may be forced to marry.
- ◆ The young person may be a dual national and have two passports (see below).

Dual nationality

If a person holds the nationality of two countries, they are considered a dual national. This may mean that in the country of their second nationality, they are subject to the laws of that country. Should the British High Commission (BHC) or Embassy try to offer assistance to them as a British national the other country, under the Geneva Convention, is entitled to object. However, the BHC or Embassy will offer all possible assistance to British nationals who are victims of forced marriage unless and until they are actively stopped. It is advisable to inform any young person intending to travel that they should try to travel using their British passport and not the passport of their second nationality. Similarly, when asking a court to surrender the passports of a young person to prevent them from being taken abroad, ensure that this includes all passports if they are dual nationals.

Any queries concerning dual nationality should be addressed to the Community Liaison Unit at the Foreign & Commonwealth Office (page 44).

Experience shows that there are five types of situation that a social worker is likely to encounter when dealing with cases of forced marriage. The situations, and the appropriate social services' responses, are set out in the following five sections.

- | | |
|-----------|---|
| Section A | A young person who fears they may be forced to marry in the UK or overseas |
| Section B | A report by a third party of a young person having been taken abroad for the purpose of a forced marriage |
| Section C | A young person who has already been forced to marry |
| Section D | A young person repatriated to the UK from overseas |
| Section E | A spouse who has come to the UK from overseas |

A young person who fears they may be forced to marry

SECTION A

A young person may approach social services because they are going on a family holiday overseas and they are concerned about this. They are often told that the purpose is to visit relatives, attend a wedding or because of the illness of a grandparent or close family relative. The young person may suspect that this is a ploy and that there is an ulterior motive, which is to force them to marry.

Do not assume that a young person is at risk of being forced into marriage simply on the basis that they are being taken on an extended family holiday. These assumptions and stereotyping can cause considerable distress to families. All efforts should be made to establish the full facts of the case at the earliest opportunity.

If there is an overseas dimension, social services should liaise closely with the Community Liaison Unit at the Foreign & Commonwealth Office (page 44).

Choices

If a young person fears they may be forced to marry, they have limited choices:

- ◆ To remain with the family and try to resolve the situation
- ◆ To accede to the family's wishes
- ◆ To flee the family
- ◆ To seek legal protection.

Remember:

- ◆ Remaining with the family and trying to resolve the situation can place the young person in danger.
- ◆ Acceding to the family's wishes means the young person is returning to an abusive situation.

- ◆ Young people fleeing a forced marriage that has not yet taken place may be reported as missing by their families. The forced marriage aspect of the case may not be apparent when the report is made.
- ◆ If the young person has dual nationality, they may have two passports, one British and one from the other country of their residence (page 15).

SOCIAL SERVICES RESPONSE

- ✓ Refer to general guidelines (page 9).
- ✓ Refer to information required in all cases (page 13).
- ✓ Discuss the case with the Community Liaison Unit at the Foreign & Commonwealth Office (Page 44).
- ✓ Talk to the young person about whether they can avoid going overseas and discuss the difficulties they may face (page 14).
- ✓ Seek advice from the legal department.
- ✓ Consider obtaining a court order to protect the young person or to prevent the young person being taken overseas.
- ✓ Establish if there is a family history of forced marriage, i.e. siblings forced to marry. Other indicators may include domestic violence, self-harm, family disputes, unreasonable restrictions (e.g. withdrawal from education or 'house arrest') or missing persons within the family.

A young person who fears they may be forced to marry

If foreign travel with the family becomes unavoidable, in addition to the information required set out on page 14, the following precautions should be taken:

- ◆ Give them contact details for the department and the social worker dealing with the case.
- ◆ Encourage the young person to memorise at least one telephone number and e-mail address.
- ◆ Advise them to take a mobile phone that will work overseas and which they can keep hidden.
- ◆ Encourage the young person to give you details of a trusted friend/advocate in the UK who they will be keeping in contact with whilst overseas, who will act on their behalf, and whom you can approach if they do not return. Make contact with the friend/advocate before the young person departs and request the friend/advocate make a written statement of their support.
- ◆ Advise them to take emergency cash, in the appropriate currency, in case problems arise in the country of destination, together with contact details of someone there they can trust to help them.
- ◆ Ascertain whether the young person has two passports and if so, which one they will be travelling on. Explain the implications of dual nationality (page 15).
- ◆ Supply the address and contact number for the nearest Embassy/British High Commission (page 45).
- ◆ Give them a copy of the Foreign & Commonwealth Office leaflet *Forced Marriages Abroad*.

- ◆ Advise them to contact the Community Liaison Unit at the Foreign & Commonwealth Office (page 44).

In all cases, the social worker needs to discuss the range of options available to the young person and the possible consequences of their chosen course of action.

LEGAL POSITION

There are a range of court orders that may be used to protect children and young people. If the risk of forced marriage is immediate, it may be necessary to take emergency action to remove the young person from the home in order to protect them. There are two possible approaches to emergency protection, and advice should be taken from the legal department.

Police protection

Social services may approach the police and ask for their assistance in undertaking a joint investigation. The way in which this is to be handled should be covered in the procedures prepared by the Local Area Child Protection Committee. A joint approach may be particularly useful where it is thought that a young person is at immediate risk of forced marriage.

Where there is reasonable cause to believe that a young person, under the age of 18, is at risk of significant harm, a police officer may (with or without the co-operation of social services) remove the young person from the parent and place them under 'police protection' (s.46 Children Act, 1989) for up to 72 hours. The police will ask social services to assist them to find safe and secure accommodation for the young person. After 72 hours, the police must release the

A young person who fears they may be forced to marry

young person. At this point, however, social services may apply for an Emergency Protection Order (EPO) if the young person is still considered to be at risk of significant harm. The police have the power to make their own application for an EPO, but as a matter of practice this is done by social services.

Social services should assist the police by:

- ✓ Arranging a placement for the young person in local authority accommodation provided by social services, on their behalf, or in a refuge.

Remember:

- ◆ Police officers have power, under s.17 (1) (e) of the Police and Criminal Evidence Act, 1984 (PACE), to enter by force if necessary in order to protect life or limb.
- ◆ Police officers can also prevent a young person's removal from a hospital or other safe place in which the young person is accommodated.
- ◆ The parents may ask for contact with the young person, but this does not have to be granted if this would place the young person in danger.
- ◆ You must inform the local Police Child Protection Officer. A young person may wish to see a police officer of the same gender. They may not want to see a police officer from their own community.
- ◆ In all cases, check the Child Protection Register.
- ◆ You may be placed under pressure from relatives, those with influence within the community, councillors, or MPs to say where the young person has gone. **Do not** divulge this information.

- ◆ The police do not have parental responsibility with respect to the young person while they are under a police protection order. The police cannot make any decisions for the young person beyond the 72 hours of the order.

Emergency Protection Orders (EPO) Section 44 Children Act, 1989

If the police are unwilling to take out a police protection order, or if, for some reason, such an order is not appropriate, or the situation cannot be resolved during the 72 hours of a police protection order, an EPO should be considered. The application can be made by anyone including social workers, police, youth workers, advocates or friends of the young person but in practice it is usually made by social services. An EPO lasts for eight days, but it may be renewed for a further seven days.

If the person applying for an EPO is anyone other than the local authority, the local authority must be informed and must then undertake s.47 enquiries. The local authority has the power, having consulted the applicant and the young person, to take over the order and responsibility for the young person (Emergency Protection Orders [Transfer of Responsibilities] Regulations 1991).

An application may be made to court for an EPO without giving notice to the parents if this is necessary to protect the young person. In exceptional cases, where the application is particularly urgent, it can be made by telephone.

A young person who fears they may be forced to marry

Remember:

- ◆ An EPO is open to challenge by the young person's parents or the person with parental responsibility.
- ◆ Once an EPO is made, the local authority shares parental responsibility with the parents. The local authority **need not** release details of where the young person is living if this is necessary to protect the young person.
- ◆ The court must be asked for an order that states there be **no contact** (or restricted contact) during the period of the EPO if this is necessary to protect the young person. If this is not asked for, there is a presumption of reasonable contact.
- ◆ Social services have a duty to make enquiries when a young person living in their area is the subject of an EPO or is in police protection or may be reasonably suspected to be suffering from significant harm (s.47 Children Act, 1989).

