



Department of
**Finance and
Personnel**
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The Right to Choose: Statutory guidance for dealing with forced marriage

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PART ONE

CONTEXT

Chapter 1

BACKGROUND

- 1 There is a clear distinction 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 prospective spouses. In forced marriages, one or both spouses do not (or, in the case of some vulnerable adults, cannot) consent to the marriage and duress is involved. Duress can include physical, psychological, financial, sexual and emotional pressure.
- 2 All Chief Executives, directors and senior managers providing services to victims of forced marriage and honour-based violence need to be aware of the "one chance" rule. That is, their staff may only have one chance to speak to a potential victim and thus their staff may only have one chance to save a life. This means that all professionals working within statutory agencies need to be aware of their responsibilities and obligations when they come across forced marriage cases. If the victim is allowed to walk out of the door without support, that one chance might be wasted.
- 3 The Executive regards forced marriage as an abuse of human rights and a form of domestic abuse and, where it affects children and young people, child abuse. It can happen to both men and women although, it would appear that, most cases involve young women and girls aged between 13 and 30. There is no "typical" victim of forced marriage. Some may be under 18 years old, some may be over 18 years old, some may have a disability, some may have young children and some may be spouses from overseas.
- 4 The majority of cases of forced marriage reported to date 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. However, it is clear that forced marriage is not solely a South Asian problem and there have been cases involving families from 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.
- 5 In June 2007 a Bill was introduced in Parliament to deal with the practice of forced marriage which is regarded as an abuse of human rights and a form of domestic abuse. The Bill arose from an investigation into the scale and extent of forced marriage across the United Kingdom. A working group had been established in 1999 by the Home Office to investigate the issue and the working group's findings were published in "a Choice by Right"¹ in 2000.

As a result of the working group's findings it was decided by the United Kingdom Government to legislate in the area to give protection to persons who may be the subject of forced marriage. The Assembly endorsed the extension of the legislation² to Northern Ireland.
- 6 The Forced Marriages (Civil Protection) Act was enacted in 2007 and came into force on 25 November 2008. The Act makes provision by virtue of Section 2 and Schedule 1, for Northern Ireland, for protecting children, young people and adults from being forced into marriage without their free and full consent. Part 2 of this guidance is issued under paragraph 13 of Schedule 1 to the Act.

¹ www.fco.gov.uk/resources/en/pdf/a-choice-by-right

² Legislative consent motion passed on 11 June 2007.

Chapter 2

THE STATUS AND PURPOSE OF THIS GUIDANCE

THE STATUS OF THIS DOCUMENT AS STATUTORY GUIDANCE

7 Part Two of this guidance is issued as statutory guidance under paragraph 13 of Schedule 1 to the Forced Marriage (Civil Protection) Act 2007 (2007 C.20). Paragraph 13 of the Schedule to the Act states:

- 1 The Department of Finance and Personnel may from time to time prepare and publish guidance to such descriptions of person as the Department of Finance and Personnel considers appropriate about –
 - a the effect of this Schedule; or
 - b other matters relating to forced marriages.
- 2 A person exercising public functions to whom this guidance is given under this paragraph must have regard to it in the exercise of those functions.
- 3 Nothing in this paragraph permits the Department of Finance and Personnel to give guidance to any court or tribunal.

8 As statutory guidance issued under paragraph 13 of the Schedule, a person exercising public functions to whom the guidance is given must have regard to it in the exercise of those functions. This means that a person to whom the guidance is given must take the guidance into account and, if they decide to depart from it, have clear reasons for doing so.

9 Front-line staff dealing with cases of forced marriage are strongly recommended to consult the practice guidelines issued by the Forced Marriage Unit.⁴

10 The role of the Unit is to provide information and support to the victims of forced marriage and to provide advice to professionals.

AUDIENCE

11 This guidance is given to all persons and bodies in Northern Ireland who exercise public functions in relation to safeguarding and promoting the welfare of children including those who act in pursuance of Article 18(1) or Article 176(1) of the Children (Northern Ireland) Order 1995 or under Article 17(1) of the Education and Libraries (Northern Ireland) Order 2003 or by virtue of general duties and obligations under law. Such persons and bodies include schools, District Councils, The Housing Executive and the Police.

12 This guidance is also given to all persons and bodies in Northern Ireland who exercise public functions to protect vulnerable adults from abuse. Examples of these bodies may include, but are not limited to, the Police, District Councils, The Housing Executive and the statutory Boards.

⁴www.fco.gov.uk/en/fco-in-action/nationals/forced-marriage-unit/info-for-professionals

THE PURPOSE OF THIS GUIDANCE

- 13 This guidance is targeted at Chief Executives, directors and senior managers of persons and bodies mentioned in paragraph 11 or 12. It outlines their responsibilities concerning developing and maintaining local procedures and practice arrangements to enable their front-line practitioners to handle cases of forced marriage effectively. It sets out how cases of forced marriage should be responded to using existing frameworks for safeguarding children, protecting vulnerable adults and victims of domestic abuse.
- 14 This document is not intended to be used by frontline practitioners as practice guidelines. Front-line practitioners handling cases of forced marriage are strongly recommended to consult the practice guidelines issued by the Forced Marriage Unit.⁵

AIMS

- 15 This document sets out the duties and responsibilities of agencies with the aim of protecting children, young people and adults facing forced marriage. It does not attempt to replicate existing guidance.
- 16 As forced marriage is a form of child/adult/domestic abuse, it should form part of existing child and adult protection structures, policies and procedures.
- 17 The document highlights specific arrangements that may inadvertently place a victim at risk of harm. These include failure to share information appropriately between agencies, the danger of involving families, breaches of confidentiality and all forms of family counselling, mediation, arbitration and reconciliation.

DEFINITIONS

Adult

- 18 In this guidance 'adult' means a person aged 18 years or over.

