



## About us

**Rights of Women:** Established in 1975, Rights of Women (ROW) works to achieve justice, equality and respect for all women. We specialise in providing legal advice and support for women who are experiencing or are at risk of experiencing, gender-based violence, including domestic and sexual violence. We support disadvantaged and vulnerable women including Black, Minority Ethnic, Refugee and asylum-seeking women (BMER women), women involved in the criminal justice system (as victims and/or offenders) and socially excluded women. By offering a range of services, including telephone helplines, legal publications and training courses and events, we aim to increase women's understanding of their legal rights and improve their access to justice enabling them to live free from violence and make informed, safe, choices about their own and their families' lives.

**Imkaan:** is a UK-based, black feminist organisation dedicated to addressing violence against women and girls (VAWG). Imkaan's work is focussed on the needs and aspirations of women 'in the diaspora' for example (and not limited to) women who define as African, African-Caribbean, Black British, Kurdish, South Asian and South-East Asian. As a second-tier membership organisation, Imkaan represents the expertise and perspectives of frontline Black and Minority Ethnic (BME) women's services that work to prevent and respond to violence against women and girls and aims to promote positive attitudes, recognition, and the effective inclusion of BME women's and girls' experiences and needs within service planning, delivery and commissioning. We act as a conduit between government, statutory agencies, mainstream voluntary organisations and the specialist BME VAWG sector providing support through strategic advocacy, sector development, research, accredited training and peer education programmes and consultancy.

### Expertise on forced marriage:

Both agencies have extensive experience of working on these issues. Rights of Women has significant experience of the delivery of training and events to professionals, delivery programmes of training courses, workshops and conferences on a range of legal issues arising from VAWG including sessions dedicated to forced marriage.

Imkaan produced a ground-breaking report on forced marriage in London in 2011, *The Missing Link: a joined up approach to addressing harmful practices in London*<sup>1</sup> and has more recently piloted the first set of service standards designed to support organisations that deliver support services to women and girls affected by forced marriage, female genital mutilation and 'honour' based violence within a VAWG framework.

## Acknowledgements

The workshops were delivered and designed by Janet McDermott, Training Development Officer, Imkaan and Ruth Tweedale, Senior Legal Officer, Rights of Women.

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<sup>1</sup> Imkaan, Equality Now and City University (2011) *The Missing Link: A Joined Up Approach to Addressing Harmful Practices in London*, <http://imkaan.org.uk/resources>

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## Introduction

Between October 2013 and March 2014, Rights of Women and Imkaan collaborated on a joint project in order to combine their expertise and experience on law, policy and the delivery of effective support services to victims/survivors of forced marriage. This project sought to build on existing initiatives to address forced marriage by looking at current levels of awareness and knowledge, perceptions on the usefulness of the law, including existing civil and criminal remedies and the forthcoming criminal offence on forced marriage. It also sought to identify any specific concerns, gaps and needs based on women and girls’ experiences of accessing legal and other types of support. The timing of this project is particularly pertinent given that it coincides with the Government’s implementation new forced marriage criminal offences in June 2014. Furthermore, this project sought to ensure that the voices of women and girls with lived experiences of forced marriage are heard by and used by key national and local policy makers who are involved in developing appropriate and effective approaches to addressing forced marriage as part of an integrated VAWG approach.

### Project aims

The project worked directly with women survivors and those who may be at risk of forced marriage, as well as women who may have different interactions with support services, and organisations (statutory and voluntary) who support them.

The work was undertaken by:

- a. Working in partnership with specialist BME VAWG specialist providers to improve the knowledge of mainstream statutory services on legal remedies and developments whilst also supporting them with the skills to develop appropriate local responses to victims/survivors
- b. Updating the knowledge and skills of BME VAWG specialist providers on legal remedies and processes that are relevant to their case-work and advocacy with women and girls.
- c. Increasing the understanding and confidence of women and girls affected by forced marriage on the law, legal rights and remedies. Improving access to information on key legal issues that are likely to have an impact including divorce, annulment, financial relief, private law children proceedings, child abduction and child maintenance as well civil and criminal law remedies including forced marriage protection orders and the proposed new criminal offence.
- d. Raising awareness of recent and forthcoming changes on the availability of legal aid for family law and immigration law cases.
- e. Creating a dialogue with survivors and support agencies, to identify key issues that are useful in informing on-going debates and local and national policies which seek the address the needs of victim/survivors.