Care orders and supervision orders

Frequently, an EPO is followed by an application from the local authority for an interim care order (s.31 and s.38 Children Act, 1989). Without such an application, the EPO will lapse and the local authority will no longer have parental responsibility.

A court will only make an interim care order or supervision order under s.38 Children Act 1989 if it is satisfied that there are reasonable grounds to believe that the following threshold criteria are met:

- a) The young person concerned is suffering, or likely to suffer, significant harm; and
- b) The harm, or likelihood of harm, is attributable to (amongst other things):

- (i) The care given to the young person, or likely to be given to them if the order were not made, not being what it would be reasonable to expect a parent to give to a young person.

Note: The term "significant harm" should be taken to mean all forms of abuse, physical, sexual, and emotional and all forms of ill treatment that are not physical.

It is also the duty of the court to decide whether an order is necessary to protect the young person and whether a care order is the most appropriate order.

S.31 Children Act, 1989 provides that no care order or supervision order may be made with respect to a child who has reached the age of 17 (or 16, in the case of a child who is married). The advantage of a care order is that it allows greater protection to be offered to the young person. The local authority may obtain an order that there be no contact with the family and may conceal the whereabouts of the child if that is necessary to ensure adequate protection.

Where a care order is not appropriate due to the age of the young person, social services should be aware of the opportunities presented by a Ward of Court Order. This is available up to 18 years old and while social services themselves cannot have a young person "warded", the young person or an adult friend or advocate can apply for wardship. Various injunctions can be attached to a wardship as required. Very commonly, for a young person in fear of being taken abroad, the injunctions will relate to surrendering passports to the court so that the young person may not leave the jurisdiction without the court's permission (see also page 22 for further information on wardship).

A young person who fears they may be forced to marry

Remember:

- ◆ Young people are not able to apply for a care order on their own behalf. Furthermore, a care order cannot be made once a young person has reached the age of 17 or, in the case of a married person, once they reach 16. It is unclear whether the court would be willing to make a care order with respect to a young person who is 16 and who alleges that he or she was the subject of a forced marriage.
- ◆ If a care order is granted it lasts until the young person reaches the age of 18 unless it is discharged before this date. Abduction of a child who is the subject of a care order is a criminal offence.
- ◆ When a care order is not appropriate, wardship may still be an option.
- ◆ The parents may agree to the young person being accommodated by the local authority in an attempt to forestall the local authority's application for an interim care order. The accommodation provided must adequately protect the young person. When a young person is accommodated, the local authority does not share parental responsibility and must disclose where the young person is living to the parents.
- ◆ If there is a relative or adult whom the young person can trust, that person could apply for a residence order with respect to the young person. This can be done as a freestanding application or within care proceedings. Again, the question is likely to arise, would such an action provide adequate protection to the young person? Although the residence order holder would share parental responsibility, the parents would retain their parental

responsibility and would know where the young person was living. It is possible for a local authority to acquire a supervision order (on the same criteria as a care order) to accompany a residence order. Such an order could provide support and back up to a residence order holder, but would not give the local authority parental responsibility.

- ◆ It is also possible for a local authority to obtain a prohibited steps order under s.8 Children Act, 1989. Such an order could prohibit the parents from removing the child from the country without the permission of the court. The local authority would need to seek the leave of the court before it obtained such an order. Such an order does not confer parental responsibility on the local authority.

Forced

A Report by a Third Party of a young person having been taken abroad for the purpose of a forced marriage

SECTION B

Sometimes young people are taken overseas on the pretext of a family holiday, the wedding of a relative or the illness of a grandparent. On arrival, their documents and passports are often taken away from them. Some even report their parents drugging them. In these cases, it may be a concerned friend / relative / partner / agency / teacher that reports the young person missing. These cases may initially be reported to the Foreign & Commonwealth Office, police, social services, education, or a voluntary group.

As with all cases of forced marriage, confidentiality and discretion are vitally important (page 33). It is not advisable to immediately contact an overseas organisation to make enquiries. If, through your actions, the family becomes aware that enquiries are being made, they may move the young person to another location or expedite the forced marriage.

Risks that may arise if organisations overseas are contacted directly:

- ◆ Collusion between overseas organisations and the young person's family.
- ◆ Violence to the young person being held abroad and the forced marriage brought forward.
- ◆ Removal of the young person to an unknown destination.

In dealing with these cases, social services need to gather discreet intelligence about the family and then work closely with the Community Liaison Unit at the Foreign & Commonwealth Office (page 44) and through them the local Embassy/British High Commission.

Remember:

- ◆ Reassure the third party that if the young person is being held overseas and wishes to return to the UK, the Foreign & Commonwealth Office will do everything possible to repatriate them. The Foreign & Commonwealth Office is obliged to ask the young person or trusted friends to contribute towards the cost of repatriation. However, this will never delay the process of getting the young person to safety.
- ◆ Extreme care should be taken not to disclose information to the **overseas** police or any other **overseas** organisation that could place the young person in further danger e.g. disclosure about previous/current boyfriends or partners in the UK.

SOCIAL SERVICES RESPONSE

- ✓ Refer to general guidelines (page 9).
- ✓ Refer to information required in all cases (page 13).
- ✓ Liaise with the police and check existing missing persons' reports.
- ✓ Obtain details of, and maintain contact with, the third party in case the young person contacts them whilst overseas or on their return.

Do not:

- ✗ Go directly to the young person's family, friends, or those people with influence within the community, as this will alert them to your enquiries and may place the young person in further danger.

A Report by a Third Party of a young person having been taken abroad for the purpose of a forced marriage

Consider:

- ◆ Seeking advice from the legal department.
- ◆ Asking an Education Welfare Officer to make enquiries.
- ◆ Using existing national and local protocols for inter-agency liaison.

Try to:

- ◆ Ascertain if anyone else is aware of the situation and establish whether enquiries have already been made. Is there evidence to support forced marriage and other abuses?
- ◆ Dissuade the third party and others from making enquiries and taking action independently of social services and the police.
- ◆ Find and document any evidence to confirm the threat of a forced marriage and any related abuse.
- ◆ Refer the third party for support to organisations with a history of assisting in cases of forced marriage and domestic violence (page 46).

return of the young person to the jurisdiction of England and Wales by making them a ward of court. An application for wardship is made to the High Court Family Division, and may be made by a relative, a friend close to the young person, or by the Children and Family Court Advisory Support Service (CAFCASS) legal services department. Social services are not able to make a child a ward of court. Once the order is obtained, the co-operation of the authorities in the country to which the young person has been taken can be sought. Without such co-operation, it may be difficult to locate and return the young person.

LEGAL POSITION

Once a young person has left the country, the legal options open to social services, other agencies or another person to recover the young person and bring them back to the United Kingdom are limited. The normal course of action is to seek the

Forced Marriage

SECTION C

Although many cases of forced marriage come to light when a young person is reported missing or there are allegations of abuse and domestic violence, some cases are brought to the attention of social services or the police if a young person is forced to act as a sponsor for their spouse's immigration to the UK. The young person is frequently reluctant to tell the immigration service that it was a forced marriage because of threats and fear of reprisals from the family. A person whose application to enter the UK as a spouse is refused has a right to know the reasons why – and the right to appeal against the decision. This can place the young person in a difficult situation.

Choices

A young person who has already been forced to marry has limited choices:

- ◆ To stay with the marriage.
- ◆ To leave the marriage and, probably, the family home.
- ◆ To confront their family and seek their backing, together with support from other agencies.
- ◆ To try to withhold support for the visa application without letting the family know.

Remember:

- ◆ Confronting the family may be extremely risky for the young person. They may not get the support they hope for and further pressure may be put on them to support the visa application. These risks must be discussed with the young person if only to exclude this option.

- ◆ Although young people may be tempted to prevent a successful visa application for their spouse, in reality, it is not possible to do this without all parties concerned being aware of the young person's reason for not wishing to sponsor their spouse's visa application.
- ◆ Cases of forced marriage may initially be reported to social services as cases of domestic violence. Spouses forced into marriage may suffer years of domestic violence, but feel unable to leave due to fear of losing their children, lack of family support, economic pressures and other social circumstances. The fact that they were forced to marry may only become apparent years after the marriage has taken place.
- ◆ There is no 'typical' victim of forced marriage. Some may be under 18, some may be disabled, some may have young children and some may be spouses from overseas. Whatever their circumstances, all cases should be approached with an open mind and each victim handled as an individual.

