

Forced Marriage

Crime or Culture?



Dr Sue Jenkinson & Solicitor Dave Tapp

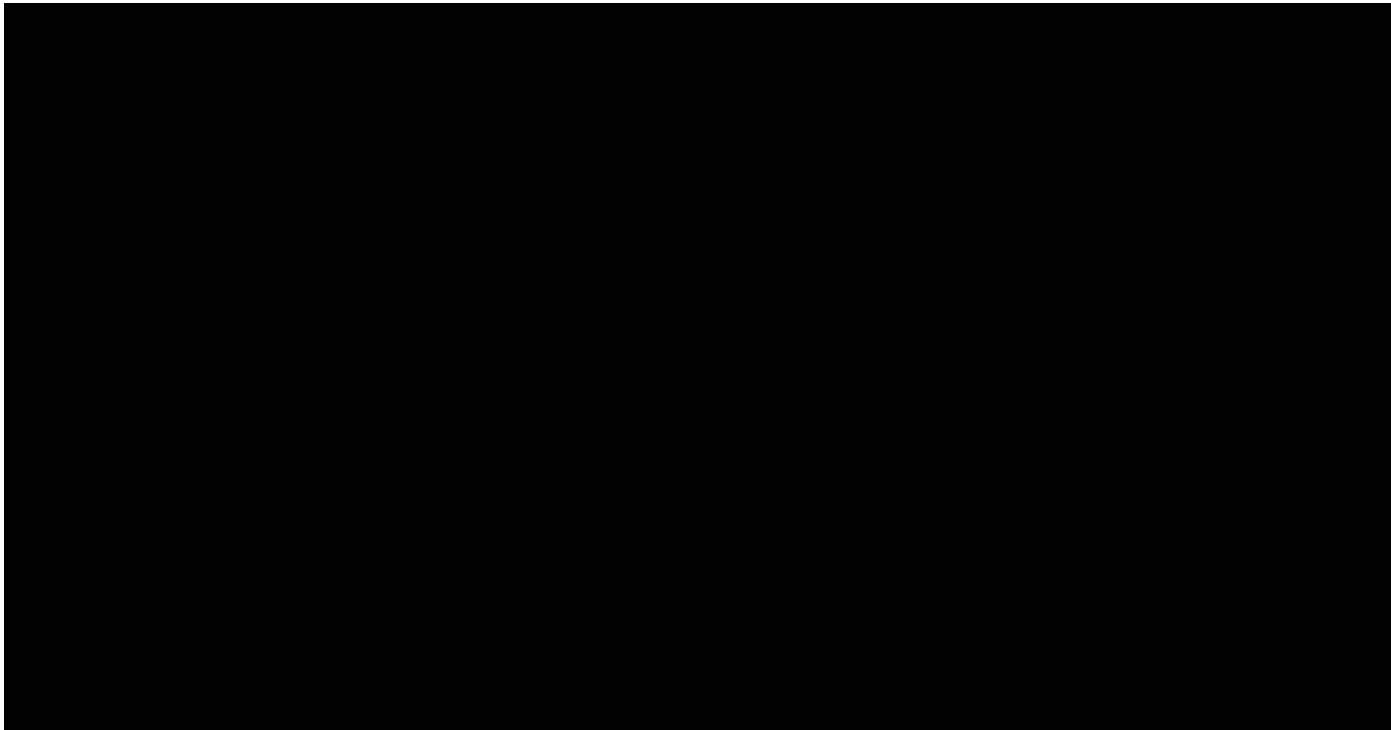


What we are covering today

- Our focus is on the 18 plus group
- Brief outline of what is, and what is not forced marriage
- Why it matters to us and the University
- Research projects



Victim



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What is 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. (FMU,2013)