# Approach

The project involved the following steps:

- (1) A consultation session with women and girls was co-ordinated with the support of Ashiana Network, (London) in October 2013 to identify key issues and concerns on their experience of accessing information and support. The outcomes of this session were then used to inform the design and delivery of workshops with professionals and women and girls to ensure their needs and experiences were addressed in the delivery of the work.
- (2) Eight workshops were delivered across 4 regions in England and Wales including Cardiff, Coventry, Rotherham and Newcastle between September 2013 and February 2014. The locations selected included those where BME VAWG services are available. 2 practical and interactive workshops were delivered in each region, which included:
  - Sessions for victim/survivors of forced marriage and other forms of VAWG, which provided a safe women-only space for discussion and sharing information about the legal issues arising from forced marriage, the strengths and weaknesses of current service responses as well as hopes and fears about current law and policy.
  - Sessions with professionals with a responsibility for addressing forced marriage, which sought to raise awareness and knowledge of the law and legal remedies arising from forced marriage including forced marriage protection orders, divorce and annulment proceedings, financial relief, Children Act proceedings, child abduction, child maintenance and legal aid.
- (3) The project also involved the development of two publications including a legal guide and a policy report to feedback on the outcomes of the project.
  - ROW led on the development of a free and accessible legal guide for survivors of forced marriage detailing legal remedies available to help them rebuild their lives. Building on the information contained in the FMU's Survivor's Guide this legal guide focuses on civil and criminal remedies to forced marriage and also deals with divorce and annulment, proceedings, financial relief, Children Act proceedings, child abduction and child maintenance. It will be available in hard copy and distributed to service providers for distribution to survivors. It will also be available to download from the Rights of Women website and send to women accessing our specialist helplines.
  - Imkaan led on the development of a report addressing the law and policy issues arising from forced marriage and which had emerged through our interactions with survivors and service providers in the workshops. This report will be distributed to Ministers, Government departments, local government and service providers to provide a tool for the development of local and national law and policy on forced marriage.



## Key themes emerging from workshops with women

**Overview:** Women described a range of personal circumstances and histories of violence, which suggested the need for the issue of forced marriage to be contextualised within women and girls' broader experiences. They spoke of patterns of control which ranged from the more subtle, e.g. always knowing that their parents would never allow them to make their own choices around relationships, to the more obvious, e.g. policing of their movements and preventing access to education. Women also did not necessarily isolate or separate forced marriage from other abuse that they had experienced. For example, in one session, all of the women had been physically abused by their husbands and also shared accounts of abuse that included violence perpetrated by extended family members.

Some women expressed concerns about a wider context of violence against women and girls including the widespread availability of pornography, and its impact on how women and girls are treated (including the sexual exploitation of young girls). In all the sessions, women highlighted the way that gendered expectations had impacted their lives and the ways in which they felt that these had been normalised through fixed, problematic ideas of culture<sup>2</sup>. They noted, for example, that parents and families may not see their actions as wrong or that the marriage had been 'forced'.

*"I thought it was my destiny. It was not my destiny, values, cultural issues, many things mother telling me from the start. I will not let these things happen to my daughter; want to make her a strong lady. I have to tell her, this is the right way and the wrong way. Sometimes saying – if you have a husband life is easy, when I had a husband it was very hard."*

While women cited 'culture' as significant in terms of expectations of women, there were also specific references to how religion had, in some cases, been used by husbands and families.

*"They say it justifies abuse but it does not, it says 'be fair to your wife'."*

The impact of forced marriage, and the associated issues and manifestations of violence, on women was extensive. Women spoke of the physical harm that had been inflicted on them but they also described the impact of abuse on their emotional and mental wellbeing. Where women were subject to immigration control, being told that they would be sent back to their country of origin was a significant part of their experience of abuse and a factor which compounded their sense of fear.

While leaving a violent relationship may have resulted in increased safety for women, it did not necessarily result in an end to the pressure that women were subjected to. Some women continued to be harassed including through social media, even after they had left their relationships. For many women, their placement within family and wider community was also key area of concern, not only in terms of practical safety and ongoing risks of violence, but also in terms of anxiety around shame and loss of social standing i.e. being a "bad" woman.

The issue of divorce was also critical and difficult for many women.