In all cases, the social worker needs to discuss the range of options available to the young person and the possible consequences of their chosen course of action.

A young person who has already been forced to marry

SOCIAL SERVICES RESPONSE

- ✓ Refer to general guidelines (page 9).
- ✓ Refer to information required in all cases (page 13).
- ✓ Record full details of the young person together with details of marriage including date and place.
- ✓ Record the name, address and date of birth of the spouse together with interview dates for their visa (if known).
- ✓ Refer to the Community Liaison Unit at the Foreign & Commonwealth Office if the marriage has an overseas dimension or the young person has concerns about their 'spouse' getting a visa (page 44).
- ✓ Refer to a family panel solicitor for legal advice.
- ✓ If the young person does not want to return to the family home, then a strategy for leaving home should be devised and personal safety advice discussed (page 35).
- ✓ If the young person wishes to remain at the family home, try to maintain contact without placing the young person at risk (page 32).

Consider:

- ◆ Maintaining contact using community workers, health workers etc. (page 32).
- ◆ Referring the young person to a police officer with responsibility for domestic violence, victim liaison, vulnerable victims, or family protection.
- ◆ Using legal remedies to protect the young person from family members if they decide to leave the family home or wish the spouse to leave the family home (see below).

LEGAL POSITION

A spouse who is the victim of a forced marriage can initiate nullity or divorce proceedings to end the marriage. Young people can also take action to protect themselves under the Family Law Act 1996.

Non-molestation order

A young person may seek a non-molestation order against their spouse under s.42 Family Law Act 1996. When such an order is granted it forbids the spouse from using violence or other behaviour amounting to harassment against the applicant. Such an order can also be sought in relation to a child of the family.

The criteria for granting such an order are:

- ◆ There must be evidence of molestation (e.g. domestic violence or other behaviour which amounts to harassment).
- ◆ The applicant or a child must need protection.
- ◆ The judge must be satisfied on the balance of probabilities that judicial intervention is required to control the behaviour which is the subject of complaint.

A power of arrest may be attached to the order if it appears to the court that the spouse has previously threatened or used violence against the young person. If the spouse or other person named in the order breaches that order, the police may arrest them. There is no need to go back to court to enforce the order before an arrest can be made.

The order may be applied for without notice being given to the spouse if there is a risk of significant harm to the applicant or to a child.

A non-molestation order may be made not only against a spouse but also against:

- ◆ A person who lives in the same household (but not if the reason they are living in the same household is because one is the other's employee, tenant, lodger or boarder).
- ◆ Relatives.
- ◆ A person whom the applicant has agreed to marry.

Occupation order

A young person may also seek an occupation order against their spouse under the Family Law Act 1996, seeking the removal of that spouse from the house. The criteria for removal are stricter, and merely being a victim of a forced marriage is unlikely to be sufficient to obtain an occupation order. The basis on which an order may be granted also depends upon the 'right to occupy'. It will be necessary to seek legal advice to ascertain whether it would be possible for a young person to obtain such an order.

Protection from harassment

A young person may also take action under the Protection from Harassment Act 1997. The young person may obtain an injunction against the other spouse or family member if they pursue a course of conduct against the young person that amounts to harassment. Criminal proceedings may also be taken under this Act. The police may prosecute a spouse or a member of the family if they pursue a course of conduct that amounts to harassment.

A course of conduct is regarded as harassment if it causes the young person to fear, on at least two occasions, that violence will be used against them. 'Conduct' can include speech and need not be a physical attack. A threat to use violence that causes fear will therefore amount to 'conduct' for the purposes of this Act.

Forced Marriage

A young person repatriated to the UK from overseas

SECTION D

Sometimes the Foreign & Commonwealth Office may ask a social services department for assistance when a young person is repatriated to the UK from overseas.

In these cases, the young person may be extremely traumatised and frightened. They may have been held against their will for many months. They may have suffered emotional and physical abuse and if the marriage has already taken place, the young person may have been raped. Sometimes a young person will have risked their life to escape and their family may go to considerable lengths to find them. This makes all victims particularly vulnerable when they return to the UK.

When a young person arrives at, or contacts, an Embassy/British High Commission every attempt will be made to repatriate them as soon as possible.

Unfortunately, due to the urgency of the situation, the Foreign & Commonwealth Office may not be able to give the social services department a great deal of notice of the young person's arrival.

The Foreign & Commonwealth Office is obliged to ask the young person or a trusted friend to contribute towards the cost of repatriation. However, this will never delay the process of getting the young person to safety.

Case study

Nina was repatriated by the Foreign & Commonwealth Office following the threat of a forced marriage. As she was 16, she was provided with accommodation in a refuge.

After three weeks, her family contacted her and pleaded with her to return home. Against the advice of the refuge, she returned to live with her sister.

She appeared happy with the situation over the next few months.

Having not heard from her for a while, the Foreign & Commonwealth Office contacted her family in the UK and were informed that Nina had fallen to her death during a family outing whilst overseas visiting her parents.

As the incident had happened a few months previously and Nina's family were the only witnesses, it was difficult to investigate even though some members of her family in the UK were suspicious about the events leading to her death.

A young person repatriated to the UK from overseas

Choices

The choices available to the young person are limited:

- ◆ To leave their family, start a new life and remain in hiding.
- ◆ To leave their family, start a new life and prosecute their family.
- ◆ To return to the family and hope the situation can be resolved.

Remember:

- ◆ To leave their family and start a new life can make a young person extremely vulnerable. Their family may search for them through routes such as housing records, benefit records, employment records, and health records.
- ◆ For many young people prosecuting their family is something they simply will not consider.
- ◆ There may be serious risks involved if the young person chooses to return to the family in the hope that the situation can be resolved (see case study above).

In all cases, the social worker needs to discuss the range of options available to the young person and the possible consequences of their chosen course of action.

SOCIAL SERVICES RESPONSE

- ✓ Refer to general guidelines (page 9).
- ✓ Refer to information required in all cases (page 13).
- ✓ Arrange for someone to meet the young person at the airport e.g. a social worker, police officer (there is now a child protection officer at Heathrow airport), or reliable, sympathetic adult.

- ✓ Contact 'Travel Care' if the young person is arriving at Heathrow or Gatwick (page 46).
- ✓ Inform the police in case family members try to abduct the young person at the airport.
- ✓ Consider whether it is appropriate to apply for an EPO or an ICO (pages 18 and 19).
- ✓ Organise safe and secure accommodation.
- ✓ If the young person is under 17 and it is not appropriate to apply for a care order, refer to Section ix (Accommodating young people, page 35).
- ✓ Inform the police that the young person's family may attempt to locate them.

Do not:

- ✗ Meet them at their new address, refuge, or friend's house. You may be followed.
- ✗ Put the young person at risk of harm.
- ✗ Put yourself at risk of harm.
- ✗ Send the young person back to the family home against their wishes.
- ✗ Inform family members or friends of the young person's whereabouts.
- ✗ Attempt to be a mediator (page 10).

Remember:

- ◆ Arranging a foster family from the same community as the young person may not be appropriate.
- ◆ A young person might wish to be fostered outside the immediate geographical area.
- ◆ The young person may need practical help e.g. emergency cash, clothes and toiletries etc.

A young person repatriated to the UK from overseas

- ◆ Under s.17 of the Children Act 1989, social services may make a payment for a child in need, including the cost of accommodation.
- ◆ The local authority within which the young person had their last permanent residence should provide funding.
- ◆ You may be placed under pressure from relatives, councillors, MPs, and those with influence within the community to say where the young person has gone. **Do not** divulge this information.

Consider:

- ◆ With the young person's consent, rehousing/relocating them with a different local authority. This may require a transition period where funding and support need to be negotiated.
- ◆ Taking active steps to ensure that the young person's identity, together with their benefit and other records are kept confidential. This may involve witness protection schemes or seeking legal advice for a young person to change their name.

