



Forced Marriage Practice Guidance - Protecting Children and Adults

February 2021

Version Control

Title	Forced Marriage Practice Guidance
Version	DSP2 V2.2
Date	July 2019
Author	Safeguarding Partnership Business Unit

Update and Approval Process			
Version	Group/Person	Date	Comments
DSP1	Business Unit	July 2019	Rebranded under new Safeguarding arrangements to reflect Statutory Guidance.
DSP 2	Business Unit Learning and Development sub-group and Jo Hall (CDDFT)	February 2021	Updated by L and D sub group to reflect changes in practice and incorporate adult safeguarding

Issue Date	February 2021
Review Date	February 2023
Reviewing Officer	

Contents

Number	Section Title	Page(s)
1	Introduction	4
2	Incidence	4
3	Legislation	5
4	Definition	5
5	Forced Marriage, Vulnerable Adults and Mental Capacity	7
6	Forced Marriage in different situations	8
7	Potential Indicators	10
8	The Domestic Abuse, Stalking and Honour Based Abuse Risk Assessment Check List (DASH-RIC)	11
9	How to respond to Forced Marriage	11
10	Resources and Reference List	14

1. Introduction

A forced marriage is where one or both people do not consent to the marriage (or in cases of people with learning difficulties cannot consent) and where duress is used. ‘Duress’ includes psychological, sexual, financial or emotional pressure and physical violence. A distinction must be made between a forced marriage and an arranged marriage, the latter being lawful. In an arranged marriage the families of both spouses take a leading role in arranging the introductions, but the final choice remains with the subjects of the marriage. In a forced marriage, one or both spouses does not consent to the marriage and some element of physical and emotional pressure is involved.

Forced marriage is a violation of human rights and is seen in the UK as a form of domestic abuse and/or child abuse. It may affect girls, boys, women and men (children and adults) from any community or background. However, statistics show that greater numbers of women are victims of forced marriage.

Forced marriage is a criminal offence in the United Kingdom in accordance with [the Anti-Social Behaviour, Crime and Policing Act \(2014\)](#). Durham Constabulary should be informed immediately on 101 if any child or adult is believed to be at risk of forced marriage. If the risk is immediate, contact Durham Constabulary on 999.

No single agency will be able to meet all the needs of a child or adult affected by forced marriage. Police, Children’s Social Care or Adult Social Care all play a key role in protecting the interests of the child or adult. This can be achieved by co-operation and joint working between agencies including police, health and education professionals in line with child protection and adult safeguarding procedures.

The Forced Marriage Unit offers information and support to those in the UK who fear they will be forced into marriage and can talk with them about their options. It can assist British nationals facing forced marriage abroad by helping them to a place of safety and helping them to return to the UK. It can assist non-British nationals facing forced marriage abroad by referring them to local organisations that can help. The Unit can also help those who have already been forced into marriage to explore their options, including assisting those who are being forced to sponsor a spouse’s visa for settlement in the UK.

2. Incidence

The joint Foreign and Commonwealth Office and [Home Office Forced Marriage Unit](#) (FMU) was set up in 2005 to provide support and advice to victims. In 2019 the Forced Marriage Unit (FMU) gave advice or support related to a possible forced marriage in 1,355 cases. Between 2011 and 2018 the FMU provided support in an average of 1,359 cases per year. The number of cases in 2019 represents a slight decrease on that average but is in line with the average number of cases recorded since these statistics were first produced in the current format in 2011. See [Home Office Forced Marriage Unit Statistics 2019](#) for more information.

In 2019, a total of 1,080 cases (80%) involved female victims and 262 (19%) involved male victims; in the remaining cases the gender of the victim was unknown.

Where the age of the victim was known, 27% of cases involved victims under 18 years of age and 36% of victims were 18-25 years of age. In the remainder of cases the age is unknown.

In 2019, a total of 137 victims (10%) had a learning disability. A higher proportion of victims in cases which involve a learning disability are male compared to other forced marriage cases. Victims with a learning disability are also more likely to be older than in other cases.