Child abuse and neglect

- 19 Throughout this document the recognised categories of maltreatment as set out in *Co-operating to safeguard Children (2003)* have been used. These are:
- Physical abuse
 - Sexual abuse
 - Emotional abuse
 - Neglect

Child, children and young people

- 20 Children are defined in the Children (Northern Ireland) Order 1995 as persons who have not reached their eighteenth birthday. This includes young people aged 16 and 17 who are living independently: their status and entitlement to services and protection under the Order is not altered by the fact that they are living independently.

Child in need

- 21 A child is defined as being "in need" by virtue of Article 17 of the Children (Northern Ireland) Order 1995 if s/he is unlikely to achieve or maintain, or to have the opportunity of achieving or maintaining a reasonable standard of health or development without the provisions of services for him or her or is likely to be significantly impaired or further impaired without the provision of such services or he or she is disabled.

⁵ www.fco.gov.uk/en/fco-in-action/nationals/forced-marriage-unit/info-for-professionals

Domestic abuse

- 22 The government defines domestic abuse as: “any incident of threatening behaviour, violence or abuse (psychological, physical, sexual, financial or emotional) between adults who are or have been intimate partners or family members, regardless of gender or sexuality.”

Forced marriage

- 23 A forced marriage is a marriage in which one or both spouses do not (or, in the case of some vulnerable adults, cannot) consent to the marriage and duress is involved. Duress can include physical, psychological, financial, sexual and emotional pressure.

Honour-based violence

- 24 The term “honour crime” or “honour-based violence” embraces a variety of crimes of violence (mainly but not exclusively against women), including assault, imprisonment and murder where the person is being punished by their family or their community. They are being punished for actually, or allegedly, undermining what the family or community believes to be the correct code of behaviour. In transgressing against this correct code of behaviour, the person shows that they have not been properly controlled to conform by their family and this is to the “shame” or “dishonour” of the family.

- 25 Welshman and Hossain state “The term crimes of honour encompasses a variety of manifestations of violence against women; including murder termed “honour killings”, assault, confinement or imprisonment and interference with choice in marriage where the publicly articulated justification is attributed to a social order claimed to require the preservation of a concept of honour vested in male family and or conjugal control over women and specifically women’s sexual conduct – actual, suspected or potential.”⁸

⁸Welchman, Lynn and Hossain, Sara, eds. (2005) *Honour: Crimes, Paradigms and Violence against Women*. Zed Books (London).

The application

- 26 The Forced Marriage (Civil Protection) Act 2007 provides for persons who may apply for a Forced Marriage Protection Order. They are the victim or anyone on their behalf with the permission of the Court. There is also provision by virtue of paragraph 3(2)(b) of Schedule 1 to the Act for an application to be made by a relevant third party. In the Schedule a relevant third party is defined as a person specified, or falling within a description of persons specified, by an Order made by the Department of Finance and Personnel. At this time no relevant third Party has been specified by the Department.

The concept of significant harm

- 27 The Children (Northern Ireland) Order 1995 introduced the concept of significant harm as the threshold that justifies compulsory intervention in family life in the best interests of children and young people. Under Article 66 of the Order an authority has a duty to make enquiries to decide whether they should take action to safeguard or promote the welfare of a child who is suffering, or likely to suffer, significant harm.⁹

Vulnerable adult

- 28 A vulnerable adult is a person over the age of 18 years “who is, or may be, in need of the provision of services for him or her 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.

⁹Article 66 The Children (Northern Ireland) Order 1995 – www.opsi.gov.uk/acts/acts1989/ukpga_19890041_en_6#pt4-pb1-11g31

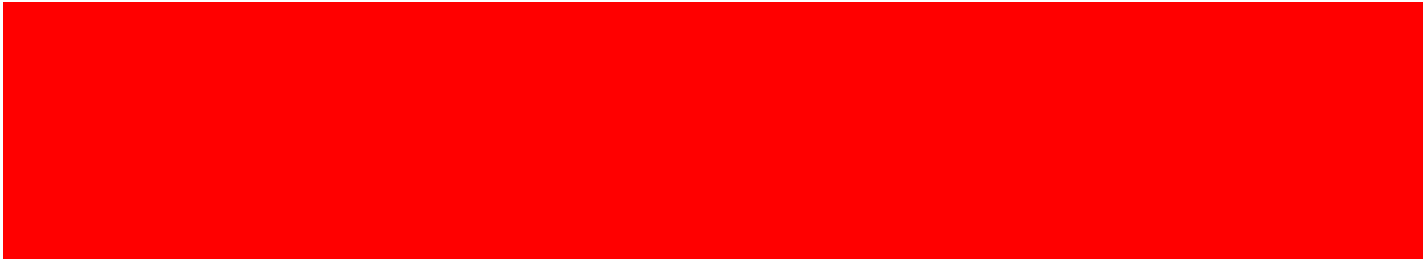
Chapter 3

UNDERSTANDING THE ISSUES AROUND FORCED MARRIAGE

MOTIVES PROMPTING FORCED MARRIAGE

- 29 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 often 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.
- 30 Often parents believe that they are upholding the cultural traditions of their home country, when in fact practices and values there may 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. Many young people live their entire childhoods with the expectation that they will marry someone their parents select – some may be unaware that they have a fundamental human right to choose their spouse.
- 31 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 and enter freely into marriage. Forced marriage is a breach of children's rights under the UN Convention on the Rights of the Child (UNCRC) as well as an abuse of human rights.
- 32 Some of the key motives that have been identified¹³ are:
- Controlling unwanted sexuality (including perceived promiscuity, or being lesbian, gay, bisexual or transgender) – particularly the behaviour and sexuality of women.
 - Controlling unwanted behaviour, for example, alcohol and drug use, wearing make-up or behaving in a “westernised manner”.
 - Preventing “unsuitable” relationships, e.g. outside the ethnic, cultural, religious or caste group.
 - Protecting “family honour” or “izzat”.
 - Responding to peer group or family pressure.
 - Attempting to strengthen family links.
 - Achieving financial gain.
 - Ensuring land, property and wealth remain within the family.
 - Protecting perceived cultural ideals.
 - Protecting perceived religious ideals which are misguided.
 - Ensuring care for a child or vulnerable adult with special needs when parents or existing carers are unable to fulfil that role.
 - Assisting claims for UK residence and citizenship.
 - Long-standing family commitments.

