

SAFEGUARDING ADULTS WORKBOOK

4

Forced Marriage

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Acknowledgement: This workbook has been adapted by the Rochdale Borough Safeguarding Adults Board (RBSAB) from an original created by Teeswide Safeguarding Adults Board. We would like to thank Teeswide SAB for producing the original workbook and allowing us to adapt it for use in Rochdale.

Introduction

This workbook has been developed for staff and volunteers who have completed Safeguarding Adults awareness training, which may have been through attending a tutor-led course, completing an e-learning course or the RBSAB Safeguarding Adults Awareness workbook. This workbook will build on your prior learning, the modules are as follows:

- The Mental Capacity Act & Liberty Protection Safeguards
- Domestic Abuse
- Forced Marriage
- Female Genital Mutilation
- Prevent
- Modern Slavery
- Self-Neglect

You must complete all sections of the workbook and return it to your Manager for assessment. When you have successfully completed the workbook, you will be issued with a certificate and your training records will be updated: the workbook will be returned to you to be used as a reference tool.

In the appendices, you will find a link to the current Rochdale Multi-Agency Safeguarding Adults Policy and Procedures for reference purposes.

Suggested study time to be allocated to complete this workbook: 3 hours.

Once you have completed the workbook please forward the ***Certificate of Completion*** page to the Rochdale Borough Safeguarding Adults Board, Business Unit, using the contact details below, who will make a record of completion and issue a certificate.

Rochdale Borough Safeguarding Board/Partnership Business Unit, Number One Riverside, Smith Street, Rochdale OL16 1XU. rbsb.admin@rochdale.gov.uk

This workbook is aimed to help those who need an understanding of adult safeguarding awareness in their role and may have a responsibility for raising safeguarding concerns to ensure they are competent, and have all the knowledge they need.

It is aimed at all staff and volunteers in health and social care settings, all frontline staff at Greater Manchester Fire and Rescue Service, staff within Housing teams, Clerical and Administration staff, Adult Care staff who do not undertake front-line assessments, Domestic and Ancillary staff, Health and Safety Officers, other support staff, Elected Members, GP practice staff, Governing Boards and Safeguarding administrative support staff. This is not a definitive list.

Forced Marriage

Some Useful Definitions

An adult is defined as any person aged 18 years or over. Family members are defined as mother, father, son, daughter, brother, sister, and grandparents, whether directly related, in-laws or stepfamily.

Forced marriage

A forced marriage is a marriage in which one or both spouses do not (or, in the case of some adults with learning or physical disabilities, cannot) consent to the marriage and duress is involved. Duress can include physical, psychological, financial, sexual and emotional pressure. In cases of vulnerable adults who lack the capacity to consent to marriage, coercion is not required for a marriage to be forced.

Honour-based violence

The terms “honour crime” or “honour-based violence” or “izzat” embrace a variety of crimes of violence (mainly but not exclusively against women), including assault, imprisonment and murder, where the person is being punished by his/her 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 not following 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.

Relevant third party

The Family Law Act 1996 (inserted by the Forced Marriage (Civil Protection) Act 2007) provides for three types of applicant who may apply for a forced marriage protection order (see section 3.15.7). They are the victim, anyone on their behalf with the permission of the court and a relevant third party. A relevant third party may apply on behalf of a victim and does not require the leave of the court. A Local Authority is a Relevant Third Party.

Understanding the Issues around Forced Marriage

A forced marriage “is a marriage conducted without the valid consent of both parties, where duress is a factor” “A Choice by Right” HM Government, 2000

What is the difference between forced and arranged marriage

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 marriage, one or both spouses do not (or, in the case of some adults with disabilities, cannot) consent to the marriage but are coerced into it. Duress can include physical, psychological, sexual, financial and emotional pressure.

Consent is essential to all marriages – only the spouses will know if they gave their consent freely.

Remember

If families have to resort to violence or coercion alluded to above to make someone marry, that person’s consent has not been given freely and therefore it is a forced marriage.

“Multi-agency practice guidelines: Handling cases of Forced Marriage 2014’

Frequency of Forced Marriage

The UK Government and the Welsh Assembly Government regard 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 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.

The majority of cases of forced marriage reported to date in the UK involve South Asian countries. 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 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 national being sent abroad.

In 2019, the Forced Marriage Unit had to give advice or support related to possible forced marriages in 1,355 cases.

The FMU obviously will not deal with every case of forced marriage in the country, just those it has been made aware of so the true scale of the issue is unclear. The FMU notify Local Authorities of cases reported so action can be taken through the courts.