<sup>2</sup> Gender, culture and rights intersect in intricate and complex ways. The tendency to view culture as largely an impediment to women's human rights is both oversimplistic and problematic. By attributing self-propelling agency to "culture" independent of the actions of human beings, it diverts attention from specific actors, institutions, rules and regulations, keeping women subordinated within patriarchal systems and structures. See <http://www.ohchr.org/EN/Issues/CulturalRights/Pages/SRCulturalRightsIndex.aspx>





## A. Legal responses to forced marriage

**Current awareness of legal remedies:** Across all sessions, women's knowledge of the range of relevant legal remedies available to victims and potential victims of forced marriage was negligible. Crucially, while most women may not be expected to have detailed information about the law, women's awareness of their right to access justice and support was very limited. In practice women's access to legal support has also been constrained by austerity measures, including cuts to legal aid, which have impacted the number of firms offering specialist, funded support.

Although some women spoke very positively about the police, they also reported that going to the police involved its own challenges. Women were generally unaware of the developments in forced marriage legislation and of the introduction of a specific criminal offence.

*“ I had no information, on the law of the land, where to go for help.*

*“ Women do not know about their rights, which means they do not come forward and therefore do not get help.*

*“ No information available, no access to information, no mobile phones or internet.*

*“ Didn't know what to do, didn't know there was help there, didn't know what was happening was a crime.*

At the workshops women spoke about their experiences of serious criminal offences, such as assault, kidnapping and rape which they reported to the police. It then became clear to the facilitators that the police were not routinely investigating these crimes. Many women made serious allegations of physical violence and other forms of abuse to the police and in only a few of the cases highlighted were charges brought against the perpetrator.

**Women's view on existing laws:** some women also felt that existing laws either did not work or were not applied effectively

*“ The laws that prevent girls being taken abroad don't really work, means you just have to wait until 22 to have spouse brought over. It can help a bit as you might be able to get your education, but not a solution.*

**Views on new criminal offence:** Women had mixed views on whether this development was the right thing. Where women agreed with the introduction of a new offence, they felt that it was useful from a public relations perspective and that it would act as a deterrent.

*“ Communities would know that it is against the law.*

*“ Organisations, all need to be aware of forced marriage, I agree that it is a crime.*



## B. Women's experiences of agency interventions

Women shared mixed experiences of agency interventions, highlighting significant levels of inconsistency even within individual agencies. Some women were concerned about a lack of knowledge on the part of practitioners and the resulting failure to take appropriate action, while others described how the expertise, particularly of specialist agencies, made them feel safe.

There was also mixed response about the help and support younger women were able to get from school/ college or teachers. One young woman was helped by her deputy principal; while another teacher, after noticing that something was wrong' took steps to help a young woman who was pregnant and feeling suicidal. Another did not know who the child protection officer was, and did not know if she would get help.

*“ First person you see is really important to have a good response from them. Because you give up.*

*“ You forget that it's your right to be treated fairly and you feel worried about his family and your family, big family row and everyone angry at you.*

**What worked for women:** women's comments on the specialist black and minority ethnic women' sector agencies indicated how important these agencies are in meeting women's immediate safety needs as well as for a wider sense of empowerment and support. All survivors expressed that women-only spaces were important to them.

*“ Coming here, saved my life.*

*“ Best support.*

Women described positive experiences in their interactions with other professionals including one situation where a woman accessed support through her tutor at college and another where a woman received excellent support from a BME community sexual health organisation.

Women reported some positive interventions from statutory agencies, especially the police. This included being supported to relocate, access refuge and other specialist support, and receiving quick responses to calls. Women also stated that they felt better about police responses where they felt that officers understood what they were going through. When they got a good response and were supported by an officer it was invaluable to them.

**What did not work:** women's expectations of the main statutory agencies including the police were not particularly high. Key concerns for women were lack of awareness and lack of consistency by agencies. Where agencies lacked understanding about forced marriage, this had impact on their practice, which in turn had a negative impact on girls and women who approach them. In some cases, the practitioner response actually put women at risk of further violence. For example, one woman shared that she had disclosed information about her situation to a health visitor, who then breached her confidentiality by discussing the matter with her in-laws; and this had led to a violent attack from her mother-in-law. Women also noted that a lack of awareness by agencies, of various contextual factors such as the likelihood of there being multiple perpetrators, had a real impact on the [lack of] effectiveness of interventions.

