

FORCED MARRIAGE CONSULTATION

Introduction

Charles Clarke Home Secretary is considering the benefits and risks of creating a specific criminal offence relating to forced marriage and therefore carrying out a series of consultation to gather views and opinions. It is recognised that forced marriage is an abuse of internationally agreed human rights and a form of domestic violence.

No-one knows exactly how many people are being forced into marriages each year because many victims do not seek help or say that they are being forced into a marriage. But the Government's Forced Marriage Unit sees at least 250 cases each year. Victims come from a variety of cultural backgrounds, male and females. This is broken down as female 85% and male 15%, between the ages of 13 to 39 (majority of them between 15 to 24) and 30% being under 18's.

Background

Forced Marriage has been well recognised as an issue of concern for the community safety partnership and is part of the domestic violence overall statement and strategy. In partnership with the Foreign and Commonwealth Office we organised the first forced marriage consultation in 18 March 2003 to look at Social Work Guidance on forced marriages.

After the consultation we produced a leaflet on forced marriages detailing what it is and where to get help and advice from and have a sub-working group looking at forced marriage and other issues affecting Black and Minority Ethnic victims/survivors.

In Derby, we are aware of forced marriage cases, Rukshana Naz was murdered due to forced marriage and family honour.

Current Work

The CSP is part of the Forced Marriage Working Group consisting of Derby and Derbyshire Social Services, Education, Connexions, Cultural and Leisure and Karma Nirvana. We are also part of the sub-working group consisting of CSP, Education and Connexions are looking at updating the forced marriage leaflet and target information to parents as well as victims. We are aware that Schools are picking up a number of cases on forced marriages.

Six consultation events have been organised, aimed at victims and survivors, communities, professionals, Asian males' and 2 school events. Jasvinder Sanghera is writing up the feedback from the consultation to be circulated to the working group for comments by 9 December 06.

In addition to this the CSP have obtained feedback from both the Women and Minority Ethnic Advisory Committees, agencies and individuals. We have also been part of the national consultation organised by Southall Black Sisters. The response to the consultation is varied and comments have been as follows:-

“Families may be less likely to force a couple to marry if they knew their actions were punishable by a prison sentence”

“Couples may be encouraged to speak out against forced marriages and seek help”

Older generation would be more affected by making forced marriage a “criminal offence”.

“Couple may use the legislation to disguise the fact that their marriage had simply failed”.

The overall majority response has been that there is a need for increased education awareness on forced marriage and greater access to information about where to go to get help before the marriage took place as well as after any such marriage.

Community Safety Partnership Response

Forced Marriage is an issue of concern for young people in Derby. It is a form of physical and emotional abuse and in extreme cases even murder. It obstructs their studies, career opportunities and economic independence.

No-one should be forced into marriage without their consent. We deal with 10 to 15 cases a year but in most of these cases the person does not want the family to know that they have been in contact with us.

Forced marriage should be viewed as a criminal offence but any new legislation needs to be accompanied by increased education and greater access to information.

The problem with creating a specific criminal offence is:-

- the difficulty in defining forced marriage particularly emotional and psychological abuse
- young people taking parents/families to court
- who would be charged for the offence, as usually force is not just from one member of the family
- what level of forced marriage is deemed criminal
- that most of the offence usually takes place abroad and therefore would require extra territorial effect (cross border investigation).

Recommendations

The Government could create a new offence covering threats to forced marriage but will need to identify resources for relevant agencies such as court, police, social services, education, youth service and community safety partnership to develop procedures and relevant training for their staff.

In addition there needs to be a Zero Tolerance campaign from the Government to raise awareness and tackle forced marriage. There still tends to be lots of confusion both in communities and professionals as to what is the difference between arranged and forced marriages.

Police will require training and work closely with the missing person units to ascertain forced marriage victims.

Social Service Department need to include forced marriage as a child protection issue.

Education need to be aware of the impact of forced marriage to children and their education.

There's a need to be work across partners to identify the level and extent of forced marriages and look at multi-agency working.

We need to link into existing civil law and other protective measures such as section 8 orders and divorce proceedings to tackle forced marriage.

Conclusions

Forced marriage is a complex issues and very much integrated in domestic violence. Victims of domestic violence maybe further compounded to forced marriage offences because of the pressure they have received from their partner (perpetrator) to force their child(ren) into a marriage. Other factors of forced marriage is the domino effect, where two siblings are married in the same family and if one decides to take a criminal offence out on the family this could have a negative impact on the other sibling.

Any new legislation needs to be clear that it does not stigmatise or further isolate an individual community and that it becomes an 'Asian' problem.

Every-one has the right to live free from fear and abuse and families have their rights to privacy and family life and therefore there should be a balance to respect both.

