



Good Practice Briefing

Strengthening responses to forced marriage and female genital mutilation

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Introduction

ASCENT - Support services to organisations

Ascent is a partnership within the London Violence Against Women and Girls (VAWG) Consortium, delivering a range of services for survivors of domestic and sexual violence, under six themes, funded by London Councils.

ASCENT – Support services to organisations, is delivered by a partnership led by the Women’s Resource Centre (WRC) and comprised of five further organisations: AVA, IMKAAN, RESPECT, Rights of Women, and Women and Girls Network.

This second tier support project aims to address the long term sustainability needs of organisations providing services to those affected by sexual and domestic violence on a pan-London basis.

The project seeks to improve the quality of such services across London by providing a range of training and support, including:

- Accredited training
- Expert-led training
- Sustainability training
- Borough surgeries
- BME network
- One-to-one support
- Policy consultations
- Newsletter
- Good practice briefings

Good practice briefings

The purpose of the good practice briefings is to provide organisations supporting those affected by domestic and sexual violence with information to help them become more sustainable and contribute with making their work more effective.

For more information, please see:

www.thelondonvawgconsortium.org.uk



**London
VAWG
Consortium**

Background

Violence against women and girls (VAWG) is, as has been noted by feminist activists and practitioners as well as by the United Nationsⁱ, a 'cause and consequence' of girls' and women's unequal status across our societies.

We know that the violence perpetrated against women and girls can take many different forms throughout the life course and that some types violence against women and girls disproportionately impact BME women and girls. When there is this disproportionality, we are too often tempted to move the dialogue from a discussion about gender inequality, to one around a narrow, simplistic interpretation of 'culture'. Conversations around issues such as forced marriage and female genital mutilation tend to drift into explanations which focus mainly on culture and religion rather than on sex, gender and patriarchy, such as the ways in which, by virtue of being female, being a girl, and being a woman, any girl and any woman can be subjected to different forms abuse, control, coercion, subjugation and victimisation.

A recent joint report by Rights of Women and Imkaanⁱⁱ noted that,

'A number of participants described 'culture' as a challenge in their practice when thinking about the barriers to responding to forced marriage. Whilst there were some encouraging discussions to illustrate that survivors do not necessarily fall into any 'typical community' there is an on-going tendency to frame forced marriage as a problem of 'culture', and as a phenomenon which only impacts on particular Black and minority ethnic groups, i.e. specific groups within South Asian communities which can and does lead to racist/ discriminatory practice.'

As this quote highlights, practitioner views have an impact on practice responses. As such this good practice briefing encourages agencies and practitioners to relate to forced marriage, female genital mutilation and other so called harmful practices as gendered issues, which need to be understood and addressed within the context of other forms of violence against women and girls as well as the wider inequalities experienced by women and girls.

It is also useful to note that despite high levels of domestic and sexual violence in this country, we do not usually describe those phenomenon as 'cultural' or 'extreme', yet women are being routinely violated and harmed at levels, that recent researchⁱⁱⁱ indicates, are increasing rather than diminishing.

So when is an issue cultural and when is it not? While 'culture' has important conceptual and practical value, it is important that agencies and practitioners do not use 'culture' as a justification for poor or different service responses around issues such as forced marriage and female genital mutilation.

Definitions and reflections

A forced marriage is a marriage in which one or both spouses do not (or, in the case of some adults with support needs, cannot) consent to the marriage and duress is

involved. Duress can include physical, psychological, financial, sexual and emotional pressure.

HM Government, *A Right to Choose: multi-agency statutory guidance for dealing with forced marriage*, 2013

FGM is a procedure where the female genital organs are injured or changed and there is no medical reason for this.