¹³ By practitioners working with victims of forced marriage.



FORCED MARRIAGE IS AN ABUSE OF HUMAN RIGHTS

33 Forced marriage is an abuse of human rights and an abuse of the rights of the child.

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

Universal Declaration of Human Rights, Article 16(2)

“ 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

“ 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.”

United Nations Convention on the Rights of the Child, Article 3

“ States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:

(a) The inducement or coercion of a child to engage in any unlawful sexual activity”

(United Nations Convention on the Rights of the Child, Article 34a)

“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, Comment Article 16 (1) (b), UN Convention on the Elimination of All Forms of Discrimination Against Women)¹⁴

¹⁴ www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm#recom21

THE VICTIM

- 34 Isolation is one of the biggest problems facing those trapped in, or under threat of, a forced marriage. They may feel they have no one to speak to about their situation – some may not be able to speak English. These feelings of isolation are very similar to those experienced by victims of other forms of domestic abuse and child abuse. Only rarely will an individual disclose fear of forced marriage. Therefore, someone who fears they may be forced to marry will often come to the attention of health professionals, police, social care services, education services or other professionals for various behaviours consistent with distress.
- 35 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 be threatened with disownment if they do – consequently they may suffer emotionally, often leading to depression and self-harm. These factors can contribute to impaired social development, limited career and educational opportunities, financial dependence and lifestyle restrictions. Studies have shown that self-harm and suicide are significantly higher among Asian women than other groups¹⁵ and contributory factors include lack of self-determination, excessive control, weight of expectations of the role of women and concerns about their marriages.

- 36 A mental or physical disability or illness adds to a young person's, or an adult's, vulnerability and may make it more difficult for them to report abuse or to extricate themselves from an abusive situation. Their care needs may make them dependent on their carers.

POSSIBLE CONSEQUENCES OF FORCED MARRIAGE

- 37 Women forced to marry may find it very difficult to initiate any action to end the marriage and may be subjected to repeated rape (sometimes until they become pregnant) and ongoing domestic abuse within the marriage. In some cases, they suffer violence and abuse from the extended family often being forced to undertake all the household chores for the family. Victims frequently end up trapped in a relationship marked by physical and sexual abuse. The impact this has on children within the marriage is immense. Children may learn that it is acceptable to be abusive and that violence is an effective way to get what you want. They may learn that violence is justified, particularly when you are angry with someone. Children witnessing abuse can be traumatised because witnessing persistent violence undermines children's emotional security and capacity to meet the demands of everyday life. Children's academic abilities can be affected. Witnessing violence as a child is associated with depression, trauma-related symptoms and low self-esteem in adulthood.

¹⁵ See, for example, *Self harm in British South Asian Women: psychosocial correlates and strategies for prevention* – Husain M, Waheed W, Husain N: *Annals of General Psychiatry* 2006.

- 38 Both male and female victims of forced marriage may feel that running away is their only option. For many young people, especially women from minority ethnic communities, leaving their family can be especially hard. They may have no experience of life outside the family – leaving may mean they lose their children and friends. For many, finding accommodation for themselves and their children can be very difficult – especially for those who do not have leave to remain and therefore do not have recourse to public funds.¹⁶ Living away from home with little support can make a victim more isolated, thus making it more likely that they will return to the abusive situation. 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 their honour and on the honour of 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.
- 39 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, or involve the police by reporting them missing or falsely accusing the young person of a crime (for example theft). Some families have traced individuals through medical and dental records, bounty hunters, private investigators, local taxi drivers, members of the community and shopkeepers or through National Insurance numbers, benefit records, school and college records. Sometimes having traced them, the family may murder them (so called “honour killing”).

- 40 Women trapped in a forced marriage often experience violence, rape, forced pregnancy and forced childbearing. Many girls and young women are withdrawn from education early. Some are taken and left abroad for extended periods, which isolates them from help and support – this limits their choices so that often they go through with the marriage as the only option. Their interrupted education limits their career choices. Even if the woman manages to find work, however basic, they may be prevented from taking the job or their earnings may be taken from them. This leads to economic dependence, which makes the possibility of leaving the situation even more difficult. Some may be unable to leave the house unescorted – living virtually under house arrest.

DIFFICULTIES FACED WHEN A FORCED MARRIAGE TAKES PLACE OVERSEAS

- 41 For many 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. Women may not be allowed to leave the house unescorted. They may be unable to speak the local language. Often individuals find themselves in remote areas where even getting to the nearest road can be hazardous. They may not receive the assistance they expect from the local police, neighbours, family, friends or taxi-drivers. Some individuals may find themselves subjected to violence or threats of violence.

¹⁶ If a person does not have indefinite leave to remain, 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 (no recourse to public funds). Public funds include income support and housing benefit.