LEGAL POSITION

Depending upon the circumstances and the young person's age, it may be appropriate for the local authority to apply for a care order. A care order can only be obtained while a child is under the age of 17, or 16 if the child is married. If a young person was forced into marriage, or was the subject of a deliberate deception, there are grounds for arguing that social services should continue to treat them as though they were a child.

If the young person is too old to be the subject of a care order, the local authority can, nevertheless, assist; either by accommodating the young person under s.20 Children Act 1989 (in which case the child will still be looked after), or by providing services under s.17 Children Act 1989. S.20 (3) Children Act 1989 states that every local authority shall provide accommodation for any child in need within their area who has reached 16 and whose welfare the authority considers is likely to be prejudiced if they do not provide the young person with accommodation. A young person who has been the subject of a forced marriage and is at risk of harm from their family would fall within this definition. The young person may, themselves, ask the local authority for such accommodation. The request does not need to come from the parents.

Also refer to:

- ◆ Non-molestation orders (Section 42 Family Law Act, 1996) (page 24).
- ◆ Action under the Protection from Harassment Act 1997 (page 25).

Force
Marriage

SECTION E

A spouse may come to the UK from overseas and report that they have been forced to marry overseas. Often the young person may not speak English and may not be aware of the support to which they may be entitled. Again, these cases may be reported initially as cases of domestic violence, missing persons or child protection.

If the young person does not have indefinite leave to remain (ILR), some form of discretionary leave, or a right of abode in the UK, then they are likely to have a restriction on receiving public funds. Public funds include income support and housing benefit. This means that they will not automatically get access to a refuge (although some refuges will offer places). As a result, individuals may experience tremendous difficulty in finding alternative accommodation and a means by which to live (but see information on 'Last Resort Fund', pg 31). This may lead individuals to feel they have no option but to remain in the marriage and to feel unable to co-operate with social services or anyone they see as being in 'authority'.

Choices

The choices available to the young person are limited:

- ◆ To stay within the marriage.
- ◆ To flee the marriage and apply to be allowed to remain in the UK indefinitely (those without indefinite leave to remain).
- ◆ To flee the marriage (those with indefinite leave to remain).
- ◆ To flee the marriage and return home to their country of origin.

Remember:

- ◆ Staying within the marriage means that the young person is returning to a potentially dangerous and abusive situation.
- ◆ For many people returning to their country of origin is not an option – they may be ostracised, subjected to violence or even killed. These risks should be explained, even just to exclude this option.
- ◆ The young person may be extremely frightened by contact with any statutory agency including social services as they may have been told that the authorities will deport them and/or take their children from them. Extreme sensitivity to these fears is required when dealing with anyone from abroad, even if they have indefinite leave to remain or a right of abode as they may not be aware of their true immigration position. These circumstances make them particularly vulnerable.
- ◆ If it is discovered that the young person is in breach of immigration rules (for example if they are an overstayer), remember that they may also be the victim of a crime and be traumatised as a result. Do not allow any investigation of the young person's immigration status to impede your enquiries into the abuse that may have been committed against the victim or their children.
- ◆ Refer the young person to the police if there is any suspicion that a crime has been committed.
- ◆ Refer the young person to the police if there are concerns about their safety or the safety of their children.

A spouse who has come to the UK from overseas

SOCIAL SERVICES RESPONSE:

- ✓ Refer to general guidelines (page 9).
- ✓ Refer to information required in all cases (page 13).
- ✓ Ensure the young person is dealt with in a culturally sensitive way and their wishes are recognised and respected.
- ✓ Arrange for an authorised interpreter who speaks the dialect of the young person. If necessary, obtain consent from the young person through Language Line (page 46). Establish any preferences regarding the gender of the interpreter.
- ✓ Refer the young person to an advice agency/women's group/Citizens Advice Bureau/law centre/solicitor (page 46).
- ✓ If you believe that immigration advice is required, refer the young person to an appropriate adviser e.g. trustworthy solicitor with an immigration and asylum franchise, law centre and/or the immigration advisory service. Ideally, refer to a law firm with a family law and immigration franchise, near to their new place of residence.
- ✓ Provide the young person with written contact details of the social worker dealing with the case to give to their solicitor.
- ✓ Refer to local departmental guidelines when dealing with the Home Office.
- ✓ With the young person's consent, notify the local police domestic violence/victim liaison/vulnerable persons officer or child /family protection unit.
- ✓ Record any injuries and arrange a medical examination (page 12). Inform the doctor that there may be an immigration application and

detailed notes will need to be taken during the examination.

Do not

- ✗ Use a relative, friend, community leader or neighbour as an interpreter – despite any reassurances from this known person. Information at the interview may be imparted to other members of the community and put the young person at risk of harm (page 32).
- ✗ Attempt to give the young person immigration advice. It is a criminal offence for any unqualified person to give this advice.

LEGAL RESPONSE

If the young person is under the age of 18, is present in United Kingdom without their family, and states that they were forced into marriage and do not wish to remain with their spouse, social services should consider the young person in the same manner as an unaccompanied asylum-seeking minor, and should accommodate the young person under s.20 Children Act 1989 (page 28).

Local Authority Circular (LAC) 2003, 13 states that where a child has no parent or guardian in this country, the presumption should be that the child would fall within the scope of s.20 and become looked after, unless the needs assessment reveals particular factors which would suggest that an alternative response would be more appropriate.

If the young person is under 18 and has children, they should still be regarded as an unaccompanied child.

Remember:

- ◆ Anyone who has been granted indefinite leave to remain, some form of discretionary leave or who has a right of abode in the UK has the same entitlements to public funds as a British citizen.
- ◆ Funding for legal advice is not counted as public funds, and individuals may be entitled to free legal advice whatever their immigration status.
- ◆ Social services may have the power to make discretionary payments. These payments do not count as public funds.
- ◆ If the young person is suffering domestic violence, the Domestic Violence Provisions under the Immigration Rules may apply (page 43). Under these Provisions, social services can provide evidence of domestic violence in the form of a letter/report.
- ◆ Social services records and statements may be vital evidence in a young person's immigration case. This evidence may be placed before an immigration hearing and social services may be called as a witness.
- ◆ It may be possible to make an application to Women's Aid to access the 'Last Resort Fund' to support a young person who does not have indefinite leave to remain, some form of discretionary leave or a right of abode in the UK. This should only be done if other alternatives - such as local authority support - do not provide a solution.

i. Venue for interviews

It is likely that the young person or complainant will probably be anxious and distressed. The interview should take place in a private and safe part of the social services department free from interruptions, in accordance with local practices and procedures. Ideally, the room should not be adjacent to the public part of the building. Specific care should be taken when interviewing, as there have been cases reported of young people being forcibly removed from the foyers of social services departments and police stations by their families.

Remember:

- ◆ The young person may wish to be interviewed by a social worker of the same gender.
- ◆ They may not want to be seen by a social worker from their own community.
- ◆ Develop a safety plan in case the young person is seen by someone hostile at or near the social services department e.g. prepare another reason why they were there.
- ◆ When accompanying a young person, or vulnerable adult, during a police interview, the social worker must be aware of the Government's guidance on *Achieving Best Evidence in Criminal Proceedings: Guidelines for vulnerable or intimidated witnesses, including children* (Home Office *et al.*, 2001).
- ◆ For all young people/vulnerable adults making allegations of any form of force or abuse, consider video recording the interview in accordance with *Achieving Best Evidence*.
- ◆ If the young person insists on being accompanied during the interview e.g. by a teacher or advocate, ensure that the accompanying person understands

the implications of confidentiality especially with regard to the young person's family.

- ◆ If the victim is a vulnerable adult, consider using witness support or an intermediary.

Do not:

- ✗ Use family members, friends, neighbours or community leaders as interpreters – individuals may feel embarrassed to discuss personal issues in front of them and sensitive information may be passed on to others. Furthermore, such an interpreter may deliberately mislead social services and/or encourage the young person to abandon their request for help/complaint and comply with the family.

ii. Future contact and meetings

Agree where future meetings can take place if the young person does not want to meet at the family home or the social services department e.g. local libraries/cafés, somewhere the young person will feel comfortable. Establish whether they can be contacted in confidence at work, at school or through a trusted friend, sibling or organisation.