HM Government, *Multi-agency statutory guidance on female genital mutilation*, 2016

While forced marriage also affects men, it is important to note that women and girls are disproportionately affected both in terms of numbers and the impact of their experiences. For example, 79% of reports to the Government's Forced Marriage Unit were female and 21% male (FMU, 2014). Girls and women are also much more likely than boys and men to be subjected to other forms of abuse as part of a forced marriage. Thus while we need to understand the forced marriage or female genital mutilation as specific forms of violence, they should not be separated from other aspects of a girl or woman's journey or experiences.

One way of thinking about this is, '*a forced marriage is **not** a forced wedding*'. A girl or woman who has been forced into a marriage is at risk of experiencing other forms of abuse which range from sexual violence to physical assault. A failure to understand this can mean that we do not deliver the most appropriate response.

Understanding that FGM and forced marriage are part of a broader pattern of control of girls and women's bodies, is not simply conceptual, it is key part of how we need to think about supporting individual women and girls.

It is also important that agencies and practitioners are aware that women and girls may not always label what is happening to them using terms such as 'forced marriage'. They also may not know that what they are at risk of, or have experienced, is actually a breach of their rights and they may not be aware of the different options available to them.

Statutory guidance

Local authorities and other public bodies such as the police and health service are required to adhere to statutory guidance issued by the Government in respect of both forced marriage and female genital mutilation.

The Government's multi-agency statutory guidance on forced marriage, *A Right to Choose*^{iv} was fully revised in 2014 to bring it up to date with the new offence of forced marriage.

The Government's *Multi-agency statutory guidance on female genital mutilation*^v was fully revised in 2016 to bring it up to date with changes to the criminal and civil law and the introduction of mandatory reporting

Although aimed primarily at public bodies both are useful and essential reading for all who may work with those affected by forced marriage.

Legal responses to female genital mutilation and forced marriage

In developing an effective response to forms of violence against women such as female genital mutilation and forced marriage it is vital that you have an understanding of the legal frameworks which exist to address them. This includes any statutory duties that may affect you in your work, such as mandatory reporting of FGM and your safeguarding duties, as well as being aware of both the civil law remedies and criminal offences which exist to protect victim/survivors.

Child protection

The majority of those at risk of female genital mutilation or forced marriage will be girls or young women. For example 11% of victims reported to the FMU in 2014 were aged under 16. A further 11% were aged 16-17 years (FMU, 2014).

Forced marriage and female genital mutilation are no different from other child protection issues and therefore your response should take into account the usual child protection frameworks and your safeguarding duties.

When a girl under the age of 16 is subjected to female genital mutilation, it is considered to be a form of child abuse. As well as the potential criminal law consequences (see below), parents who arrange for their girls to be subjected to female genital mutilation could find that local authorities and the family courts raise concerns about their fitness to care for their children.

Mandatory reporting of female genital mutilation

From October 2015 teachers and healthcare professionals in England and Wales and social care workers in Wales are under a **legal duty** to report to the police if they discover that a girl under the age of 18 has experienced female genital mutilation. The discovery must have happened either because the professional has seen what they consider to be female genital mutilation or the girl has disclosed to the professional that she has experienced female genital mutilation. The professional must notify the police either orally or in writing within 1 month of discovering that the female genital mutilation has taken place.

Criminal remedies

Both female genital mutilation and forced marriage are criminal offences. For full information about the offence of female genital mutilation see Rights of Women's guide *Female genital mutilation and the law*. For full information about the offence of forced marriage see Rights of Women's guide *Forced marriage and the law*.

Civil protection orders

The Family Court can make protection orders to protect women and girls from female genital mutilation and forced marriage. For full information about female genital mutilation protection orders see Rights of Women's guide *Female genital mutilation and the law*. For full information about forced marriage protection orders see Rights of Women's guide *Forced marriage and the law*.