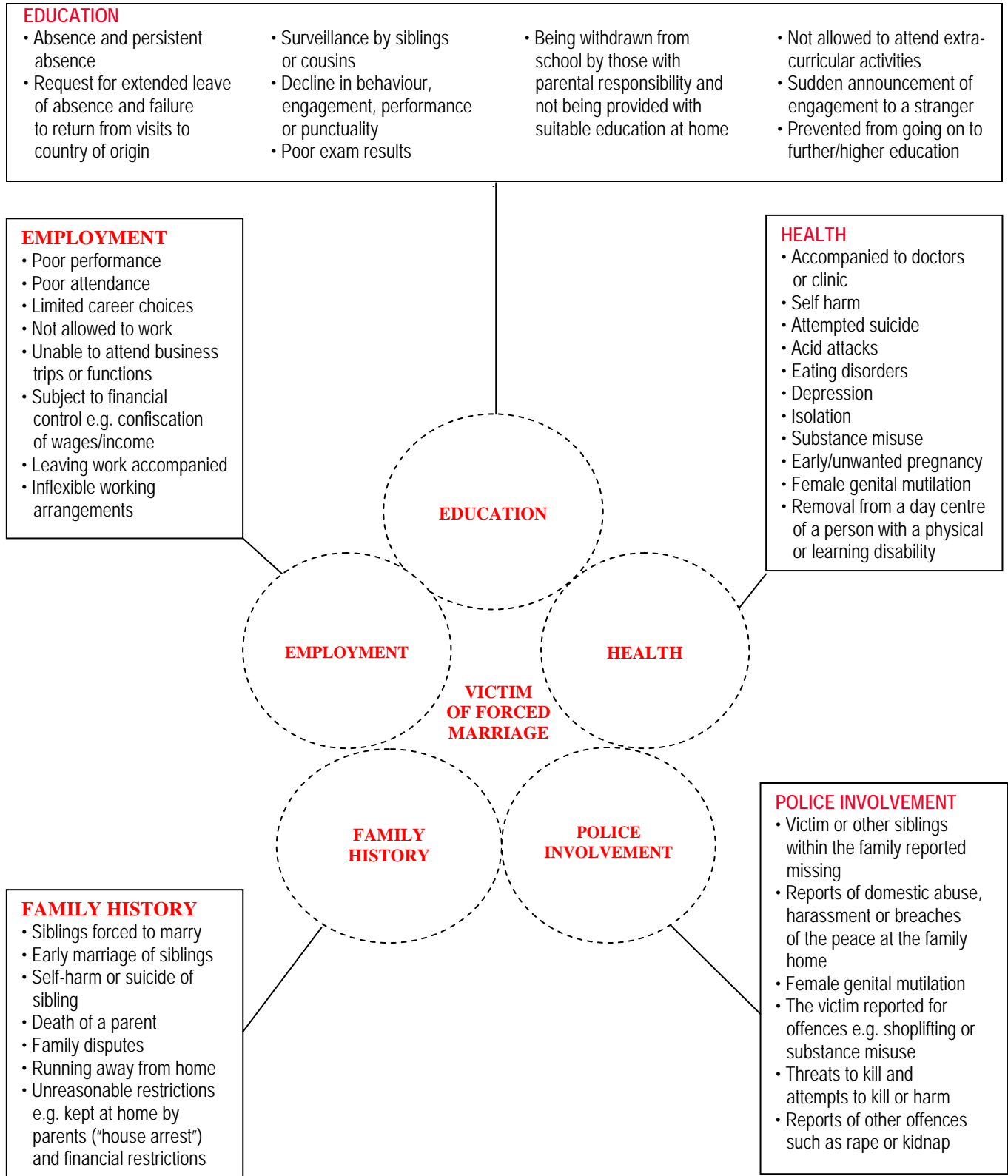
THE LEGAL POSITION

- 42 Although there is no specific offence of “forcing someone to marry” in Northern Ireland, offences may nevertheless be committed. Perpetrators – usually parents or family members, but not exclusively such – could be prosecuted for offences including conspiracy, threatening behaviour, assault, kidnap, abduction, theft (of passports or other travel or identifying documents), threats to kill, imprisonment and murder. Sexual intercourse without proper informed consent is rape, regardless of whether this occurs within a marriage or not. A woman who is forced into marriage is likely to be raped and may be raped until she becomes pregnant.
- 43 There are a number of civil and family orders that can be made to protect those threatened with, or already in, a forced marriage. For children, an application for a care or supervision order can be made under the Children(Northern Ireland) Order 1995 or wardship proceedings may be issued in the High Court. Adults can seek an order for protection from harassment or non-molestation.
- 44 A Forced Marriage Protection Order can be sought under the Forced Marriage (Civil Protection) Act 2007 to protect both adults and children at risk of being forced into marriage and to offer protection for those who have already been forced into marriage. This Act is designed to enable the courts to tailor the terms of an order to protect and meet the specific needs of victims of forced marriage or potential forced marriage.
- 45 Some forced marriages will be legally valid until they are annulled or a divorce is granted by the court. Others will not be legally valid but may also need to be annulled. There are strict legal requirements that govern whether a marriage is valid under UK law and the rules for recognising a marriage vary depending in which country the marriage took place. When considering the validity of a marriage, particularly a marriage that took place overseas, specialist legal advice should be sought. However, agencies should not assume that a marriage is invalid because it was forced, this will most often not be the case.

POTENTIAL WARNING SIGNS OR INDICATORS

- 46 Individuals facing forced marriage may appear anxious, depressed and emotionally withdrawn with low self-esteem. They may come to the attention of professionals for a variety of reasons, some of which are described in the diagram opposite. Whilst the factors set out in this diagram may be, collectively or individually, an indication that someone is facing forced marriage, it should not be assumed that it is forced marriage simply on the basis that someone presents with one or more of these warning signs. These warning signs may indicate other types of abuse that will also require a multi-agency response. These indicators are not intended to be exhaustive.
- 47 There have been occasions when women have presented with less common warning signs, such as cutting or shaving of a woman’s hair as a form of punishment for disobeying or perhaps “dishonouring” her family. In some cases, a girl may report that she has been taken to the doctors to be examined to see if she is a virgin. There have been reports of women presenting with symptoms associated with poisoning. In certain communities, it is important that women undergo female genital mutilation (FGM) before being able to marry – usually this will be performed during childhood but there have been reports of young girls or young women undergoing FGM just before a forced marriage. FGM is illegal in the UK and it is also a criminal offence to take someone overseas for the purposes of FGM.