Forced marriage is not a problem specific to one country or culture. The majority of cases in 2019 involved South Asian families and 41% of the cases handled by the Forced Marriage Unit were from families of Pakistani origin and 11% of Bangladeshi origin, but there have been cases from East Asia, the Middle East, Europe and Africa. In some cases there is no overseas element, with the potential or actual forced marriage taking place entirely within the UK.

Forced marriage is considered an abuse of human rights and is not justified on any religious or cultural basis. It is condemned by every major faith. Freely given consent is part of Christian, Jewish, Hindu, Muslim and Sikh marriages.

Whilst it is important to have an understanding of the motives that lead 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 criminal offence in the UK and it is a violation of children's rights under the UN Convention on the Rights of the Child (UNCRC), as well as a form of violence against women and an abuse of human rights.

3. Legislation

[The Anti-Social Behaviour, Crime and Policing Act \(2014\)](#) established the criminal offence of Forced Marriage which includes using violence, threats or coercion for the purpose of causing another to enter a marriage, practicing any form of deception with the intention of causing another person to leave the UK to enter a marriage without free and full consent and includes people who lack the capacity to consent whether or not threats and coercion are used.

4. Definition

Forced marriage is a very specific form of domestic abuse. This document should be read in conjunction with [Darlington Safeguarding Partnership Multi-Agency Practice Guidance on Domestic Abuse - Safeguarding Children and Adults with Needs for Care and Support](#).

The government definition of domestic abuse is:

Any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over who are or have been intimate partners or family members regardless of gender or sexuality. This can encompass, but is not limited to, the following types of abuse:

- *psychological*
- *physical*
- *sexual*
- *financial*
- *emotional*

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

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

The Government definition, which is not a legal definition, includes so called 'honour' based abuse, female genital mutilation (FGM) and forced marriage, and is clear that victims are not confined to one gender or ethnic group.

Honour crimes differ significantly from other forms of domestic abuse, while typical incidents of domestic abuse involve perpetrators using force against their partners, honour-based abuses regularly involve a victim's own parents, sons, brothers and sisters, as well as members of their extended family and in-laws.

The terms 'honour crime' or 'honour-based abuse' or 'Izzat' embrace a variety of crimes of violence, 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; to the perceived 'shame' or 'dishonour' of the family

Whilst all legislation is gender neutral and men can also be victims of this offence, statistics consistently show that women and girls are disproportionately affected by crimes of domestic abuse. Controlling or coercive behaviour is primarily a form of violence against women and girls and is underpinned by wider societal gender inequality. This can contribute to the ability of the offender to retain power and control and ultimately the ability of the victim to access support and leave safely. It is therefore important to consider the role of gender in the context of power and control in a relationship when identifying controlling or coercive behaviour in heterosexual relationships.

The definition of domestic abuse now includes any acts carried out by extended family members. 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.' An adult is any person aged 18 years and over and family members

are defined as mother, father, son, daughter, brother, sister and grandparents, whether directly related, in-laws or step-family.

5. Forced Marriage, Vulnerable Adults and Mental Capacity

There is limited research on Honour Based Abuse and disability. Existing research suggests that vulnerable mentally ill and/or disabled people are at particular risk of being forced into a marriage. (Her Majesty's Inspectorate of Constabulary (HMIC), 2015; Home Office Forced Marriage Unit (FMU), 2016; Lakhani, 2008; Valios, 2008). The National UK figures for forced marriages of vulnerable adults in 2015 stood at 12% (141 cases) (Home Office FMU, 2016).

The practice of forcing the marriage of vulnerable people appears to take place to ensure that vulnerable offspring are cared for, due to their perceived limited options and because parents are unable to continue to care for their child as they age. In addition, exploiting vulnerability sometimes provides visas for people wanting to reside in the UK (Lakhani, 2008; Shaw, 2001).