Consider:

Mobile phones

- ◆ Establish whether the young person or another family member pays the bill as the record of calls made may place the young person at risk of harm.
- ◆ Establish a code word to ensure that you are speaking to the right person.

Text messages

- ◆ Ensure that text messages cannot be intercepted.

E-mail

- ◆ Ensure that no one else can open the young person's e-mail messages.

Post

- ◆ Ensure any postal address for correspondence is safe and letters cannot be intercepted.

Remember:

- ◆ In some cases, contact will be through a third party who is the only link to the young person. This situation can arise when a young person has been taken overseas.

Do not:

- ✗ Meet them at their new address, refuge, or friend's house. You may be followed.
- ✗ Put the young person at risk of harm.
- ✗ Put yourself at risk of harm.
- ✗ Speak to the young person in the presence of 'friends'.

You must:

- ✓ Perform an assessment of the risk of harm faced by the young person and the member of staff.
- ✓ In cases of a third party report, obtain details of, and maintain contact with, the third party.
- ✓ Arrange with the young person/third party as to the best time/place to make contact to ensure that they can talk freely and openly.

iii. Confidentiality and security of information

Confidentiality is going to be an extremely important issue for anyone threatened with, or already in, a forced marriage. Social workers need to be clear about when confidentiality can be offered, what it means to have a confidential

relationship with a client and when information given in confidence should be shared or disclosed.

Circumstances sometimes arise where a child, or more probably a young person, explicitly asks social services not to give information to their parents/guardians or others with some authority over them. Their request for confidentiality should be upheld, although in the case of a young person under the age of 18, complete confidentiality cannot always be guaranteed.

The extent to which a young person can be offered complete confidentiality depends to some extent upon their age. When a young person is 18, and forms a confidential relationship with a social worker, then no information should be disclosed to an external person or body without their consent. **There may be exceptions to this if a young person is a danger to themselves or others.**

When a young person is under 18, the situation is rather different. If a young person under 18 reveals information which indicates that they are at **serious risk of suffering significant harm**, a social worker may need to consider whether to disclose information to others and seek assistance. There is no legal duty on social workers to do so, but as a matter of good practice, a social worker may need to act to protect the young person. The best interests of the young person must be the paramount consideration in all decision taking.

There is no hard and fast rule as to when information should be disclosed. Each case will need to be judged on individual circumstances. In the case of forced marriage, social workers will need to think very carefully about the need to disclose information and to whom it is disclosed. Disclosure could lead to the young person being at an even greater risk of significant harm and lead to estrangement from the family.

Consider:

- ◆ Drawing on existing national information-sharing protocols and procedures concerning child protection and domestic violence. These are set out in *What To Do If...* (Department of Health, 2003) and the consultation paper, *Safety and Justice: Government Proposals on Domestic Violence* (see paragraph 86 on delivering a fully effective service to survivors of domestic violence, rape and domestic assault by known perpetrators).
- ◆ Consulting with other agencies, particularly the local police child protection unit.

If a decision is made to disclose confidential information to another person, the social worker should seek the consent of the client before the disclosure. Most young people will consent to disclosure if they receive a careful explanation of why the disclosure is to be made and are assured about their safety and what will happen following such a disclosure. Whether or not the young person agrees to the disclosure, he or she must be told if there is to be disclosure of confidential information.

Remember:

- ◆ From time to time, social services will be asked to make exceptional disclosures, for example to the police or other agencies to assist a criminal investigation. In these situations, the Data Protection Act 1998 provides exemptions from the normal restraints on disclosure. The Act allows for disclosure without consent of the subject in certain conditions, including for the purposes of the prevention or detection of crime.

- ◆ There may be occasions when a social worker is not able to obtain the consent of a young person in order to share sensitive information with other agencies, for example when the young person is overseas. In these cases, information should be shared if there is concern that the young person is at serious risk of significant harm.
- ◆ There may be occasions when the young person's family ask a third party e.g. a family friend, councillor, MP, or those with influence within the community to request information from a social services department. The third party may have been given a very plausible reason by the family for needing to know the whereabouts of the young person e.g. the illness of a close relative, and the third party may unwittingly think they are helping the young person. These requests are often made by telephone and rely on the person making the request persuading a social worker that they are authorised to receive information.
Do not share this information.

Do not:

- ✗ Overlook possible breaches of confidentiality including leaks of information from social services' records, social services' interpreters and communications with external agencies and organisations.
- ✗ Share information received with unauthorised people without the express consent of the young person involved.

Failure to share crucial information appropriately may put the young person at greater risk of harm.

iv. Personal safety advice, devising a strategy for leaving home and accommodating young people

Get the young person to think about:

- ◆ Who could they go to in an emergency?
- ◆ Who would be able to send them money if necessary?
- ◆ All the things they may need to start a new life.
- ◆ The possible finality of this decision.

When devising a strategy for a young person over the age of 16 to leave home, the young person should:

- ✓ Be fully consulted as to their future needs and their wishes respected.
- ✓ Open a bank/savings account in their name.
- ✓ Leave copies of important documents such as passport, national insurance number and birth certificate with social services, police, their school or a trusted friend.
- ✓ Leave spare clothing and cash etc. with a trusted friend.
- ✓ Keep helpline numbers close at hand.
- ✓ Have a telephone card or change for urgent phone calls.
- ✓ Change their mobile phone number.
- ✓ Arrange alternative 'emergency' accommodation should the need arise.

You must:

- ✓ Record any copies of documents and retain them in compliance with local policy.

If the young person is leaving the family home:

- ✓ An adult, e.g. a social worker or refuge worker, should accompany them if they **insist** on returning to the family home to collect their possessions.
- ✓ It is advisable to ask a police officer to escort the social worker/refuge worker or other and young person to collect their possessions.
- ✓ Ensure an accredited interpreter, who speaks the same dialect as the family, is also present, in case the family makes threats.
- ✓ Perform an assessment of the risk of harm faced by the young person and the member of staff.
- ✓ Ensure the young person knows how their actions may compromise their own safety.
- ✓ Take active steps to ensure that the young person's identity, benefit, and other records are confidential.
- ✓ Use existing domestic violence safety measures such as mobile phones and alarms.
- ✓ Refer them to appropriate agencies/support groups for information and assistance.

Do not:

- ✗ Rehouse locally unless specifically requested after all the risks of harm have been explained to the young person.
- ✗ Allow the young person to be accompanied by their children when returning to the family home to collect possessions.

Remember:

- ◆ **The following items are not as important as the safety of the young person.**

Personal possessions should include:

- Proof of identity (something with a photograph and signature e.g. passport, student ID card, photo-card driving licence or National Insurance number/card).
- Benefit books, money, cheque books, bank and credit cards.
- Medication and medical card.
- Address book and photographs.
- Marriage/divorce papers.
- Documents relating to immigration status.
- Jewellery and clothing.
- ◆ Male victims of forced marriage may encounter difficulties being taken seriously. If they then wish to leave the family home, refuge accommodation tends to be limited so the use of hostels may be the only alternative.
- ◆ Ask the young person if they want anyone to be told that they are safe and well. If so, who? What information do they want the social services to give out?
- ◆ Many young people who remain in contact with their families once they have left home continue to be subjected to emotional pressures. This may include stories about the illness/death/dying of parents, relatives or siblings. Reassure them that if such a message is received, social services/police will check the details if the young person wishes.
- ◆ Sometimes families use organised networks that will track young people. These networks include family and community members, bounty hunters, taxi drivers, together with people who have access to records such as staff from the benefits office, GP surgeries,

and housing departments. There may be occasions when professionals unwittingly give confidential information to those searching for the young person.

- ◆ If the young person is under 18, it may be necessary to invoke legal procedures involving police protection, Emergency Protection Orders, interim and full care orders.

LEGAL RESPONSE

Accommodating young people

For young people, especially females from ethnic minority communities, leaving their family can be especially hard. Family occupies a much more important role, and the young person may have no experience of life outside the family.

Those who do leave often live in fear of their own families who will go to considerable lengths to find them and ensure their return. Families may solicit the help of others to find their runaways e.g. bounty hunters and members of the community, or involve the police by accusing the young person of a crime. Some families have even managed to trace young people through local taxi drivers and shopkeepers. Therefore, the accommodation provided for young people must be safe.