WARNING SIGNS OF A VICTIM OF FORCED MARRIAGE



PART TWO

STATUTORY GUIDANCE

Chapter 4

ACTIONS FOR CHIEF EXECUTIVES, DIRECTORS AND SENIOR MANAGERS TO WHOM THIS GUIDANCE IS ADDRESSED

- 48 Forced marriage is a violation of human rights and a form of child/adult/domestic abuse and should be treated as such. Therefore, ignoring the needs of victims is not an option. Cases should be tackled regardless of cultural sensitivities using **existing structures, policies and procedures** designed to safeguard children, vulnerable adults and victims of domestic violence.
- 49 Existing strategic bodies should ensure that their member agencies work effectively using agreed policies and procedures to tackle this issue. This includes District Councils, Statutory Boards, The Housing Executive and the Police.

SENIOR MANAGEMENT COMMITMENT

- 50 **Chief Executives, directors and senior managers should ensure that their organisation has:**
- A lead person with overall responsibility for safeguarding children, protecting vulnerable adults or victims of domestic abuse – the same person should lead on forced marriage.¹⁷

ROLES AND RESPONSIBILITIES

- 51 **Chief Executives, directors and senior managers should ensure that:**
- Their staff understand their role in protecting people under threat of, or already trapped in, a forced marriage.
 - Through policies and procedures, their staff are familiar with their duties and responsibilities when protecting individuals threatened with, or already in, a forced marriage.
 - Their staff know to whom they should refer cases within their organisation and when to refer cases to other agencies.
 - Front-line staff dealing with cases of forced marriage have access to, and are strongly recommended to consult, the practice guidelines issued by the Forced Marriage Unit.

¹⁷ In schools, this would be the designated person for child protection.

CLEAR LINES OF ACCOUNTABILITY

52 Chief Executives, directors, lead members for adult services, lead members for children's services and senior managers should ensure that:

- There is a designated person within the organisation who is accountable for promoting awareness of forced marriage and a designated individual responsible for developing and updating all policies and procedures associated with forced marriage. This is likely to be the person with overall responsibility for promoting awareness of, and updating policies and procedures concerning the protection of children/adults/vulnerable adults or victims of domestic abuse.
- The designated person is a specialist in domestic abuse, adult protection or child protection with existing experience, expertise and knowledge.
- There is a senior specialist who has undertaken additional training who can be approached to discuss and direct difficult cases.
- There are clear lines of accountability from the front-line staff to senior management.

VICTIM-CENTRED APPROACH

53 Chief Executives, directors and senior managers should ensure that:

- Victims are listened to and they are able to communicate their needs and wishes.
- Victims are given accurate information about their rights and choices.
- Victims wishes are respected about the level of intervention they require.
- Staff are aware that relatives, friends, community leaders and neighbours should not be used as interpreters or advocates – despite any reassurances from this known person. If it is appropriate to use an advocate then an independent advocate would be advised.

EFFECTIVE INTER-AGENCY WORKING AND INFORMATION SHARING

54 Chief Executives, directors and senior managers should ensure that:

- There are policies and procedures in place so organisations can work effectively together to protect people facing forced marriage. These procedures are set out in existing guidance on safeguarding children and vulnerable adults.
- These procedures include arrangements for sharing information and arrangements for making referrals including, where appropriate, with police, social care services, health and the Forced Marriage Unit.
- Staff understand the importance of sharing information with other agencies at the earliest opportunity.
- Staff understand the difference between breaking confidence (involving the family without the individual's consent) and sharing information with other professionals to protect the individual from significant harm.

55 Area Child Protection Committees and Local Area Public Protection Panels are likely to take a lead role in developing policies and procedures for inter-agency working and information sharing to protect adults and children from harm.

CONFIDENTIALITY

- 56 A dilemma may occur because an individual facing forced marriage may be concerned that if confidentiality is breached and their family finds out that they have sought help they will be in serious danger. On the other hand, those facing forced marriage are often already facing serious danger because of domestic abuse, "honour-based" violence, rape, imprisonment etc. Therefore, in order to protect the individual, it is appropriate to share information with other agencies such as the police.
- 57 Consequently, confidentiality and information sharing are going to be extremely important for anyone threatened with, or already in, a forced marriage. Professionals need to be clear about when confidentiality can be offered and when information given in confidence should be shared.
- 58 **Chief Executives, directors and senior managers should ensure that:**
- Staff understand that the individual's confidence should be respected at all times and that they should not approach family, friends or members of the community without the express permission of the individual as this may place the individual at risk of harm.
 - All records belonging to individuals facing forced marriage should be kept secure to prevent unauthorised access by those within the broader community who may potentially pass on confidential information to a victim's family. Records should only be available to those directly dealing with the case.

STAFF TRAINING AND AWARENESS RAISING

- 59 **Chief Executives, directors and senior managers should ensure that:**
- Suitable training and awareness raising is incorporated into existing training within agencies to ensure front-line staff are aware of the issue and know how to respond quickly and appropriately to individuals threatened with, or already in, a forced marriage.
 - Staff receive updates on the issues surrounding forced marriage and honour-based violence within their existing training on child/adult protection.
 - Existing work on social cohesion, equality and community outreach programmes should be used to raise general awareness of forced marriage and the help and support available within the local community.

SIGNPOSTING EXISTING PRACTICE GUIDELINES ON FORCED MARRIAGE

- 60 **Chief Executives, directors and senior managers should ensure that:**
- All front-line professionals have access to, and are strongly recommended to consult, the practice guidelines issued by the Forced Marriage Unit.

MONITORING AND EVALUATION

- 61 **Chief Executives, directors and senior managers should ensure that:**
- In line with existing guidance concerning safeguarding children, protecting adults and vulnerable adults, the effectiveness of their organisation's response to forced marriage is monitored and evaluated. This might include collecting information about the number of cases, the source of referrals, information about the individual such as age and gender, together with information about the outcome of the case.