A marriage involving someone who lacks the mental capacity to consent to the marriage should be considered a forced marriage. It should be noted that cases within this category often involve male victims. In cases where an individual may lack the capacity to consent to a marriage, a capacity assessment should be conducted on that specific issue. It should be noted that where a person lacks consent to marriage that consent cannot be given by another individual. There will be situations where there are reasonable grounds to question a person's lack of capacity to consent to marriage (for example the individual is known to have severe learning disabilities) even though an assessment has not been carried out. In all cases where mental capacity is or may be an issue and the victim is an adult must be dealt with by Police and Adult Social Care in accordance with [Darlington Safeguarding Partnership Multi-Agency Procedures for Adults with Needs for Care and Support.](#)

Vulnerable victims may lack the capacity to make decisions, such as getting married and consenting to sexual relations. Such decisions cannot be made by others on behalf of the victims (Mental Capacity Act codes of practice, 2013). The Care Act 2014 imposes responsibilities on local authorities to make enquiries when vulnerable adults are at risk of being abused or neglected, in an effort to prevent harm before it occurs.

In addition, practitioners working with adults who have care and support needs should be aware that the DASH-RIC model was designed to assess the risk to women and children and is known to have limitations for identification of the risk factors experienced by disabled and older people and male victims (see paragraph 8). Any risk assessment is likely to benefit from information sharing between agencies and the personal judgement of practitioners and the case should be referred to the MARAC.

For further information about adults with needs for care and support at risk of Forced Marriage see Paragraph 11 [HM GOV Multi- Agency Guidelines- Handling Cases of Forced Marriage](#) and [GOV.UK Forced Marriage Guidance](#)

6. Forced Marriage in different situations

Forced marriage places children and adults at high risk of rape, emotional abuse and physical harm and possible death. The perpetrators, who are usually parents or other family members, can be prosecuted under [the Anti-Social Behaviour, Crime and Policing Act \(2014\)](#) which established the criminal offence of Forced Marriage which includes using violence, threats or coercion for the purpose of causing another to enter a marriage, practicing any form of deception with the intention of causing another person to leave the UK to enter a marriage without free and full consent and includes people who lack the capacity to consent whether or not threats and coercion are used.

Sexual intercourse within marriage but without consent is rape and a perpetrator can be prosecuted under the Sexual Offences Act 2003.

Cases of forced marriage are difficult, complex and potentially very risky for the person involved and any professionals dealing with such cases should get advice, support and consultation from specialist practitioners. The police must always be notified and safeguarding procedures must be followed.

Typically, a young person/adult fears they may be forced to marry in the UK or overseas, they may have been told that they are going to visit relatives, attend a wedding or that a grandparent or close family relative is ill, but they suspect that the ulterior motive is to force them to marry. The family deny this, but then move the child or bring forward the travel arrangements and the forced marriage. There may be a family history of forced marriage with other siblings or missing persons within the family. There may be evidence of domestic abuse, self-harming, family disputes, and unreasonable restrictions on the young person/adult such as removal from education or house arrest.

It is helpful to obtain a photo of the young person/adult and details of their passport if possible and any other useful information. Legally a child/young person can be accommodated under S.20 of the Children Act 1989 (in which case the child will be looked after), or by the provision of services, including accommodation, under s.17 of the Children Act. If this is the case it may not be in their best interest to be fostered with a family from their own background or community or placed in the immediate geographical area.

Some families go to considerable lengths to find children/adults who run away and young people/adults who leave home to escape a forced marriage, or the threat of one, are at risk of significant harm if they are returned to their family. They may be reported as missing by their families, but no mention is made of the forced marriage. So if the young person/adult is found it is very important that practitioners explore the underlying reasons before any decisions are made.

A referral may be made about a young person or adult who has already been taken abroad for a forced marriage, perhaps on the pretext of a family holiday, the wedding of a relative or the illness of a grandparent. However once they arrive, their documents and passports have been taken away and outside communication is prevented.

If the family realises that an investigation is taking place, there is always a risk that the victim will be moved, hidden or harmed, so be careful how much information is given to the overseas police that could place the young person/adult in further danger. The Foreign & Commonwealth Office will work with partner organisations to find the best way to support the victim and their consular staff will work with the local police to do what they can to help the victim. The normal course of action is to try and get the young person/adult back to the jurisdiction of England and Wales by making them a ward of court.