*“ Police do not understand our culture – even lawyers don't understand the culture.*



## C. Reflections and recommendations

Women shared their views on what they felt is needed to protect and support victims as well as to prevent forced marriage from happening in the first place. The following is based on an analysis of women's perspectives.

**Safety:** Women's own narratives indicate the importance of addressing forced marriage within the wider context of violence against women and girls. Forced marriage is clearly an issue which cannot be separated from the way gender is constructed and deployed across society and within specific cultural contexts. Many of the themes that arose from women sharing their experiences are similar to those which emerge in other spaces where women experience violence within a context of a relationship i.e. fear, mixed feelings about the different relationships and wanting safety while not always wanting to punish perpetrators. It is therefore crucial that the safety of women and girls is at the heart of any response to forced marriage. As indicated by women's own responses, this is often about appropriate support rather than the singular pursuit of criminal justice outcomes. It is notable that even when women in the sessions believed that a forced marriage offence is important, they stated that they would not have reported to the police.

*Support is the most important thing.*

**Prevention:** given that women cite 'culture' and gendered roles and expectations as important factors, approaches need to continue to be developed which critique the intersection of gender and culture and examines the impact of this on women and girls. Embedded primary prevention work that includes work in schools, training for professionals, and on-going awareness-raising across society and community engagement (coming from grassroots organisations with expertise in gender as well as being located in / connected to specific communities) is critical.

*Education is the key to solving the issue of forced marriage.*

*Workshop in schools for safe relationships.*

Primary prevention programmes must include analyses of how gender is constructed within wider society and the way different settings may facilitate particular expressions of harmful masculinity.

**Information on rights and support:** Women's lack of awareness of available support the remedies available to them is a major concern. It is essential that community engagement and awareness raising work includes information on support services, legal remedies etc.

*More awareness of support networks would be helpful.*

*Information on TV, as no phone or access to the internet.*

**Specialist black and minority ethnic women's organisations:** are clearly an important source of safety and support for women affected by forced marriage and other forms of VAWG. Yet the sector remains under-resourced and fragile. It is essential that the government's strategic response to forced marriage includes commitments to strengthen the BME women's VAWG sector in recognition that they are often the first port of call for women.

*Potential for HBV therefore need the intervention of support and protection from women's organisations and protection from the police.*



## Key themes emerging from workshops with professionals

During the workshops professionals were asked to share their thoughts and views on current responses to forced marriage and identify particular issues (pros and cons) that would influence their specific roles, particularly in the context of the forthcoming criminal offence.

**Overall views:** The majority cited improved awareness, recognition, enforcement and the role of the law in preventing forced marriage in the future as potential positive outcomes from the new offence. However, a similar proportion of professionals identified potential problems and gaps in current support that could potentially undermine the effectiveness of the criminal offence and undermine safety and support to victims of forced marriage which consequently points to the existence of conflicted views on the merits of criminalisation.

### Key issues that emerged:

**Creates more accountability and recognition of forced marriage:** Nearly all the participants felt that the existence of a specific criminal law helps to publicly reinforce forced marriage as a crime and a gender equality issue, as is the case with other forms of VAWG. Some agreed that the Criminal Justice System (CJS) was the appropriate and effective avenue for holding perpetrators accountable for their actions and to prevent impunity. In contrast, others shared concerns about the law being under-utilised because of the difficulties that have existed in relation to pursuing prosecutions under the current legislation on Female Genital Mutilation (FGM). Furthermore, the law was viewed by a number of professionals as a useful tool for raising awareness and understanding about the nature of forced marriage amongst women and girls, professionals, perpetrator(s) and society.

*I believe that the new law will assist the Police greatly, giving us a greater power to protect victims of all the various criminal offences committed under the umbrella of forced marriage as opposed to separate individual charges.*

*If it is publicised, once passed it would bring an awareness to both victims and perpetrators (implications) and provides awareness of what constitutes forced marriage so the victims can get help.*

*Having forced marriage criminalised would make available a law/legislation to reference to when protecting or safeguarding the victim or those at risk/vulnerable (social worker).*

### Improved levels of support and protection:

Overall there was a strong consensus that the law was beneficial in both 'protective' and 'preventative' terms.