S.20 (3) Children Act 1989 requires that every local authority shall provide accommodation for any child in need within their area who has reached the age of 16 and whose welfare the authority considers is likely to be seriously prejudiced if they do not provide them with accommodation. The local authority also has the power to provide accommodation to a young person under s.17 (6) Children Act 1989 where that young person does not need to be 'looked after'.

Before deciding whether or not a young person should be provided with accommodation under s.20 or s.17 Children Act 1989, the local authority should undertake an assessment in accordance with the statutory guidance set out in the *Framework for the Assessment of Children in Need and their Families* (April 2000). The local authority should use the findings of that assessment as the basis of any decision (Local Authority Circular (2003) 13).

The fact that a young person under the age of 18 has gone through a form of marriage has no impact on the local authority's duty to provide accommodation under s.20 or s.17 Children Act 1989. When a young person is estranged from their family or at risk because of their refusal to accept the marriage, the local authority should provide accommodation under s.20. This would result in the young person becoming 'looked after' and would impose an obligation on the local authority to safeguard and secure the young person's welfare.

If the young person is under the age of 16, accommodation under s.20 can be offered as an alternative to a care order. The local authority, however, will not obtain parental responsibility and will not be able to offer the same level of protection. An accommodated child may be removed from such accommodation at any time by the parent. Once the child reaches 16, however, the parent loses that power.

If the young person feels safe, they may wish to move to permanent accommodation. The responsibility for accommodating a young person under 18 remains with the local authority if that child is either looked after under s.20 or provided with accommodation under s.17 Children Act 1989.

Young people, who are not looked after or accommodated, will have to seek housing from the local authority housing department. Whether or not they will obtain housing depends on them having 'priority' need. If they are not regarded as a priority, housing will depend on the number of people on the authority's waiting list.

The Homelessness (Priority Need for Accommodation – England) Order 2002 defines those who are entitled to be housed or rehoused as a matter of priority under the homelessness legislation.

The regulations define priority need as:

- ◆ Sixteen and 17 year olds, other than 'relevant' children. 'Relevant' children are those who (i) were 'looked after' by the local authority before 16 and who continue to be looked after once they reach 16 and (ii) those who are currently looked after under s.20 or accommodated under s.17 Children Act 1989.
- ◆ A person under 21 other than a 'relevant student'. A 'relevant student' is a person who was looked after by the local authority and who remains the responsibility of the local authority under the leaving care provisions (s.23 Children Act 1989).
- ◆ Care-leavers aged 18, 19 or 20 who were looked after, accommodated or fostered when aged 16 or 17, and who are not 'relevant students'.
- ◆ People aged 21 or over who are vulnerable as a result of being looked after, accommodated or fostered by the local authority, and who are not 'relevant students'.
- ◆ People who are vulnerable as a result of fleeing violence (or threats of violence).

Any young person falling within the first two categories will automatically be considered to have a priority need for accommodation. Young people in the other groups must also be regarded as vulnerable in order to be considered to be in priority need.

v. Disabled young people and vulnerable adults

Some people forced to marry may be disabled or have learning disabilities.

Disabled people under 18 years old are automatically 'children in need'.

Disabled people over 18 are automatically 'vulnerable adults'.

In either case, they should receive assistance from social services.

There have been reports of young people and vulnerable adults with mental and physical disabilities being forced to marry. Some individuals do not have the capacity to consent to the marriage. Some individuals may be unable to consent to consummate the marriage – sexual intercourse without consent is rape. Compelling, inciting or facilitating a person with impaired capacity for choice to engage in sexual activity without consent is also an offence under the Sexual Offences Act 2003.

Disabled people under the age of 18

- ◆ The Children Act 1989 states that a child/young person is deemed to be 'in need' if:

- ◆ They are unlikely to achieve or maintain a reasonable standard of health or development without services from the local authority.
- ◆ Their health or development is likely to be significantly impaired without the provision of services.
- ◆ **They are disabled.**

In this context, a young person is considered disabled if they are deaf or blind (both of which require medical evidence), suffer from a mental disorder of any kind, or are substantially and permanently handicapped by illness, injury or congenital deformity or other such disability as may be prescribed.

Working With Young People: legal responsibility and liability (2000)

The Children's Legal Centre

Disabled vulnerable adults over the age of 18

The broad definition of a vulnerable adult is a person, over the age of 18:

"who is or may be in need of community care services by reason of mental or other disability, age or illness and who is or may be unable to take care of him or herself, or unable to protect him or herself against significant harm or exploitation".

(Who decides?, Law Commission Green Paper, 1997)

In these circumstances, 'harm' should incorporate all forms of ill treatment including physical, sexual and emotional abuse. It should also include any ill treatment that leads to the impairment of, or avoidable deterioration in, physical or mental health; and the impairment of physical, intellectual, emotional, social or behavioural development.

If the individual is a disabled young person or vulnerable adult

You must:

- ✓ Refer to the police if there is any suspicion of a crime having taken place.
- ✓ Refer, if the person is over 18, to local inter-agency policy on the protection of vulnerable adults (*No secrets*, 2000).
- ✓ Assess the vulnerability of the person and ensure their immediate safety.
- ✓ Document any injuries and arrange a medical examination (page 12).
- ✓ Assess the risk of repeated, or increasingly serious, acts involving this or other young people e.g. siblings.

Do not:

- ✗ Have family members or others present at the interview.
- ✗ Put the young person at risk of harm.
- ✗ Put yourself at risk of harm.
- ✗ Send the young person back to the family home against their wishes.

Remember:

- ◆ When accompanying a young person or vulnerable adult during an interview, the social worker must be aware of *Achieving Best Evidence in Criminal Proceedings: Guidelines for vulnerable or intimidated witnesses, including children* (Home Office *et al.*, 2001). Consider providing witness support or an intermediary during the interview.
- ◆ The seriousness or extent of abuse is often not clear at the time of the initial referral. Therefore, it is important to approach reports of forced marriage, involving disabled young people and vulnerable adults, with an open mind.

- ◆ Some disabled young people and vulnerable adults may not have the capacity to consent to marriage.
- ◆ Some disabled young people and vulnerable adults may not have the capacity to consent to a medical examination. Consider providing an advocate who can support them and act on their behalf.

Legal position

The options available to a social worker to protect a vulnerable adult at risk of being forced into marriage, and who may be deemed incapable of informed consent, are limited.

One course of action is to apply to the court through a 'next friend' under the inherent jurisdiction of the court. The court then makes a 'best interest' declaration on behalf of the vulnerable adult; this can lead to an injunction(s) which may be able to protect the vulnerable adult from, for instance, being taken abroad etc. It should be recognised, however, that this is a relatively untested scenario.

An alternative course of action, which may sometimes be appropriate, if the vulnerable adult is suffering from "a learning impairment that amounts to unusually aggressive or irresponsible behaviour" is to seek a Guardianship Order under the Mental Health Act (MHA) 1983. The main thrust of the Mental Health Act, however, relates to the disposition, management and protection of the property of an adult who is incapable of ordering their own affairs. It may not, therefore, be the most relevant approach.

vi. Missing persons and young people who run away

Young people who leave home to escape a forced marriage, or the threat of one, often create specific difficulties for social services. Social workers may feel they should inform families if the young person is found. On occasion, social workers have faced criticism both for failing to share information about a young person who has run away from home and for giving them practical support and protection. Ultimately, however, the first concern should be for the welfare of the young person. A young person facing forced marriage is at risk of significant harm if they are returned to their family. There have been incidents where families have killed a young person after they have been located. In these situations, social workers should feel confident when justifying their actions, as frequently it may place the young person in danger if information is shared with their family and friends.

Some families go to considerable lengths to find their children who run away and some may use subterfuge to locate and return them. For example, some families may falsely accuse a missing person of a crime (e.g. theft) in the expectation that the police will locate the young person for them.

For further information about missing persons and young people who run away refer to the Department of Health publication *Children Missing from Care and from Home: a guide to good practice*, November 2002.