- RECORD KEEPING**
- 62 Chief Executives, directors and senior managers should ensure that:
- Staff keep clear, concise records of all actions taken and the reasons why particular actions were taken. There should be a recorded agreement of which agency is to undertake each proposed action together with the outcomes of each action.
 - If no further action is to be taken this should be clearly documented together with the reasons.

- RISK ASSESSMENT**
- 63 Chief Executives, directors and senior managers should ensure that:
- Staff within their organisation understand the risks facing victims of forced marriage, their siblings and other family members – including the possibility of “honour-based” violence, threats to kill, murder, kidnap, rape, imprisonment and being abducted overseas.
 - Staff alleviate these risks by undertaking ongoing risk assessments on a case-by-case basis and then manage any risks identified appropriately.
 - Their organisational risk assessments are evaluated to ensure that they are appropriate for handling cases of forced marriage – and recognise the potential risk of harm to victims and practitioners.

- 64 Public Protection Arrangements Northern Ireland (PPANI) play a role in managing the significant risk to individuals facing forced marriage.

- 65 Guidance for agencies in relation to these arrangements is issued to agencies listed in Article 49 of the Criminal Justice (Northern Ireland) Order 2008 under Article 50 of the Order. The agencies are:
- (a) The Police Service of Northern Ireland
 - (b) The Probation Board for Northern Ireland
 - (c) The Department of Education
 - (d) The Department for Employment and Learning
 - (e) The Department of Health, Social Services and Public Safety
 - (f) The Department for Social Development
 - (g) HSS Boards and HSS Trusts
 - (h) Education and Library Boards
 - (i) The Northern Ireland Housing Executive
 - (j) The National Society for the Prevention of Cruelty to Children

THE DANGER OF FAMILY COUNSELLING, MEDIATION, ARBITRATION AND RECONCILIATION

- 66 Due to the nature of forced marriage and honour-Based violence, some of the underlying principles and themes within existing guidance may inadvertently place young people and vulnerable adults at greater risk of harm. This includes the belief that the best place for them is with their family and the practice of attempting to resolve cases through family counselling, mediation, arbitration and reconciliation.

67 Chief Executives, directors and senior managers should ensure that:

- Staff have adequate training to understand the danger of family counselling, mediation, arbitration and reconciliation.
- Staff understand that in cases of forced marriage, it is important that agencies do not initiate, encourage or facilitate family counselling, mediation, arbitration or reconciliation. Mediation can also place the individual at risk of further emotional and physical abuse.
- Staff are aware that on occasions when an individual insists on meeting with their parents, it should only take place in a safe location, supervised by a trained/specialist professional with an authorised accredited interpreter present (not from the same local community), as parents will sometimes threaten the individual in their other language.
- Staff are aware that allowing a victim to have unsupervised contact with their family is normally extremely risky. Families may use the opportunity to subject the victim to extreme physical or mental duress or take them overseas regardless of any protective measures that may be in place.

PROTECTING CHILDREN AND ADULTS WITH DISABILITIES

- 68** There have been reports of children and vulnerable adults with mental health needs, learning and physical disabilities being forced to marry. Some vulnerable adults do not have the capacity to consent to the marriage. Some children and vulnerable adults may be unable to consent to consummate the marriage – sexual intercourse without consent is rape. There are various offences under the Sexual Offences (Northern Ireland) Order 2008 that can be committed relating to a person with a mental disorder.

- 69** Disabled children and vulnerable adults are particularly vulnerable to forced marriage and its consequences because they are often reliant on their families for care, they may have communication difficulties and they may have fewer opportunities to tell anyone outside the family about what is happening to them.

- 70** Many of the measures for protecting disabled children and vulnerable adults from forced marriage are the same as those for children and adults without disabilities. However, disabled children and vulnerable adults may have particular needs and face challenges which may be substantially different from those encountered by other people facing forced marriage.

- 71 Chief Executives, directors and senior managers should ensure that** disabled children and vulnerable adults receive whatever additional assistance and support they require. Good practice in relation to this assistance and support includes:
- Listening to disabled children/vulnerable adults and making sure they know how to raise concerns.
 - Meeting the disabled child/vulnerable adult's care and support needs.
 - Ensuring disabled children/vulnerable adults have access to adults outside the family to whom they can turn for help.
 - Providing speech and language therapists to facilitate communication.
 - Providing training and raising awareness about forced marriage amongst staff who care for disabled children or vulnerable adults.
 - Providing an Independent Advocate in cases where the victim lacks mental capacity – so their needs and wishes are understood and communicated.

Chapter 5

SPECIFIC ISSUES TO BE CONSIDERED BY AGENCIES WORKING WITH, OR PROVIDING SERVICES TO, CHILDREN AND YOUNG PEOPLE FACING FORCED MARRIAGE

EXISTING MULTI-AGENCY GUIDANCE CONCERNING CHILDREN AND YOUNG PEOPLE AND VULNERABLE ADULTS

- 72 There exists multi-agency statutory and non-statutory guidance on the subject of safeguarding children. These are set out on page 24.
- 73 Existing guidance sets out the roles and responsibilities of all agencies involved in safeguarding children and the procedures that should be adhered to by all agencies. Existing guidance includes information about identifying children and young people at risk of harm, discussing concerns, making referrals, undertaking initial assessments and the next steps.
- 74 The guidance in this chapter does not attempt to replicate the guidance set out in *Co-operating to Safeguard Children (2003)* but seeks to address some of the particular issues concerning children and young people threatened with, or already in, a forced marriage.

THE DANGER OF INVOLVING THE FAMILY AND THE COMMUNITY

- 75 One of the underpinning principles of *Co-operating to Safeguard Children (2003)* is the involvement of the child's or young person's family. In cases of forced marriage this may increase the risk of significant harm to the child or young person. The family may deny that the child or young person is being forced to marry and they may expedite any travel arrangements and bring forward the marriage

- 76 However, the primary principle of *Co-operating to Safeguard Children (2003)* is safeguarding children. **In cases of forced marriage discussion with the family or any involvement of the family or local community members will often place the child or young person at greater risk of harm.**

The safety and welfare of a child, and the child's interests must always be paramount.