Protection was the single most cited reason for why professionals felt positive about legislation on forced marriage. For example, the law was viewed as a mechanism for helping more women and girls to disclose to relevant agencies and access legal protection through more consistent enforcement through the CJS. It was also viewed as the route to supporting women and girls to access practical and emotional support through specialist agencies. Some also felt that it would encourage agencies to commit more resources to addressing the needs of women and girls. Although forced marriages conducted outside of the UK could still be

prosecuted under the new legislation it was felt, the fact that they have happened overseas, would make it much more difficult for the police to investigate and the Crown Prosecution Service (CPS) to bring charges. There was concern that this might mean more women and girls were at risk of being taken outside of the UK to be married and potentially be put through a more stressful process of being removed from networks of support and therefore more vulnerable to violence as a consequence.

“ It will introduce resources for agencies to protect children and young people.

“ Encourage people to come forward and report incidents (crimes).

Prevention and the opportunity for the law to act as a deterrent was the second most cited reason that professionals gave for the positive impact of legal reforms (43%). The threat of legal enforcement and consequences including a criminal record and a custodial prison sentence was considered as a powerful disincentive to perpetrator(s) committing forced marriage. Whilst others felt that the law would help to shift and reframe gendered attitudes and norms and this was linked to a potential reduction in incidents in the future. Whilst professionals noted the potential preventative impact of the law, a number felt that legislation alone would be insufficient and would not lead to longer-term changes in attitude unless implementation also involves parallel and consistent work and support at a grass-roots level. For instance, a number of participants noted the absence of public information; a lack of frontline support services and inconsistent work in schools as barriers to adults and young people being aware of their rights and being able to access appropriate support and information. The provision of accessible legal information to explain the implications of the criminal/civil legislation was also considered critical.

“ Parents may initially reconsider forced marriage due to possible prosecution.

“ I think that within society there is a huge amount of confusion and ignorance about this subject. I think it's great that professionals are getting this training but it needs to focus in schools so that in the future it is wider publicised.

“ I think education is more important, because there is no point in a law that individuals may not understand, increases fear and does not support the individual with acceptable/practical advice. This should happen ahead of the law.

**Bringing forward a complaint:** A number of professionals stated that a strong CJS response helped to reduce the burden on women and girls in having to initiate criminal proceedings against family members, which often presented a significant barrier to reporting. Whilst this was viewed as a progressive measure, a number also felt that this would not necessarily improve levels of reporting and that a number of issues would impact on women's decision-making processes and may also lead to high levels of attrition. For example, women would still feel fearful and reluctant to report as the very act of disclosing, as with other forms of VAWG would make women and girls less safe. Disclosure can also increase the vulnerability of family members who are not supportive of the forced marriage or who may be at risk of a forced marriage themselves.

Professionals also noted that it is likely that a number of women and girls may want support to leave and manage their situation but would not always want criminal actions against close family members. They would therefore be more likely to feel positive, safe and more willing to engage with non-legal forms of intervention. However, a lack of appropriate



support services was also highlighted as a reason why women and girls would not be able to report. There may also be a fear that a disclosure to an agency would result in information being shared with the Police and therefore used to initiate criminal proceedings, which in turn may deter women reporting to any agency including specialist voluntary sector agencies. Rather than reduce forced marriage, perpetrators would also find more covert ways of acting to avoid detection and which would in turn exacerbate the vulnerability of women and girls. Some also shared concerns about difficulties of proving the offence of forced marriage to a criminal standard, given the nature of the crime.

*“ May 'hide' the problem as people will be afraid to report due to consequences for their family/local community, themselves; need fundamental change in attitude, not just legislation.*

*“ Women are emotionally, financially and practically embedded in their family and it will be very difficult for them to criminalise their abusers – much better to approach it in a way that doesn't destroy the family in the process.*

*“ Perpetrators could become cleverer in their covert intentions and actions – go to more extreme lengths to implement/hide marriage.*

*“ Could reduce the number of women seeking refuge space due to fear of whatever they disclose could cause perpetrator to be prosecuted. It will influence the way refuge staff support women and what guidance they will have to follow.*

**Prior negative experience of agency responses:**

Dismissive attitudes towards women and girls, as complainants, in other areas of law, such as sexual offences and domestic violence, which would impact on how confident women and girls felt about the law's ability to protect them. This would be particularly strong if they had any prior negative experiences with the police.