Source:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/894428/Forced_Marriage_Unit_statistics_2019.pdf

Motives Prompting Forced Marriage

Perpetrators who force their children to marry often justify their behaviour as protecting their children, building stronger families and preserving cultural or religious beliefs. 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 all religions.

Perpetrators often believe that they are upholding the cultural traditions of their home country when in fact, practices and values 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 only an infant.

Some of the key motives that have been identified are:

- Controlling unwanted behaviour and 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 what is perceived to be 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 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.

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 form of violence against women and men, domestic abuse, a serious abuse of human rights and, where a minor is involved child abuse.

Aggravating Factors

There is evidence to suggest that there may be factors that increase the risk of someone being forced into marriage. These factors include bereavement within the family. Occasionally, when a parent dies, especially the father, the remaining parent may feel there is more of an urgency to ensure that the children are married. A similar situation may arise within single parent households or when a step parent moves in with the family. Sometimes, when an older child (particularly a daughter) refuses to marry, the younger female siblings are forced to marry in order to protect the family honour or to fulfil the original contract.

Women and girls may have an increased risk of forced marriage if they have disclosed sexual abuse. Parents may feel that this has brought shame on the woman or girl and that ensuring that she is married may restore honour to the family. They may also feel that marriage will put a stop to the abuse.

A person may be at greater risk if they are lesbian, gay, bisexual or transgender, as their parents may feel that by forcing the individual to marry, their sexuality or gender identity will not be questioned. Parents may also do so out of a mistaken belief that this will “cure” their son or daughter of what they perceive to be abnormal sexual practices.

The Victim

Isolation is one of the biggest problems facing those trapped in, or under threat of, a forced marriage. They may not feel there is anyone they can trust to keep this secret from their family and 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 someone disclose fear of forced marriage. Therefore, they will often come to the attention of practitioners for behaviour consistent with distress.

Young people, particularly girls, forced to marry or those who 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 South Asian women than other groups and contributory

factors include lack of self-determination, excessive control, weight of expectations of the role of women and anxiety about their marriages. A learning 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 leave an abusive situation. Their care needs may make them entirely dependent on their carers.

Consequences of Forced Marriage

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 marred 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.

Both male and female victims of forced marriage may feel that running away is their only option. For many people, especially women from black and 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.

Living away from home with little support can make people, particularly women, 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.

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 family members who have run away, or involve the police by reporting them missing or falsely accusing the 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”) or subject them to further violence or abuse.

If a person does not have indefinite leave to enter, exceptional leave to remain, indefinite leave to remain, refugee leave, humanitarian protection, 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.

Women trapped in a forced marriage often suffer 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 women manage 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”.

The “One Chance” Rule

All practitioners working with victims of forced marriage and honour-based violence 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 save a life. This means that all practitioners 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 being offered, that one chance might be wasted.

Difficulties When a Forced Marriage Takes Place Overseas

For many people, especially women, 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 or 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 they 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 find themselves subjected to violence or threats of violence. Even if the authorities in the UK are aware of the whereabouts of British nationals overseas, it may not be possible to provide suitable assistance to reach the area or to rescue them.

Therefore, it is always advisable to warn victims not to travel overseas.

Consider risks to others - 'Think Family'

Consideration must also be given as to whether anyone else is at risk as a result of Force Marriage. This may include children or other adults with care and support needs. Whilst actions may be limited in relation to the individual themselves, there may be a duty to take action to safeguard others. Should there be a concern that a parent may be neglecting children in their care, concerns must be reported to Children's' Social Care.

Potential Signs or Indicators

These indicators are not intended to be exhaustive.

Education

- Absence and persistent absence
- Being withdrawn from school by those with parent responsibility
- Request for extended leave of absence and failure to return from visits to country of origin
- Removal from a day centre of a person with a physical or learning disability
- Fear about forthcoming school holidays
- Not allowed to attend extra-curricular activities
- Surveillance by siblings or cousins at school
- Sudden announcement of engagement to a stranger
- Decline in behaviour, engagement, performance or punctuality
- Prevented from going on to further/higher education

Employment

- Poor performance
- Poor attendance
- Limited career choices
- Not allowed to work
- Unable to attend business trips or functions
- Subject to financial control, e.g. confiscation of wages / income
- Leaving work accompanied
- Unable to be flexible in their working arrangements

Family History

- Siblings forced to marry
- Early marriage of siblings
- Self-harm or suicide of siblings
- Death of a parent
- Family disputes
- Running away from home
- Unreasonable restrictions, e.g. kept at home by parents ("house arrest") & financial restrictions

Health

- Accompanied to doctor's or clinics
- Self-harm
- Attempted suicide
- Eating disorders
- Depression
- Isolation
- Substance misuse
- Early/unwanted pregnancy
- Female genital mutilation