Victims



Sahjda Bibi
January 2003



Laura Wilson
October 2010



Rukhsana Naz
March 1998



Banaz Mahmood
January 2006



Shafilea Ahmed
September 2003



Noor Almaleki
October 2009



Navjeet Sidhu & her 2 Children
August 2005



Heshu Yones
October 2002

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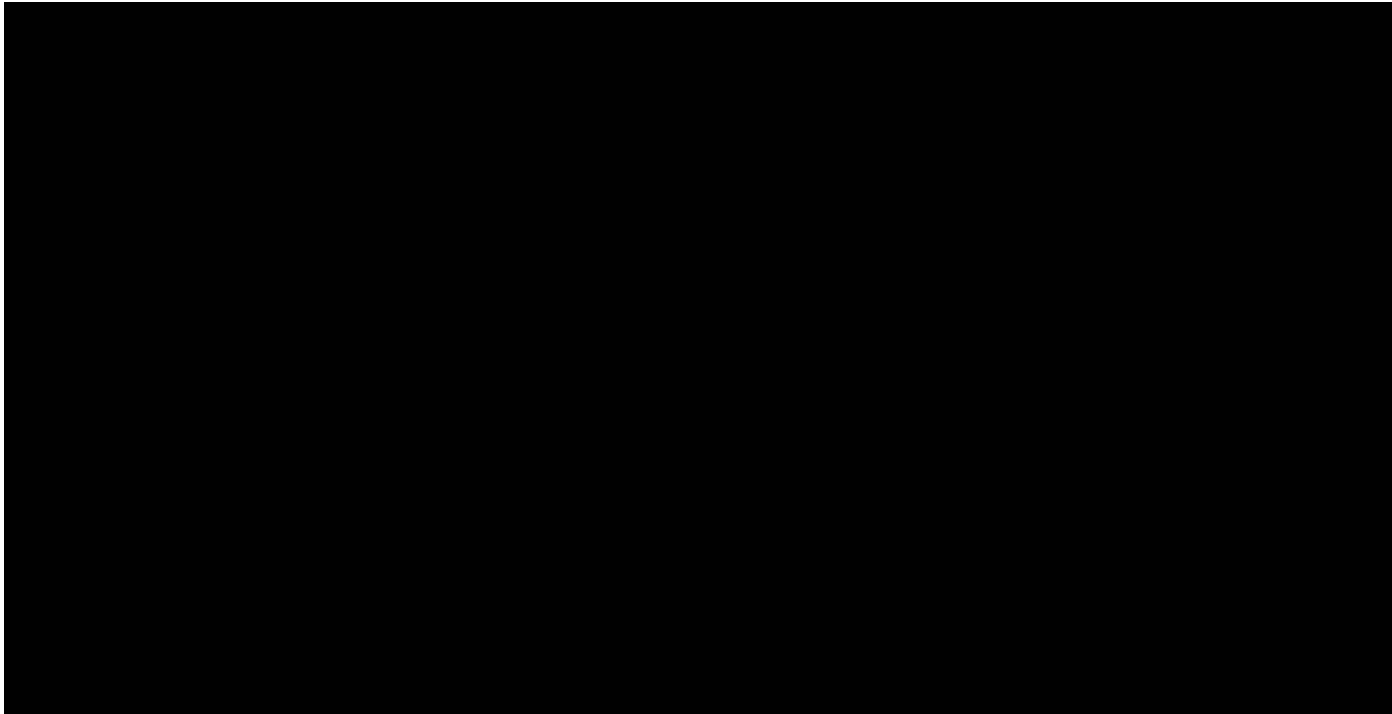
Rukhsana Naz

Rukhsana Naz, aged just 19 Was murdered by her brother and mother as they believe she had insulted the honour of their family with her adulterous pregnancy.





Men too?



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Isn't that an Arranged Marriage?

NO

An arranged marriage is very different from a forced marriage.

A marriage in which families take a leading role, but the parties have the free will and choice to accept or decline the arrangement.





Arranged, Forced, Grey

Arranged Marriage

A marriage in which families take a leading role, but the parties have the free will and choice to accept or decline the arrangement.