- 77 In care proceedings, authorities are required to demonstrate to the court that they have considered family members and friends as potential carers at each stage of their decision-making. However, in cases of forced marriage, professionals should exercise extreme caution around how they evidence this, and consider carefully whether, for example, family group conferences are appropriate in these cases. Ideally, family group conferences should not be used in cases where a young person is at risk of forced marriage because of the physical danger and potential emotional manipulation they may experience during this type of session with their parents and other members of their family or community.

- 78 There must not be any burden on the child or young person to agree to a family conference.
- 79 **Chief Executives, directors and senior managers should ensure that staff have appropriate training in order to:**
- Understand the danger of involving the family and the community in cases of forced marriage.
 - Recognise that they should not approach or involve families if forced marriage is suspected.
 - Understand that family group conferences are not normally appropriate in cases of forced marriage because it will often place the child or young person at greater risk of harm.

THE ASSESSMENT FRAMEWORK

- 80 The Framework for the Assessment of Children in Need and their Families provides a systematic way of analysing, understanding and recording what is happening to children and young people within their families and the wider context of the community in which they live. This framework assists professionals to decide what support a child and family may need.
- 81 The assessment has three main parts:
- i. Child's developmental needs
 - ii. Parenting capacity
 - iii. Family and environmental factors
- 82 The Assessment Framework may not highlight any problems concerning children and young people facing forced marriage. They often come from very loving families where the parents capacity to provide safety, emotional warmth and stability is excellent. The children are often high achievers at school, their health is good, they are well integrated into the local community and have good relations with the wider family – they may not necessarily exhibit the warning signs described on page 15.

- 83 Therefore, professionals working with children and young people facing forced marriage require additional training in assessing families to identify those where forced marriage may be an issue. It is important that professionals are sensitive to differing family patterns and lifestyles and to child-rearing patterns that vary across different racial, ethnic and cultural groups. **At the same time they must be clear that child abuse cannot be condoned for religious or cultural reasons**, forced marriage must be responded to as a protection and safeguarding issue.

- 84 **Chief Executives, directors and senior managers should ensure that:**
- Staff have appropriate training in order to enable them to effectively assess children and young people facing forced marriage using the Assessment Framework.

SAFEGUARDING CHILDREN AND YOUNG PEOPLE FROM HARM BY SHARING INFORMATION OR TO PREVENT A CRIME BEING COMMITTED

- 85 Although there is no specific offence of "forcing someone to marry", criminal offences may nevertheless be committed. Perpetrators – usually parents or family members – could be prosecuted for offences including threatening behaviour, assault, kidnap, abduction, threats to kill, imprisonment and murder. Sexual intercourse without consent is rape, regardless of whether this occurs within a marriage or not.
- 86 "If a case is referred to an authority that constitutes, or may constitute, a criminal offence against a child, social workers or their managers should always discuss the case with the police at the earliest opportunity".

87 Whenever other agencies encounter concerns about a child's welfare that constitute, or may constitute, a criminal offence against a child they must consider sharing that information with authorities or the police in order to protect the child or other children from the risk of significant harm. If a decision is reached not to share information, the reasons must be recorded".

88 Chief Executives, directors and senior managers should ensure that:

- Forced marriage is automatically handled as a child protection issue.
- Staff have appropriate training in order to understand the importance of sharing information with other agencies at the earliest opportunity to safeguard children and young people from significant harm or to prevent a crime being committed.
- Staff share information promptly when a child or young person is at risk of forced marriage.
- Staff provide information to the Forced Marriage Unit.
- Staff understand the difference between breaking confidence (involving the child or young person's family without consent) and sharing information with consent with other appropriate professionals to prevent the child or young person being at risk of significant harm.

IMMEDIATE PROTECTION

89 Ideally, professionals should discuss cases of forced marriage with, and seek advice from, a designated professional or another statutory agency; however, there may be occasions when immediate emergency action is necessary to protect a child or young person from being forced to marry or abducted e.g. police protection or emergency protection orders. In this case, a strategy discussion should take place as soon as possible after the immediate protection to plan the next steps.

90 Chief Executives, directors and senior managers should ensure that staff have appropriate training in order to:

- Recognise the importance and relevance of immediate protection.
- Recognise the risk to other siblings in the household who might also be threatened with, or already in, a forced marriage.
- Understand that in almost no circumstances will it be sufficient to protect a child or young person by removing the alleged perpetrator from the household (as in the significant majority of cases the extended family and wider community are also involved).
- Recognise that placing the child or young person with a family member or member of the same community may place them at risk of significant harm from other family members or individuals acting on the family's behalf.

Chapter 6

SPECIFIC ISSUES TO BE CONSIDERED BY AGENCIES WORKING WITH, OR PROVIDING SERVICES TO, VULNERABLE ADULTS

EXISTING MULTI-AGENCY GUIDANCE CONCERNING ADULTS

- 91 'Adult Abuse' guidance on developing and implementing multi-agency policies and procedures to protect vulnerable adults from abuse is issued by the Department of Health, Social Services and Public Safety.
- 92 The arrangements described in 'Adult Abuse' are aimed at protecting vulnerable adults from all forms of abuse including forced marriage. 'Adult Abuse' sets out the roles and responsibilities of all agencies involved in protecting vulnerable adults and the procedures that should be adhered to by all agencies. The guidance in 'Adult Abuse' is not statutory although it should be complied with unless there are good reasons locally that justify a variation.
- 93 'Adult Abuse' is a violation of an individual's human and civil rights by any other person or persons. It can be physical, psychological, verbal or an act of neglect or omission – it may occur when a vulnerable person is persuaded to enter into a financial or sexual transaction to which he or she has not consented, or cannot consent. Abuse can occur in any relationship and may result in significant harm to, or exploitation of, the person subjected to it.
- 94 Forced marriage should be seen in the context of domestic abuse and, in the case of vulnerable adults, adult abuse. Agencies should adhere to the good practice set out in the policies and procedures concerned with domestic abuse and adult abuse as the most effective way to tackle forced marriage.
- 95 The guidance in this section is not intended to replace existing guidance but instead it seeks to address some of the particular issues concerning adults and vulnerable adults threatened with, or already in, a forced marriage.