Police

- Victim or other siblings within the family reported missing
- Reports of domestic abuse, harassment or breaches of the peace at the family home
- 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

Legal Position

S 121 Anti-social Behaviour, Crime and Policing Act 2014 - Offence of forced marriage:

- 1) A person commits an offence under the law of England and Wales if he or she:
 - (a) Uses violence, threats or any other form of coercion for the purpose of causing another person to enter into a marriage, and
 - (b) Believes, or ought reasonably to believe, that the conduct may cause the other person to enter into the marriage without free and full consent.
- 2) In relation to a victim who lacks capacity to consent to marriage, the offence under subsection (1) is capable of being committed by any conduct carried out for the purpose of causing the victim to enter into a marriage (whether or not the conduct amounts to violence, threats or any other form coercion).
- 3) A person commits an offence under the law of England and Wales if he or she:
 - (a) Practises any form of deception with the intention of causing another person to leave the United Kingdom, and
 - (b) Intends the other person to be subjected to conduct outside the United Kingdom that is an offence under subsection (1) or would be an offence under that subsection if the victim were in England or Wales.

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 Act 1989 or wardship proceedings may be issued in the High Court. Adults can seek an order for protection from harassment or non-molestation.

Forced Marriage Protection Orders (FMPO) can also be sought under the Family Law Act 1996. The Act makes provision for protecting both children

and adults at risk of being forced into marriage and offers protection for those who have already been forced into marriage. The terms of orders issued under the Act can be tailored to meet the specific needs of victims.

Under s120 of the Act, the maximum penalty for breach of a Forced Marriage Protection Order is five years imprisonment.

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. Agencies should not assume that a marriage is invalid because it was forced as this will most often not be the case.

Capacity to consent and the Mental Capacity Act 2005

The Mental Capacity Act 2005 applies to all people aged 16 and over. It aims both to empower people to make decisions for themselves whenever possible and to protect those who lack capacity to do this. The Act starts from the basis that, unless proved otherwise, all adults have the capacity to make decisions. Individuals may lack capacity if they are unable to:

- Understand information given to them.
- Retain that information for long enough to be able to make the decision.
- Weigh up the information available to make the decision.
- Communicate their decision to others.

Where someone is found to lack capacity to make a particular decision, others may be permitted to make decisions on behalf of that person, so long as any such decision is made in the best interests of the person who lacks capacity.

For example, family and professionals might decide that it is in a person's best interest to live in a certain place, even though the person themselves lacks the capacity to consent to such a decision. However, there are certain decisions which cannot be made on behalf of another person and this includes the decision to marry. There is therefore no legal basis on which someone can agree to marriage, civil partnerships or sexual relations on behalf of someone who lacks the capacity to make these decisions independently. However, families sometimes do believe they have the "right" to make decisions regarding marriage on behalf of their relative.

Capacity to consent to marriage:

If a person does not consent or lacks capacity to consent to a marriage, that marriage must be viewed as a forced marriage whatever the reason for the marriage taking place. Capacity to consent can be assessed and tested but is time and decision-specific.

The Mental Capacity Act 2005:**The five statutory principles which underpin the legislation are:**

- A person must be assumed to have capacity unless it is established that they lack capacity.
- A person is not to be treated as unable to make a decision unless all practicable steps to help them to do so have been taken without success.
- A person is not to be treated as unable to make a decision merely because they make an unwise decision.
- An act carried out or decision made under this Act for or on behalf of a person who lacks capacity must be done, or made, in their best interests.
- Before the act is carried out, or the decision is made, regard must be paid to whether the purpose for which it is needed can be as effectively achieved in a way that is less restrictive of the person's rights and freedom of action.

Honour Based Killings

Case Study 1

Rania Alayed (1988 – 2013)



Rania who had been living on Teesside was murdered by her husband in a pre-planned attack, for bringing 'dishonour' to his family after filing for divorce.

Throughout her marriage, the mother of three suffered domestic abuse by her husband, beating her when he did not like the food she had prepared for him. He also reportedly raped and throttled her.

As a result of the abuse, Rania "sought help from the Citizens Advice Bureau, the police, and eventually a solicitor" as well as her family. She told a friend of her fear after her husband had been seen angrily shouting that he would kill her.

Upon murdering his wife at his brothers' home, Rania's husband donned her clothes and left the house with Rania's dead body in a suitcase. The suit case containing the body was subsequently found in North Yorkshire.

The husband was sentenced to life imprisonment, whilst his brothers were also sentenced for their part.