Forced Marriage

A marriage that takes place without the full and free consent of both parties. Forced can include physical forced, in addition to emotional pressure/duress

GREY AREA

A marriage may begin here
(arranged) but end up



here (forced)



Law and marriage

'There is a spectrum of forced marriage, from physical force or fear of injury and death, in there most literal form, through to the undue imposition of emotional pressure which is at the other end of the forced marriage range' (SK (Proposed Plaintiff))

(an adult) [2004] EWHC 3202 (Fam)

Honour Based Violence

- An incident or crime which has or may have been committed to protect or defend the honour of the family and/or the community





IZZAT

Shame and Honour

The worth of an Asian girl is defined by how she conducts herself.

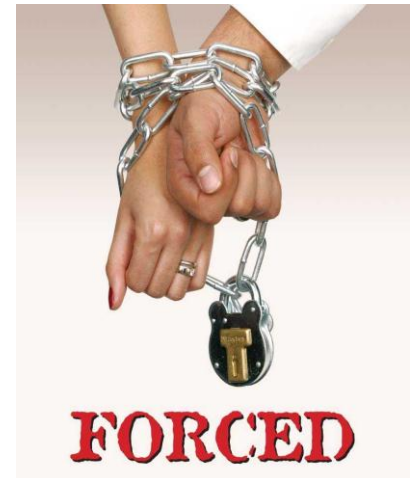
It is the daughter's duty to carry out the family's honour.



Statistics

Between January and December 2012 the FMU gave advice or support related to a possible forced marriage in 1485 cases, where the age was know:

- 13% involved victims below 15 years
- 22% involved victims aged 16-17
- **49% involved victims aged 18-25**
- 8% involved victims aged 26-30
- 8% involved victims aged 31+





Statistics

- 82% involved female victims and 18% involved male victims
- 114 cases involved victims with disabilities
- 22 involved victims who identified as lesbian, gay, bisexual or transgender (LGBT)
- The oldest victim was 71 and the youngest was 2

Statistics

Within the UK the regional distribution was:

East Anglia 2%

London 21%

North West 8%

Scotland 1%

South West 2%

Wales 1%



East Midlands 3%

North East 1%

Northern Ireland 0.2%

South East 11%

West Midlands 16%

Yorkshire and Humberside 7%

- The region was unknown in 27% of cases.



Statistics

- 49% involved victims aged 18-25
- West Midlands 16%
- East Midlands 3%

Common Reasons

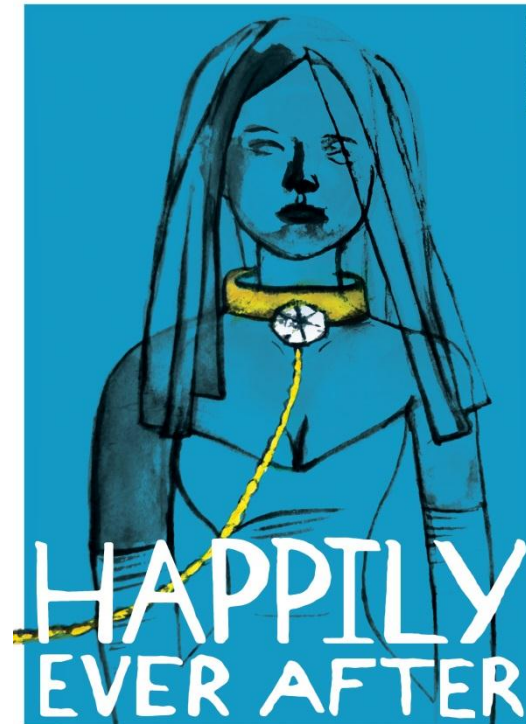
- Protecting perceived cultural or religious ideals/attempting to strengthen family links.
- Long standing family agreements
- Controlling unwanted behaviour particularly that of women & preventing 'unsuitable' relationships, and where a son is suspected of being gay.
- Providing a 'carer' for an adult
With learning disabilities.
- Claiming residence and citizenship
For example-Getting a British Passport.