*“ It will give more choice, but will scare victims. Our clients are not satisfied with the police response. In criminalising an offence, they have to go through the police.*

**Lack of options for safe reconciliation:** Some professionals highlighted the importance of ensuring that routes for accessing support did not only rely on following the criminal or civil justice process. Some spoke about the need for women to have access to specialist support where reconciliation is deemed as appropriate and safe. The importance of ensuring that assessments were conducted by agencies that have forced marriage expertise, knowledge and an in-depth understanding of the safety implications was also emphasised. Those that raised this point also felt that this was a neglected area of discussion in current policy efforts.

**The criminal process:** Participants highlighted that once the criminal process starts, women and girls would find it particularly difficult to give evidence against their family. The trial process is extremely stressful and cumbersome because of the adversarial nature of the legal system which frequently results in women having to give evidence repeatedly and encountering aggressive forms of cross-examination from barristers in court.



**Legal aid:** The reduction in the availability of legal aid to resolve immigration and wider family issues such as divorce and child contact matters<sup>5</sup>, was also identified as a serious problem and barrier to women's safety.

Some highlighted a concern about the position and vulnerability of those women who may not qualify for free legal aid and may not be able to avail themselves of a forced marriage protection order (FMPO)<sup>6</sup>. Whilst it was explained by the facilitators that legal aid for FMPOs is available for all women, it is means tested (income and capital) and many women are required to pay a financial contribution to their legal fees, which they cannot afford<sup>7</sup>. Forced marriage victims are recognised as being vulnerable, yet are not guaranteed free legal aid to secure a vital and life saving injunction. If they work, have savings or own a property they will have to pay a contribution to their legal fees that can be more than £1500.

Whilst the workshop participants discussed the fact that criminal offences, which occur within forced marriages, such as assault, kidnapping, rape, the nature of the discussions indicate that the police were not routinely investigating these crimes. Similarly this issue was identified in the survivors' workshops whereby many women had made serious allegations of criminal offences to the police and in only 2 of the cases discussed were charges brought against the perpetrator.

The absence of completely free legal aid for women fleeing forced marriages, and the police's patchy response to dealing with criminal offences experienced by survivors, is likely to leave many women in a situation where they are very vulnerable, with no legal recourse or legal protection and perpetrators are not being brought to justice for their actions. The new forced marriage criminal offences<sup>8</sup> seem unlikely to bridge this gap. The participants response supported the issue that the problem is not that criminal offences are not occurring, they are occurring but rather the

response by the police is to minimise the behaviour, and not take the appropriate steps to investigate serious offences. Indicating that the new offence of forced marriage will do little to improve the situation.

Both the survivors workshops and the professional sessions, indicated that for most forced marriage survivors there are wider family law and immigration issues. The legal aid gateways for family law create an issue for survivors who have wider family law legal issues, such as divorce, annulment and children.

For many reasons, women are not visible to the authorities and factors contributing to this include fears around the implications of immigration status, concerns about physical safety, language and not having the opportunity to get help.

This means that many survivors do not have the gateway evidence to show they have experienced domestic abuse, such as a criminal conviction against the perpetrators or an injunction (for full details on legal aid and domestic violence, see Rights of Women's Guide to Family Law Legal Aid) and therefore are unable to access legal representation for proceedings involving children – for example – where a violent father wants contact or the survivor needs to divorce her husband and realise her rights to his property.<sup>9</sup>

**“ Risk of legal aid being cut in future – may take away the possibility of a civil remedy or restrict assistance to be provided in the process.**

**Educating professionals:** The feedback indicates that professionals did not always feel equipped or knowledgeable about how to intervene appropriately. Almost all participants who took part felt that their awareness of the practice of forced marriage, its impact and legislation was increased. Those who had not directly worked on forced

<sup>5</sup> See Rights of Women's "A Guide to Family Law Legal Aid"

<sup>6</sup> See Rights of Women's "A Guide to Family Law Legal Aid" [http://www.rightsofwomen.org.uk/pdfs/Legal/family\\_law\\_legal\\_aid-1.pdf](http://www.rightsofwomen.org.uk/pdfs/Legal/family_law_legal_aid-1.pdf)

<sup>7</sup> This is called the Domestic Violence Waiver

<sup>8</sup> See Rights of Women's Legal Guide to Forced Marriage

<sup>9</sup> See Rights of Women's "A Guide to Family Law Legal Aid"



# Conclusion and summary of recommendations

This project was a success in terms of its intended outcomes and in particular the shift that it created in participants' awareness of key issues. However, it also highlighted a number of systemic gaps and concerns that need be addressed if we are to address forced marriage in a meaningful, effective way.