Remember:

- ◆ Young people fleeing a forced marriage that has not yet taken place may be reported as missing by their families. The forced marriage aspect of the case may not be apparent when the report is made.
- ◆ If the police locate a young person and decide to return them home, social services must interview the young person (before their return) to establish whether it is in their best interests to return home.
- ◆ If the family locate the young person, try to interview them on their own to establish why they left home, the circumstances of their return and what they want to do.
- ◆ If the young person is at risk of being forced into a marriage or other types of abuse, it may not be in their best interests if social services disclose information to their families, friends or members of the community.
- ◆ A local authority may provide accommodation for young people between the ages of 16 and 21, if they consider that to do so would safeguard or promote the young person's welfare (s.20 (3) Children Act, 1989).
- ◆ A young person fleeing a forced marriage, or the threat of one, may need to be relocated with a different local authority, as they may not wish to live in the same area as their family.
- ◆ A young person fleeing a forced marriage, or the threat of one, may not wish to be fostered with a family from their own background or community.
- ◆ A young person might wish to be fostered outside the immediate geographical area.

You must:

- ✓ Respect the young person's wishes.
- ✓ Establish where the young person would like to live.
- ✓ Establish if they wish to live independently or in a supportive establishment.

Do not:

- ✗ Inform the family as to the whereabouts of the young person.
- ✗ Disclose information without the express consent of the young person (page 33).

vii. Partnerships with other agencies and organisations

As with the needs of victims of domestic violence and child abuse, the needs of victims of forced marriage cut across service providers' boundaries. It is very unlikely that social services, or any other single agency, will be able to meet all the needs of a person who is either at risk of harm or actually forced into a marriage. It is essential that social services use a multi-agency approach to the problems faced by victims of forced marriage and develop partnerships with the following:

- ◆ **The Police** – can assist in gathering information about a young/vulnerable person and their family. They may have documented evidence of previous incidents relating to other siblings. They can assist in protecting a young/vulnerable person if they are at risk of significant harm and pursue any criminal offences.
- ◆ **Local schools and colleges** – can alert authorities if they are concerned that young people may be taken abroad for the purpose of a forced marriage or are concerned that a young person may be forced into a marriage in the UK. They should be encouraged to notify police if a vulnerable young person is missing from school. Schools and colleges may have further detailed information about a young person's family and the area overseas from which they originate.
- ◆ **Local support/counselling services/non-governmental organisations (NGOs)** – community based organisations, namely women's groups, advocacy services, youth and children's groups, have a wealth of expertise and knowledge. These services are widely seen by women to be non-judgemental and understanding, and are often more accessible due to reasons of gender, language or culture. These organisations can offer victims long-term support, counselling and advocacy. Care should be taken to ensure that they have a good track record of working with women and young people and acting in their best interests. Social workers should consider approaching established women's groups who have a history of working with survivors of domestic violence and forced marriage and ask these groups to refer them to reputable agencies.
- ◆ **The Foreign & Commonwealth Office** – can offer advice and assistance to young people
 - who fear they may be forced into a marriage overseas
 - who fear for a friend who has been taken overseas and may be forced into a marriage
 - who have already been forced to marry and do not want to support their spouse's visa application.

- ◆ **Strategic Health Authorities (SHAs), Primary Care Trusts (PCTs), GPs, NHS Trusts and NHS Mental Health Trusts** – cases of forced marriage may come to the attention of health professionals. They should refer young people to social services, police as well as other appropriate agencies, support groups and counselling services.
- ◆ **Housing departments and the Benefits Agency** – may be able to provide social services and police with useful information relating to the families of victims. Housing departments can also help victims of forced marriage who are over the age of 18. Housing departments consider forced marriage an aspect of domestic violence and this ensures that victims are given priority when being housed.

The Homelessness (Priority Need for Accommodation – England) Order 2002 came into effect on 31 July 2002. It extended the number of homeless people with a ‘priority need’ for accommodation who are entitled to be rehoused under the homelessness legislation. The aim of these changes is to ensure that the greatest protection is given to the most vulnerable people and to those who historically have been found to be at greatest risk of ending up on the streets (page 37).

There are many parallels between fleeing a forced marriage and fleeing from domestic violence or child abuse. It is possible that the systems and partnerships already in place for victims of domestic violence and child abuse can be used for victims of forced marriage. This may include using a partnership approach to provide a continuing source of support and follow-up for victims and their families. This will require a detailed plan and follow-up dates.

Forced Marriage

APPENDICES

DOMESTIC VIOLENCE PROVISIONS IN THE IMMIGRATION RULES

Foreign nationals seeking to remain in this country on the basis of marriage must complete a two-year probationary period, during which the marriage is subsisting. Unmarried partners must have been in a cohabitative relationship for two years in order to get leave to remain. If they leave their spouse or partner during that time, they have no right to remain in the UK.

The domestic violence concession was introduced on 16 June 1999. Under the concession, foreign spouses or unmarried partners who wanted to leave their partner because of domestic violence during their probationary period have been allowed to remain in the UK, even though they were no longer living with their sponsor. In order to prove that domestic violence had occurred they had to provide one of the following:

- ◆ An injunction, non-molestation order, or other protection order made against the sponsor.
- ◆ A relevant court conviction against the sponsor.
- ◆ Full details of a relevant police caution issued against the sponsor.

The Government still wants victims of domestic violence to bring their violent spouses to court to answer for their actions. If that is not possible, however, those fleeing abusive relationships are now able to provide other forms of evidence to prove they have been the victims of violence.

When the concession was brought into the Immigration Rules in November 2002 the provisions were extended so that if one of the above pieces of evidence is not available, **more than one** of the following is acceptable:

- ◆ A medical report from a hospital doctor confirming that the applicant has injuries consistent with being the victim of domestic violence.
- ◆ A letter from a GP who has examined the applicant and is satisfied they have injuries consistent with being the victim of domestic violence.
- ◆ An undertaking given to a court that the perpetrator of the violence will not approach the applicant who is the victim of violence.
- ◆ A police report confirming attendance at the home of the applicant as a result of domestic violence.
- ◆ A letter from social services confirming its involvement in connection with domestic violence.
- ◆ A letter of support or report from a women's refuge.

Enquiries should be directed to:

**Immigration and Nationality Policy
Directorate**

**Lunar House
40 Wellesley Road
Croydon,
CR9 2BY**

Telephone: 0870 606 7766

COMMUNITY LIAISON UNIT

The Community Liaison Unit is part of the Foreign & Commonwealth Office in London.

The staff can offer advice and assistance to people who:

- ◆ Fear that they are going to be forced into a marriage abroad
- ◆ Fear for a friend or relative who has been taken abroad and may be forced into a marriage
- ◆ Have been forced into a marriage and do not want to support their spouse's visa application.

The unit can assist social services by:

- ◆ Co-ordinating with Embassies and British High Commissions
- ◆ Accessing overseas non-governmental organisations
- ◆ Accessing police overseas
- ◆ Providing consular protection through overseas Embassies and High Commissions
- ◆ Providing information about existing networks within the UK, including social services, police and non-governmental organisations.

How to contact the Community Liaison Unit

(Monday – Friday 09.00 – 17.00)

The Community Liaison Unit
Room G/55
Old Admiralty Building
Whitehall
London
SW1A 2PA

Telephone: 020 7008 8706/0230/0135

E-mail: clu@fco.gov.uk

For emergencies out of hours telephone 020 7008 1500 and ask to speak to the FCO Response Centre.

BRITISH HIGH COMMISSIONS/EMBASSIES

Please contact the Community Liaison Unit if you require further details of any other British High Commission or Embassy (Page 44).