THE DANGER OF INVOLVING THE FAMILY AND THE COMMUNITY

- 96 Involving families in cases of forced marriage may increase the risk of serious harm to an individual. The family may deny that the individual is being forced to marry and they may expedite any travel arrangements and bring forward the wedding.
- 97 Chief Executives, directors and senior managers should ensure that staff receive the appropriate training in order to:
- Understand the danger of involving the family and the community in cases of forced marriage.
 - Recognise that discussion with the family or any type of family involvement will often place the vulnerable adult at greater risk of harm.

SAFEGUARDING ADULTS AND VULNERABLE ADULTS BY SHARING INFORMATION WHEN A CRIME MAY HAVE BEEN, OR MAY BE, COMMITTED

- 98 Although there is no specific offence of "forcing someone to marry", criminal offences may nevertheless be committed. Perpetrators – usually parents or family members – could be prosecuted for offences including threatening behaviour, assault, kidnap, abduction, threats to kill, imprisonment and murder. Sexual intercourse without consent is rape, regardless of whether this occurs within a marriage or not. As a matter of course allegations of criminal behaviour should be reported to the police

99 Chief Executives, directors and senior managers should ensure that staff receive the appropriate training in order to:

- Recognise the importance of sharing information with other agencies at the earliest opportunity.
- Understand the difference between breaking confidence (involving a vulnerable adult's family without consent) and sharing information with other professionals to prevent a vulnerable adult being at risk of significant harm

For further information and advice please contact the Forced Marriage Unit

Forced Marriage Unit
G/58 Old Admiralty Building
London
SW1A 2PA

Tel: 020 7008 0151
(9–5 Monday to Friday, for out of hours emergency support please contact the FCO Response Centre on 020 7008 1500)
Email: fm@fco.gov.uk

Clinical guideline No 89: When to suspect child maltreatment (Circular HSC (SQSD) (NICE) 13/10 CG 89) (PDF)

McBride, Michael, Bradley, Martin and Holland, Sean
Belfast: Department of Health, Social Services and Public Safety (DHSSPS), 2010

A DHSSPS circular stating that the National Institute for Clinical Excellence (NICE) guidance on when to suspect child maltreatment is valid for Northern Ireland and endorsing it for implementation in Health and Social Care (HSC). Contains links to the NICE and related guidance.

Regional guidance on police involvement in residential units and children missing from home and foster care (PDF)

Health and Social Care Board for Northern Ireland, 2009

Safeguarding children: a cross-departmental statement on the protection of children and young people (Word).

Children and Young People's Unit
Belfast: Office of the First Minister and Deputy First Minister. Northern Ireland, 2009

A policy statement setting out a safeguarding policy framework across government which explains the government's safeguarding agenda and identifies gaps and new actions to close these gaps.

Co-operating to safeguard children

Department of Health, Social Services and Public Safety (DHSSPS), 2003

Guidance to assist Area Child Protection Committees develop strategies, policies and procedures to safeguard children who are assessed to be at risk of significant harm.

Choosing to protect: a guide to the Protection of Children & Vulnerable Adults (NI) Order 2003 (PDF).

Department of Health, Social Services and Public Safety (DHSSPS), 2009

Interim guidance for organisations on recruiting suitable people to work with children. The guidance is valid during the period between 13 March 2009 and the full commencement of the Safeguarding Vulnerable Groups (NI) Order.

Groups (Northern Ireland) Order 2007.

Information about the Safeguarding of Vulnerable Groups (NI) Order and the Independent Safeguarding Authority (ISA) which come into force from 2009.

(PDF)

Belfast: Northern Ireland Office, 2008

Sets out how agencies must protect the public from serious sexual and violent offenders.

Regional child protection policy and procedures (PDF).

Area Child Protection Committees
Department of Health, Social Services and Public Safety (DHSSPS), 2005

Sets out the local procedures and processes for agencies to comply with the Co-operating to safeguard children (2003) guidance.

procedures (PDF).

Area Child Protection Committees
Department of Health, Social Services and Public Safety (DHSSPS), 2005

Short version of the Regional child protection policy and procedures (2005) aimed at anyone working with children.

individuals who may pose a risk to children.

Circular HSS CC 3/96 (revised) (PDF).

Department of Health, Social Services and Public Safety (DHSSPS), 2009

Guidance on when agencies should share information about individuals who may pose a risk to children.

Guidance on specific legislation

Guidance on the Sexual Offences (Northern Ireland) Order 2008.

Northern Ireland Office

A series of leaflets for the public and practitioners as well as guidance for practitioners and professionals.

the 1990s, the number of people in the UK who are employed in the public sector has increased from 10.5 million to 12.5 million, and the number of people in the public sector who are employed in health care has increased from 1.5 million to 2.5 million (Department of Health 2000).

There are a number of reasons for this increase. One of the main reasons is the increasing demand for health care services. The population of the UK is ageing, and there is a growing number of people with chronic conditions such as heart disease, diabetes, and asthma. This has led to an increase in the number of people who need to be treated in hospitals and other health care settings.

Another reason for the increase in the number of people employed in the public sector is the increasing demand for health care services. The population of the UK is ageing, and there is a growing number of people with chronic conditions such as heart disease, diabetes, and asthma. This has led to an increase in the number of people who need to be treated in hospitals and other health care settings.

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