While there are differences of opinion about the value of introducing new legislation, it is clear that there is a significant gap in knowledge about the dynamics of forced marriage and the range of available remedies. It is alarming that participants did not know about Forced Marriage Protection Orders (FMPOs). This suggests that implementation of existing mechanisms has been inadequate. Poor and / or inconsistent practice among statutory agencies is not only problematic in terms of victim confidence, but can place vulnerable girls and women at risk. It is also clear that the services which victims currently rely on the most (specialist women's organisations) are the least valued and resourced.

Given women's journeys and narratives, it is evident that forced marriage cannot be addressed through singular pathways and through a reliance on criminal justice interventions; and while it is important to focus in on the specifics of forced marriage, it is important to locate the issue within a wider analysis of gender and violence. It is also critical that a range of mechanisms are put in place which aim to prevent forced marriages, but which also provide safety, support and access to justice for those who have been, or who are at risk of being harmed.

## Recommendations:

**On-going monitoring and evaluation of impact of legislation:** including how the law is being used and by whom; as well as victim satisfaction information.

Provide completely free legal aid for victims of forced marriage and domestic violence seeking domestic violence injunctions such as forced marriage protection order, non-molestation orders, and occupation orders and restraining orders: Remove the requirement for victims of violence to pay financial contributions for legal aid based on financial eligibility. This will ensure more women are protected and will allow women to have a greater freedom to choose between the criminal justice route, which is paid for by the state, and the family justice route, which she will often have to pay towards to gain protection. It will ensure that all women experiencing forced marriage and / or domestic violence will be able to have a genuine choice about accessing a legal injunction to protect them from violence.

**Appropriate training for professionals:** expert training is essential for strengthening practitioner knowledge base both of the dynamics of forced marriage and of the options available to victims and potential victims. Given the experiences of survivors, it is critical that training locates forced marriage within a wider VAWG framework rather than reproducing dominant narratives of cultural and religious deviance. In particular, with the reduction of legal aid access for family law and for immigration and asylum, it is more vital than ever that professionals have a working knowledge of legal remedies, not only protective injunctions, but wider issues like child arrangements concerning contact and residence, finances further to divorce or annulment, and child abduction. This should include specialist training for judges, solicitors, barristers, CAFCASS and social workers on forced marriage/VAWG and its impacts on women and children.

**Prevention:** while it is vital that we ensure that victims / potential victims receive adequate, appropriate and effective support, it is also essential that we begin to invest in primary prevention<sup>10</sup> work around forced marriage and other forms of VAWG. Work in schools, embedded community engagement and shifts in the media approaches to forced marriage are critical.

**Targeted resourcing:** BME specialist women’s ending VAWG organisations are an essential element of any strategy to address forced marriage. From identification through to support and the facilitation of ‘recovery’, girls and women are using these services. It is important therefore, that local, regional and national budgeting which is focussed on forced marriage/ VAWG ensures that these services are appropriately resourced alongside any investments (or budget reconfigurations) in criminal justice approaches for example.

It is also not sufficient to simply add forced marriage advocates on to mainstream services / non-specialist BME VAWG services, which are unlikely to hold the same expertise around the issue.

Protected funding should be made available for specialist BME VAWG refuges for victims of forced marriage, including those with facility for accommodating, and taking responsibility for, young women under 18. Services should also be adequately resourced to provide ongoing support that help women to address any economic barriers including access to housing, employment and education.

**Improvements in statutory responses:** consideration should be given to establishing minimum standards for statutory agencies with respect to forced marriage and other forms of VAWG. Practitioners within key agencies (e.g. police, health, social services, housing, education, jobcentres, UKVI) should receive ongoing expert training which is reviewed and quality assured.

Victim satisfaction information should be collated alongside NGO partners who are often best placed to gather this data. UKVI’s response to forced marriage should be in line with responses expected of other statutory bodies.