When someone is repatriated to the UK following a forced marriage they are likely to be very traumatised and frightened. They may have been held against their will for many months and experienced emotional and physical abuse. If the marriage has already taken place, the young person/adult may have been raped and some will have had to leave their children behind. Sometimes they 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.

The choices available to the young person/adult are limited; they can leave their family, start a new life and remain in hiding. They may choose to bring a prosecution or they may return to the family and hope the situation can be resolved. Before they do so it is very important to fully assess the level of risk and make sure they are safe. The young person/adult may need to be rehoused and relocated to a different area and if they are involved as a witness in criminal proceedings they will probably need to be part of a witness protection scheme and given legal advice about changing their name.

Many people turn to a professional as a last resort and they can be very reluctant to talk about their worries for fear that their families will find out. The entire family may be involved, with a wider network of relatives and even non-relatives also complicit. At this point the issue of forced marriage may not even be mentioned and the practitioner has to be very alert and sensitive to any underlying signals and risk factors. Young people and adults living under the threat of a forced marriage, or living within one, may face significant harm if their families realise that they have asked for help. All aspects of their safety need to be carefully weighed up at every stage and whether it is safe for them to return home is a key decision from the start. The young person/adult will need practical help such as accommodation and financial support, but also emotional support and information about their rights and choices.

Some cases of forced marriage may initially be reported as cases of domestic abuse where someone has been forced into marriage and suffered years of abuse, but up to this point they have been too frightened to leave because of the fear of losing their children, a lack of family support, nowhere to live, no economic independence or other social circumstances. The fact that they were forced to marry may only become apparent years after the marriage has taken place.

A person who has been the victim of a forced marriage can initiate nullity or divorce proceedings to end the marriage and young people, an adult or a relevant third party can apply for a [Forced Marriage Protection Order](#) (Anti-Social behaviour, Crime and Policing Act 2014).

7. Potential indicators

There are five main areas to assess in relation to forced marriage.

Family history:

- siblings who have been forced to marry
- early marriage of siblings
- self harm or suicide of siblings
- death of a parent
- family disputes or evidence of domestic abuse and abuse
- running away from home
- unreasonable restrictions such as house arrest and financial restrictions

Employment:

- poor performance, poor attendance
- limited career choices or not allowed to work
- unable to attend business trips or functions
- subject to financial control such as confiscation of wages/income
- leaving work accompanied
- unable to be flexible in their working arrangements

Education:

- absence and persistent absence
- request for extended leave of absence and failure to return from visits
- fear about forthcoming school holidays
- surveillance by siblings or cousins at school
- decline in behaviour, engagement, performance or punctuality
- being withdrawn from school by those with parental responsibility
- removal from a day centre of a person with a physical or learning disability
- not allowed to attend extra curricular activities
- sudden announcement of engagement to a stranger
- prevented from going on to further/higher education

Health:

- accompanied to doctor's or clinics
- self-harming, attempted suicide, eating disorders, depression, isolation
- substance misuse
- early/unwanted pregnancy
- Female Genital Mutilation

Police Involvement:

- victim or other siblings within the family reported missing
- reports of domestic abuse, harassment or breaches of the peace
- Female Genital Mutilation

- the victim reported for offences e.g. shoplifting or substance misuse
- threats to kill and attempts to kill or harm
- reports of other offences such as rape or kidnap
- acid attacks

8. The Domestic Abuse, Stalking and Honour Based Abuse Risk Assessment Check List (DASH-RIC)

The DASH-RIC Risk model is a risk assessment tool for all professionals who work with victims of Domestic Abuse including Stalking, Harassment and Honour Based Abuse. The purpose of the DASH risk assessment checklist is to provide a consistent and simple tool for practitioners who work with adult victims of Domestic Abuse to identify those at high risk of harm and cases which should be referred to the MARAC in order to manage the risk. The DASH-RIC is an evidence-based list of 27 questions about which factors are present in a domestic abuse situation. Professional judgement is a key factor in considering the points score from the DASH-RIC especially when it has resulted in a lower score than expected as this may be indicative that the victim is too afraid to disclose certain aspects of abuse. In addition, practitioners working with adults who have care and support needs should be aware that the DASH-RIC was designed to assess the risk to women and children and is known to have limitations for identification of the risk factors experienced by disabled and older people. Any risk assessment is likely to benefit from information sharing between agencies and the personal judgement of practitioners and the case should be referred to the MARAC.