Case Study 2

Banaz Mahmud (1986 – 2006)



Banaz was murdered for starting a new relationship after leaving her violent husband. Her decomposed body was found in a suitcase three months after she went missing. After subsequent failed attempts, she was murdered by her father, uncle and a group of family and friends.

In the hours leading up to her pre-planned murder, Banaz was raped and physically abused by her murderers. They then concealed the murder by burying the corpse in a garden.

Banaz came to the police on a number of occasions saying she would be murdered, even naming the perpetrators.

The cousins who carried out the murder were sentenced to life imprisonment, whilst other family members including her father were also sentenced for their part.

Case Study 3

Rukhsana Naz (1979 – 1998)



Murdered by her family after they believed she had insulted their honour with her adulterous pregnancy and refusing to have an abortion via a paracetamol overdose to induce a miscarriage.

Rukhsana, 19, who was seven months pregnant, had hoped to divorce her husband, whom she had only seen twice since her arranged marriage at the age of 15 and marry her lover.

Rukhsana was strangled by her brother with a piece of plastic flex while her mother held her down. Her body was unceremoniously dumped; by burying her body in waste ground. Both mother and son were sentenced to life imprisonment for the murder. Her mother told the court "We didn't want to kill her - it was written in her fate."

Useful References and Websites

Rochdale Borough Safeguarding Adults Board's Policies, Procedures and Guidance webpage including:

- Rochdale Borough Multi-Agency Safeguarding Adult Procedures
- Decision Making Guidance
- Think Family Guidance
- Mental Capacity Act and Deprivation of Liberty Safeguards Policy,

www.rochdalesafeguarding.com

Other useful resources:

[Care Act 2014 - Care and Support Statutory Guidance](#)

[Forced Marriage Unit](#)

[MCA 2005 - Code of Practice](#)

[Multi-Agency practice guidelines: Handling cases of Forced Marriage](#)

[Safeguarding Hub – Forced Marriage Signs and Tactics](#)

Rochdale Borough Safeguarding Adults Board Safeguarding Adults Workbook Assessment

Notice to Learners: You should complete the following questions without any help and submit answers to your line manager.

Question1

What is the difference between forced marriage and arranged marriage?

Forced marriage is:

Arranged marriage is:

Question 2

Please answer **true** or **false** to the following questions:

a) Men cannot be forced into a marriage.

True / False

b) Forced marriage is an abuse of human right.

True / False

c) Forced marriage is **not** a form of domestic abuse

True / False

d) Forced marriage is a form of child abuse.

True / False

Question 3

List 5 key motives that have been identified as promoting forced marriage.

- 1. _____

- 2. _____

- 3. _____

- 4. _____

- 5. _____

Question 4

List 3 aggravating factors that increase the risk of someone being forced into marriage.

- 1. _____

- 2. _____

- 3. _____

Question 5

What is the 'ONE CHANCE' rule?

Name	
Job Role	

Evaluation

Name:

Once completed please forward the workbook evaluation (*i.e. this page*) and the Certificate of Completion) to the Rochdale Borough Safeguarding Adults Board, Business Unit, using the contact details below, who will make a record of completion and issue a certificate. Completion records may be shared with the training leads of your commissioning organisation to ensure that your staff development record remains up to date.

Rochdale Borough Safeguarding Adults Board Business Unit, 4th Floor, Number One Riverside, Smith Street, Rochdale. rbsb.admin@rochdale.gov.uk

Why did you complete this workbook?
Where did you do your training?
<input type="radio"/> Home <input type="radio"/> Work <input type="radio"/> Mixture
Overall, how satisfied were you that the workbook gave you the information that you needed to know?
<input type="radio"/> Very satisfied <input type="radio"/> Satisfied <input type="radio"/> Partly satisfied <input type="radio"/> Dissatisfied
What is the most important thing you have learned from this workbook?
How will you use the information from this workbook in your day to day work?
Would you recommend this workbook to other people? Please explain.
Is there any aspects of the workbook you feel could be improved?
Manager / Supervisor: Please provide feedback on how the learner managed this learning experience.

Adult Safeguarding Workbook Certificate of Completion – Forced Marriage Workbook

I have discussed the completion of the workbook with my manager / assessor.

Name (*please print*): _____

Signature of employee: _____

Date: _____ / _____ / _____

Declaration:

I have seen the workbook completed by _____
(*as it will appear on the certificate*) and I can confirm that I am satisfied that they now
have a good knowledge and understanding of Forced Marriage.

Name (*please print*): _____

Signature: _____

Date: _____ / _____ / _____

Details of Manager / Assessor:

Job Title: _____

Organisation: _____

E-mail Address: _____

Telephone Number: _____