**Special facilities:** that mirror those available in criminal proceedings<sup>11</sup> must be introduced as mandatory for survivors of forced marriage in the civil courts, when applying for forced marriage protection orders, and other related family law proceedings, such as child arrangement orders<sup>12</sup>. This would include:

- Provisions to protect survivors from being directly cross-examined by their perpetrators and protect victims for having contact with their perpetrators inside the court building, for example provision of separate waiting areas.
- Facilities for provision of evidence by video-link.
- Safe access in and out of the court building through different exits and staggered arrival and departure times.

Monitoring of the effectiveness of the criminalisation of forced marriage and breach of forced marriage protection orders: including substantive investigation on the impact of criminalisation of forced marriage on women including disclosure to the police.

**Witness protection:** A clear and transparent programme for how survivors of forced marriage and other witnesses in criminal proceedings will be supported and protected both during the criminal justice process and further to the proceedings conclusion, irrespective of conviction or acquittal.

<sup>10</sup> Primary prevention – in this case is work which focuses on attitudinal and behavioral change and which aims to prevent forced marriages from happening in the first place

<sup>11</sup> Youth Justice and Criminal Evidence Act 1999 sets out what special measures for vulnerable victims to ensure they can give best evidence see [http://www.cps.gov.uk/legal/s\\_to\\_u/special\\_measures/](http://www.cps.gov.uk/legal/s_to_u/special_measures/)

<sup>12</sup> See Rights of Women’s Guide to Children and the Law: When parents separate

## Useful contacts

### Amadudu Women's Refuge

Liverpool

0151 734 0083

[apro1986@aol.com](mailto:apro1986@aol.com)

### Anah Project

Bradford

01274 884521 / 0845 960 6011

### Angelou Centre

Newcastle

0191 226 0394

[www.angelou-centre.org.uk](http://www.angelou-centre.org.uk)

### Apna Haq

Rotherham

01709 519211/2

[www.apna-haq.co.uk](http://www.apna-haq.co.uk)

### Asha Projects

London

020 8696 0023

[www.ashaprojects.org.uk](http://www.ashaprojects.org.uk)

### Ashiana Network

London

020 8539 0427

[www.ashiana.org.uk](http://www.ashiana.org.uk)

### Ashiana Sheffield

Sheffield

07985 325293

[www.ashianasheffield.org](http://www.ashianasheffield.org)

### Asian Women's Resource

Centre

London

020 8961 6549

[asianwomenscentre@aol.com](mailto:asianwomenscentre@aol.com)

### Black Association of Women Step Out

Cardiff

029 2064 4633 / 07890 940635

[www.bawso.org.uk](http://www.bawso.org.uk)

### Hemat Gryffe

Glasgow

0141 353 0859

### Humraaz

Blackburn

01254 674312

### Imece

London

020 3227 3592

[www.imece.org.uk](http://www.imece.org.uk)

### Iranian and Kurdish Women's Rights Organisation

London

020 7920 6460 / 07862 733511

[www.ikwro.org.uk](http://www.ikwro.org.uk)

### Jewish Women's Aid

National

020 8445 8060

[www.jwa.org.uk](http://www.jwa.org.uk)

### Kiran Project

London

020 8558 1986

[www.thekiranproject.org.uk](http://www.thekiranproject.org.uk)

### Latin American Women's Aid

London

020 7275 0321

[www.lawadv.org.uk](http://www.lawadv.org.uk)

### Latin American Women's Rights Service

London

020 7336 0888 / 08442 640682

[www.lawrs.org.uk](http://www.lawrs.org.uk)

### Newham Asian Women's Project

London

020 8472 0528

[www.nawp.org](http://www.nawp.org)

### P.H.O.E.B.E Centre

Ipswich

01473 231566

[www.phoebecentre.org.uk](http://www.phoebecentre.org.uk)

### Panahghar

Coventry, Leicester

024 7622 8952 / 0116 270 5320

[www.safehouse.org.uk](http://www.safehouse.org.uk)

### Roshni

Birmingham

08707 070098

[www.roshnibirmingham.org.uk](http://www.roshnibirmingham.org.uk)

### Saheli

Manchester

0161 636 7550/ 0161 945 4187

[www.saheli.org.uk](http://www.saheli.org.uk)

### Shakti Women's Aid

Edinburgh

0131 475 2399

[www.shaktiedinburgh.co.uk](http://www.shaktiedinburgh.co.uk)

### Southall Black Sisters

020 8571 0800

[www.southallblacksisters.org.uk](http://www.southallblacksisters.org.uk)

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