For further information see [MARAC referral forms 2020](#) and [DASH-RIC risk assessment guidance 2020](#) and [Risk Assessment Harrassment and Stalking 2020](#)

9. How to respond to Forced Marriage

Forced Marriage is a criminal offence. Durham Constabulary should be informed immediately on 101 if any child or adult is believed to be at risk of forced marriage. If the risk is immediate, contact Durham Constabulary on 999.

If a child is at risk of Honour Based Abuse / Forced Marriage then refer to the [Darlington Safeguarding Partnership Multi- Agency Child Protection Procedures](#)

For additional guidance see Paragraph 10 [HM GOV Multi- Agency Guidelines- Handling Cases of Forced Marriage](#)

If an adult who may have needs for care and support or who may lack capacity is believed to be at risk of forced marriage refer to the [Darlington Safeguarding Partnership Multi-Agency Procedures for Adults with Needs for Care and Support](#).

For additional guidance see Paragraph 11 [HM GOV Multi-Agency Guidelines- Handling Cases of Forced Marriage](#).

In cases where an adult who is not deemed to have needs for care and support is at risk of forced marriage the case must be dealt with by the police in accordance with the local [MARAC procedures and Domestic Abuse Policy and Practice Guidance](#).

All cases where an adult/child over the age of 16 is at risk of a Forced Marriage/Honour Based Abuse (whether the adult has needs for care and support or not), should involve a risk assessment using the DASH-RIC risk model model which is a risk assessment tool for all professionals who work with victims of Domestic Abuse including Stalking, Harassment and Honour Based Abuse. Cases should be referred to the MARAC in accordance with the level of risk (see paragraph 8).

For further information see [MARAC referral forms and DASH-RIC risk assessment guidance](#) (see Paragraph 9).

A [Forced Marriage Protection Order](#) (Anti-Social behaviour, Crime and Policing Act 2014) can be sought.

For further information about adults at risk of forced marriage see [GOV.UK Forced Marriage Guidance](#)

The [HALO Project](#) is a locally based organisation which will provide advice and guidance to practitioners. See also [HALO Project Darlington](#) for contact details.

All organisations should have ‘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. Although front line staff should contact this specialist as soon as possible, there may be occasions when they will need to gather some information from the person to establish the facts and assist the referral.

All practitioners working with victims of forced marriage and honour-based abuse need to be aware of the “one chance” rule. That is, they may only have one chance to speak to a potential victim and thus they may only have one chance to prevent harm or save a life.

Do:

- talk to the young person/adult immediately on their own, even if they come with others, in a safe and private place
- give the young person/adult, where possible, the choice of the race and gender of the worker who deals with their case
- inform them of their right to seek legal advice and representation. Know where to find it.
- explain all the options to the young person/adult, including the child protection process and listen to their point of view. Then decide what to do to keep the young person/adult safe, involving them in the decisions as far as possible and explaining what will happen next.
- assess the risk of harm facing the young person/adult, any other siblings or young family members, give safety advice and agree a personal safety plan.
- consider the need for immediate protection and placement away from the family and hold a strategy meeting if there is a risk of significant harm.
- talk to the young person/adult about the need for a medical examination and if they need treatment for injuries or any emotional or physical illness. Keep detailed documentation of any injuries or history of abuse, as the police may require this for any subsequent prosecution.

- assess the level of information that it is safe to disclose to their families, friends or members of the community.
- seek specialist advice, for example from the Forced Marriage Unit. The Unit will always talk to frontline practitioners handling cases of forced marriage at any stage in a case. It can offer information and advice on the range of tools available to combat forced marriage, including legal remedies, overseas assistance and how to approach victims.. Contact the Forced Marriage Unit on 020 7008 0151. Or visit the website for further details. www.gov.uk/guidance/forced-marriage
- make a referral to the Childrens Initial Advice Team (child) on 01325 406222
- make a referral to the First Point of Contact (adult with needs for care and support) on 01325 406111
- make a referral to MARAC and the Police (adult) on 101. For further information see [MARAC referral forms and DASH-RIC risk assessment guidance](#) (see Paragraph 9).