Thinking about your approach

If you are working around violence against women and girls in London, there is a chance that you will encounter a girl or woman who is at risk of, or who has been affected by, forced marriage or female genital mutilation. Given the pressures on resources, it is understandable that agencies are reluctant to take on what may be seen as 'additional' issues. In the context of having to make defensible decisions, there is also the very real anxiety about '*getting it wrong*'. We also know that much of the expertise around responding to forced marriage and female genital mutilation comes from, and is held within, specialist BME ending violence against women and girls organisations and specialist community / health agencies. We actively support and promote this specialist approach. We know from our work with girls and women and from our own and other research that girls and women very often seek out and prefer specialist services^{vi}. However, given the scale of the problem, it is important that all agencies working around violence against women and girls are able to respond appropriately even if this is in terms of initial signposting. Rather than ignoring forced marriage and female genital mutilation, we would encourage agencies to reflect on existing practice and develop a clear organisational approach.

As a guide, some key questions for you as an agency could be:

- How do we talk and think about female genital mutilation and forced marriage in our organisation? Do we use our language to 'other' some forms of violence rather than integrating issues such as forced marriage into our broader understanding of violence against women and girls? What do we need to change in terms of our attitudes?
- Are all staff members aware of their safeguarding responsibilities including responsibilities around female genital mutilation and forced marriage?
- Are all staff members aware of the multi-agency guidance on forced marriage and female genital mutilation?
- Are all staff aware of their mandatory reporting duty in relation to female genital mutilation (if applicable)?
- Are all staff aware of the civil law protection orders and criminal law offences arising from female genital mutilation and forced marriage?
- Are our current needs (including risk) assessments frameworks and processes fit for purpose around violence against women and girls including forced marriage and female genital mutilation?
- Do we have clearly identified referral pathways (including to specialist women's organisations or legal practitioners) that increase safety for individual girls and women rather than placing them more at risk?
- Have all staff members received at least basic training around forced marriage and female genital mutilation?

Where agencies have already started to integrate forced marriage and female genital mutilation into their casework, it is important that the focus is not exclusively on risk; and that practitioners are able to recognise both issues can have long term effects on survivors even when there is not immediate risk of harm.

Conclusion

Responding appropriately to female genital mutilation and forced marriage is vital in ensuring the safety and equality of women and girls and to addressing wider violence against women and girls in society.

An understanding of the statutory duties and criminal and civil remedies and the application of the Government's guidance for addressing female genital mutilation and forced marriage is vital for any agency or professional working with women and girls.

However, it is also vital that these forms of violence are understood both as a form of gendered violence and as part of the wider inequalities experienced by women and girls and that any work to address female genital mutilation and forced marriage is framed in an understanding of women and girls' experiences of control over their bodies and their actions.

References and resources

ⁱ The United Nations defines violence against women as *“any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life”* (General Assembly Resolution 48/104 [Declaration on the Elimination of Violence against Women, 1993](#))

ⁱⁱ Imkaan and Rights of Women (2016), *Creating a clear pathway for practice: Working towards more effective responses to survivors of forced marriage*

ⁱⁱⁱ Walby et al (2016), *Is violent crime increasing or decreasing? A new methodology to measure repeat attacks making visible the significance of gender and domestic relations*

^{iv} HM Government (2013), *A Right to Choose: multi-agency statutory guidance for dealing with forced marriage*

^v HM Government (2016), *Multi-agency statutory guidance on female genital mutilation*

^{vi} Imkaan (2012), *Vital Statistics 2*

ⁱ The United Nations defines violence against women as “any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life” (General Assembly Resolution 48/104 [Declaration on the Elimination of Violence against Women, 1993](#))

ⁱⁱ Imkaan and Rights of Women (2016), ‘*Creating a clear pathway for practice: Working towards more effective responses to survivors of forced marriage*

ⁱⁱⁱ Walby et al (2016), *Is violent crime increasing or decreasing? A new methodology to measure repeat attacks making visible the significance of gender and domestic relations*

^{iv} HM Government (2013), *A Right to Choose: multi-agency statutory guidance for dealing with forced marriage*

^v HM Government (2016), *Multi-agency statutory guidance on female genital mutilation*

^{vi} Imkaan (2012), *Vital Statistics 2*