BANGLADESH

Dhaka

British High Commission
United Nations Road
Baridhara
Dhaka

Postal Address:
PO Box 6079, Dhaka - 1212

Telephone: (00) (880) (2) 8822705

Office Hours (GMT):

Sun – Wed 02.00 - 10.00
Thurs 02.00 - 08.00

Local Time

Sun – Wed 08.00 - 15.00
Thurs 08.00 - 13.00

INDIA

New Delhi

British High Commission
Chanakyapuri
New Delhi 110021

Telephone: (00) (91) (112) 687 2161

Office Hours (GMT)

Mon – Fri 03.30 - 07.30 and 08.30 - 11.30

Local Time

Mon - Fri 09.00 - 13.00 and 14.00 - 17.00

INDIA

Mumbai (Bombay)

Office of the British Deputy High
Commissioner
Maker Chambers IV
222 Jamnalal Bajaj Road
PO Box 11714 Nariman Point
Mumbai 400 021

Telephone: (00) (91) (222) 283 0517/2330

Office Hours (GMT)

Mon - Fri 02.30 - 07.30 and 08.30 - 10.30

Local Time

Mon - Fri 08.00 - 13.00 and 14.00 - 16.00

PAKISTAN

Islamabad

British High Commission
Diplomatic Enclave
Ramna 5
PO Box 1122
Islamabad

Telephone: (00) (92) (51) 2822131/5

Office Hours (GMT)

Mon – Thurs 03.00 - 11.00
Fri 03.00 - 07.00

Local Time

Mon – Thurs 08.00 - 16.00
Fri 08.00 - 12.00

PAKISTAN

Karachi

British Deputy High Commission
Shahrah-E-Iran
Clifton
Karachi 75600

Telephone: (00) (92) (21) 5872431-6

Office Hours (GMT)

Mon – Thurs 03.30 - 11.00
Fri 03.30 - 07.30

Local Time

Mon – Thurs 08.30 - 16.00
Fri 08.30 - 12.30

NATIONAL SUPPORT AGENCIES

This section gives details of local and national professional/support agencies including addresses, telephone numbers, and an explanation of the service. A comprehensive list of local organisations will need to be prepared by each individual social services department.

Careline **020 8514 1177**

This is a national confidential counselling line for children, young people and adults on any issue including family, marital and relationship problems, child abuse, rape and sexual assault, depression and anxiety.

Child Line **0800 1111**

This service is for any child or young person with a problem.

Citizens Advice Bureau

The Citizens Advice Bureau offers free, confidential and impartial information and advice on a wide range of subjects including consumer rights, debt, benefits, housing, employment, immigration, family and personal matters. For a list of branches, see "Citizens Advice Bureau" in the telephone directory.

Language Line **020 7520 1430**

This service can provide an interpreter on the telephone immediately in 100 different languages, 24 hours a day.

Local Women's Aid refuge services

There are nearly 300 local refuge projects in England and Wales. Many local Women's Aid groups also run advice centres, drop-in centres or outreach services to more isolated areas, as well as local helplines. You can call in to see someone, or telephone for advice and support, without having to stay in a refuge. www.womensaid.org.uk

London Lesbian and Gay Switchboard **020 7837 7324**

This service provides a 24-hour helpline.

Muslim Women's Helpline **020 8904 8193**
(Advice line)

020 8908 6715
(Advice line)

020 8908 3205
(Administration line)

This confidential telephone helpline offers information, advice, and a listening service for Muslim women from any ethnicity. Some face-to-face counselling is available.

It is open Monday – Friday 10.00 – 16.00

NSPCC **0800 096 7719**

Asian Child Protection Helpline

This free, confidential service for anyone concerned about children at risk of harm offers counselling, information and advice. The service also connects vulnerable young people, particularly runaways, to services that can help.

NSPCC 0808 800 5000

Child Protection Helpline 0800 056 0566
(Text phone)
help@nspcc.org.uk (e-mail)

This free, confidential service for anyone concerned about children at risk of harm offers counselling, information and advice. The service also connects vulnerable young people, particularly runaways, to services that can help.

reunite International Child Abduction Centre

PO Box 7124 0116 2555345
Leicester (Administration line)
LE1 7XX

0116 2556234
(Advice line)

0116 2556370
(Fax)

reunite is the leading charity specialising in international parental child abduction. It operates a 24-hour advice line providing advice, support and information to parents, family members and guardians who have had a child abducted or who fear abduction. **reunite** also supports and informs parents who have abducted their children and assists with international contact issues. **reunite's** advice is impartial and confidential to one or both parties involved in an international parental child abduction case. **reunite** also provides information and support on the issue of forced marriage.

Shelterline 0808 800 4444

This service provides emergency access to refuge services.

Southall Black Sisters 020 8571 9595

This is a resource centre offering information, advice, advocacy, practical help, counselling, and support to black and minority ethnic women experiencing domestic violence. Southall Black Sisters specialise in forced marriage particularly in relation to South Asian women. The office is open weekdays (except Wednesday) 10.00 – 12.30 and 13.30 – 16.00

The Asian Family Counselling Service 020 8571 3933

This is a national service offering counselling on marital and family issues for Asian men and women. The national helpline is open from 9am to 5pm Monday to Friday. Telephone counselling is also available.

The Children's Legal Centre 01206 873820
(Helpline)

University of Essex 01206 874026
Wivenhoe Park (Fax)
Colchester clc@essex.ac.uk (e-mail)
Essex
CO4 3SQ

The Centre operates a free and confidential legal advice and information service covering all aspects of law and policy affecting children and young people. The advice line can be contacted by letter, telephone or e-mail.

The Children's Rights Commissioner for Wales 01792 765600

An independent, statutory office to monitor, promote and protect the human rights of children in Wales.

Appendices

Gatwick Travel Care 01293 504283

This service ensures that young people are able to leave the airport and arrive at their destination safely and without delay.

Victims of forced marriage may require assistance when they arrive at Gatwick and Travel Care can be contacted for advice.

The service is available from 9am to 5pm Monday to Friday and 9am to 4pm Saturday, Sunday and Bank Holidays.

Heathrow Travel Care 020 8745 7495

This service ensures that young people are able to leave the airport and arrive at their destination safely and without delay.

Victims of forced marriage may require assistance when they arrive at Heathrow and Travel Care can be contacted for advice. The service is available from 9am to 5pm Monday to Friday.

MIND 0208 5192122 (Legal helpline)

0845 7660163

MIND is a mental health charity working for a better life for everyone with experience of mental distress. Their services include a legal helpline.

Victim Support 0845 30 30 900

Victim Support offers information and support to victims of crime, whether or not they have reported the crime to the police. All help given is free and confidential. You can contact Victim Support direct, or ask the police to put you in touch with your local group.

The national helpline is open from 9am to 9pm Monday to Friday and from 9am to 7pm on Saturdays, Sundays and Bank Holidays.

Freephone 24 Hour National Domestic Violence Helpline 0808 2000 247

The Freephone 24 Hour National Domestic Violence Helpline is run in partnership by Women's Aid and Refuge. The helpline is staffed 24 hours a day by fully trained helpline support workers and volunteers. It is a member of Language Line, can provide access to interpreters and can also access the BT Type Talk Service for deaf callers. The helpline provides confidential support, information and a listening ear to women experiencing domestic abuse and to those seeking help on a woman's behalf. Helpline staff will discuss and, if appropriate, refer callers on to refuges and other sources of help and information. They will help women to discuss options for action and to empower them to make informed choices.

REFERENCES

Title of Publication	Date of Publication	ISBN
Child Abduction Act 1984 (available in two forms):		
<i>Child Abduction Act 1984 Elizabeth II, Chapter 37</i>	19/07/1984	0105437840
<i>Statutes in force Criminal Law. 4. Offences against the person</i>		
<i>Child Abduction Act 1984, c</i>	3707/09/1984	0118046101
Children Act 1989	27/11/1989	015441899
Children and Young Persons Act 1933	01/01/1933	010850185X
Children Missing from Care and from Home: a guide to good practice, 2002	28/11/2002	
Criminal Justice Act 1988	10/08/1988	0105433888
Domestic Violence, Crime and Victims Bill	02/12/2003	Queens speech
Domestic Violence Resource Manual for Healthcare Professionals, DoH2000		
Education Act 1996	02/08/1996	0105456969
Education Act 2002	09/08/2002	0105432024
Family Law Act 1996	08/07/1996	0105427969
Framework for the Assessment of Children in Need and Their Families	04/04/2000 13/06/2000	0113223102 0113224257
Guidelines for Police Officers Dealing with Cases of Forced Marriage	20/05/2002	
Homelessness Act 2002	15/03/2003	010540702X
Marriage Act 1994, Chapter 34	07/11/1994	0105434949
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Victoria Climbié Inquiry	28/01/2003	0101573022
Working together to safeguard children	30/12/1999	0113223099
Working with Young People Legal Responsibility and Liability (published by Children's Legal Centre)		
Legal Guide by Hamilton, Carolyn	31/01/2002	0946109354

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