Do Not:

- contact the family in advance of any enquiries by the police, adult or children's social care or the Forced Marriage Unit, either by telephone or letter.
- have family members or others present at the interview.
- use family members, friends, neighbours or those with influence in the community as interpreters; people may feel embarrassed to discuss personal issues in front of them and sensitive information may be passed on to others and place the person in danger. Furthermore, such an interpreter may deliberately mislead practitioners and/or encourage the person to drop the complaint and submit to their family's wishes
- put the young person/adult or yourself at risk of harm.
- send the young person/adult back to the family home against their wishes or ignore what they have told you.
- contact or approach the young person's/adult's family, friends or people with influence within the community, unless you are sure it is safe to do so and you have agreed this with the young person/adult.

The Danger of Family Counselling, Mediation, Arbitration and Reconciliation

Mediation, arbitration, reconciliation and family counselling as a response to Forced Marriage can be extremely dangerous and may increase the young person's/adult's vulnerability and place them in danger. Any unsupervised contact with their family needs to be carefully assessed as it can place the young person/adult at risk of further emotional abuse or lead to pressure being placed on them to return home. However if the young person/adult does wish to go home or talk to their family all the risks should be explained and a safety plan put in place. Mediation as a response to Honour Based Abuse and Forced Marriage can be extremely dangerous. There have been cases of victims being murdered by their families during mediation. Mediation can also place someone at risk of further emotional and physical abuse.

Interpreters

Do not use family members, friends, neighbours or those with influence in the community as interpreters; victims may feel embarrassed to discuss personal issues in front of them and sensitive information may be passed on to others and place the victim in danger. Furthermore, such an interpreter may deliberately mislead practitioners and/or encourage the person to drop the complaint and submit to their family's wishes.

Practitioners should consult internal policies and procedures relating to the use of interpreters and be aware of the potential risks of using staff members or others as interpreters who may mislead practitioners or pass on sensitive information and place a victim or associates at risk.

Recording and security of case notes

Similarly, agencies should be aware of the potential for sensitive information to be shared with family members or the wider community and where it is deemed necessary, case notes should be locked and access granted only to those working on the case and relevant managers.

10. Resources and Reference List

[HM GOV Multi- Agency Guidelines- Handling Cases of Forced Marriage \(2014\)](#)

[GOV.UK Forced Marriage Guidance](#)

[MARAC referral forms 2020 and DASH-RIC Risk Assessment Guidance 2020](#)

[Risk Assessment Harrassment and Stalking 2020](#)

[NHS England – Female Genital Mutilation \(FGM\) Mandatory reporting duty](#)

[DSP Female Genital Mutilation Practice Guidance](#)

[HALO Project](#)

[HALO Project Darlington](#)

[Karma Nirvana – supporting victims of Honour Based Abuse website](#)

[Home Office Forced Marriage Unit](#)

[Anti-social Behaviour, Crime and Policing Act 2014](#)

[Family Law Act 1966](#)

[UN Convention on the Rights of the Child \(UNCRC\)](#)

[Children Act 1989](#)

[The Care Act 2014](#)

[Forced Marriage Civil Protection Act 2007](#)

[HM Government 2010 - Forced Marriage and Learning Disabilities – Multi-agency practice guidance](#)

[Leeds Beckett University – Honour Based Abuse](#)

[Forced Marriage – A survivors Handbook](#)

[Darlington Safeguarding Partnership Multi-Agency Procedures for Adults with Needs for Care and Support.](#)

[Darlington Safeguarding Partnership Multi-Agency Child Protection Procedures](#)

[Darlington Safeguarding Partnership Multi-Agency Practice Guidance on Domestic Abuse - Safeguarding Children and Adults with Needs for Care and Support](#)