Pressures Applied

For Example:

- PHYSICAL
- EMOTIONAL
- PSYCHOLOGICAL
- FINANCIAL
- SEXUAL



Perpetrator



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FMPO

FMPOS – A CIVIL ROUTE:

- One method to assist a victim both in UK and Overseas is the use of an FMPO



Forced Marriage Protection Order

- Civil remedy and is unique to each case. It contains **legally binding conditions** with the aim to stop the perpetrator/s of forced marriages. It aims to ensure that someone is not forced into a marriage against their will.
- However these are strongly criticised by those working in the field because without monitoring they are useless

Why use them:

- FMPOs allow a victim to be protected, to be assisted and supported - without the need to bring the situation into the criminal justice system.

Consequences

- Physical, emotional & financial abuse.
- Disruption or cessation of their education.
- Damage to career opportunities
- Enforced pregnancy.
- Rape.
- Abortion.
- Abduction and kidnapping.
- Unlawful imprisonment and restriction of freedom of movement and association.
- Theft (e.g. of passport, money and belongings).
- Murder and mutilation.



Legal Remedies

- Children's Act 1989 – Emergency Police Protection
- Care and supervision Orders
- Inherent Jurisdiction of the Court
- Applications for Wardship
- Tipstaff
- Forced Marriage Protection Orders
- Non-molestation Orders
- Occupation Order
- Injunction against harassment
- Restraining Orders in a Criminal court



Criminalisation

- David Cameron said: 'Forced marriage is abhorrent and little more than slavery. To force anyone into marriage against their will is simply wrong and that is why we have taken decisive action to make it illegal'
- The precise timetable to create the offence is unclear but it is expected that any legislation would be published in draft form for consultation and is unlikely to be put before parliament before 2013.



(The Guardian Newspaper Friday 8 June 2012)



Indicators

Education

Withdrawn from education
Absence
Low motivation
Poor Exam results

Health

Isolation
Self-harm
Eating Disorders
Attempted suicide
Depression

FORCED MARRIAGE

Social Factors

Isolation
Choice of friends
Withdrawn from social
activities

Family History

Siblings forced to marry
Family Disputes
Domestic violence & abuse
Running away from home
Unreasonable restrictions
e.g house arrest

Current research, forced marriage and students



- Early stages, pilot work
- Qualtrex in the Law School
- Interviews
- Identifying gap/needs



- 



Long term aims

- Develop partnerships across the university and the wider academic community so we can bid in September to the EU DAPHNE fund. We want to investigate the effectiveness of criminalisation and what impact that has had in a comparator EU university.
- Develop a centre of excellence with Karma Nirvana





Jasvinder Sanghera





What should I do?

As personal tutors we are all likely to be in a situation where a disclosure is made. If a potential victim of forced marriage seeks your help, you should:

- See the Student **immediately** and in a secure and private place;
- **Insist** on seeing them on their own, even if they attend with others;
- **Contact** the Forced Marriage Unit as soon as possible, and give the Unit's details to the potential victim.
- Handle all confidential information in a **sensitive manner** and store/retain it securely (as required).
- **Contact and refer** them to the School Student guidance councillor



What should not I do?

If a potential victim of forced marriage seeks your help, you should not:

- Treat their allegations merely as a **domestic issue or an acceptable cultural issue** and send them back to the family home;
- **Ignore** what they have told you or dismiss out of hand the need for immediate protection;
- **Approach their family**, their friends or people with influence within their community without their express consent - this will alert those people to your enquiries, and could increase the risk to the potential victim;
- **Contact** their family in advance of any enquiries, either by telephone or letter;
- **Or try to be a mediator.** Mediation, reconciliation and family counselling as a response to forced marriage can be extremely dangerous. There have been cases of victims being murdered while mediation was being undertaken. Do not undertake any of these activities, as you may unwittingly place the potential victim in further danger.



References

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- Forced Marriage Unit

<http://www.fco.gov.uk/en/travel-and-living-abroad/when-things-go-wrong/forced-marriage/information-for-victims>

Karman Nirvana available from:

<http://www.karmanirvana.org.uk/component/content/article/111.html>

- Home Office (2012) *Forced Marriage a Consultation Summary of Responses* HMSO
- Multi Agency Practice Guidelines: Handling Cases of Forced Marriage (2009 and 2013) HMSO
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