



## **WRITTEN EVIDENCE TO THE HOME OFFICE'S CONSULTATION ON PREVENTING AND TACKLING FORCED MARRIAGE**

**January 2019**

### **Introduction**

1. Muslim Women's Network UK (MWN UK) is a national Muslim women's organisation in Britain ([www.mwnuk.co.uk](http://www.mwnuk.co.uk)) that has been advancing equality and connecting voices for change for the last 15 years. We are a small national charity (no. 1155092) that works to improve social justice and equality for Muslim women and girls. Our membership also includes women of other faiths or of no faith and men who support our work. We find out about the experiences of Muslim women and girls through research and helpline enquiries. We identify policy and practice gaps and use this information to inform decision makers in government as well as informing our community campaigns at a grassroots level.
2. We also develop resources and train women so they are better aware of their rights. We have a separate website for our national helpline ([www.mwnhelpline.co.uk](http://www.mwnhelpline.co.uk)) that provides advice and support on a range of issues including: domestic abuse, forced marriage, honour based violence, sexual exploitation and abuse, female genital mutilation, divorce, discrimination, mental health etc.
3. The impact of our work is particularly felt in reducing the vulnerability of Muslim women and girls, reducing the prejudice they face, and giving them greater access to rights and services – all of which allow them to contribute to society like any other citizen. We are also creating a critical mass of voices to influence change with more women being confident to challenge discriminatory practices within their communities and in society and to influence policy makers.
4. Although we work predominantly with Muslim/BAME women and girls and where relevant will focus on the experiences of young Muslim/BAME girls within our Evidence, the points we raise may equally apply to boys and non-Muslim/non-BAME children generally.

### **Summary**

5. Although MWN UK do not in principle object to the introduction of mandatory reporting in cases involving those under the age of 18, we also do not see what real and practical difference will be made by such an introduction given that there are

already various safeguarding provisions in place where the obligations and considerations are practically the same for those under the age of 18.

6. We do not agree that mandatory reporting should be introduced where it involves victims over the age of 18. We state this on the basis that:
  - a. forced marriage is a consent-based offence and offenders tend to be parents and relatives; if reports are made to the likes of police without the victim's consent or cooperation, on further action being taken the victim can deny that they have been or will be forced into a marriage. MWN UK have provided a number of case studies within this response where on being questioned by the police, the victim or potential victim has taken back their disclosure and stated instead that they are getting married of their own free will. Mandatory reporting could therefore have the effect of silencing victims and forcing them to enter into and/or remain in forced marriages instead.
  - b. it may deter victims from seeking help at all if they know that there is a duty to report and their parents could be prosecuted as a result
  - c. all relevant organisations will already have (or at least should have) adult safeguarding procedures in place so that reports are made to the police etc if there is a possibility of harm or any other safeguarding issues, and therefore existing policies and procedures should in our opinion be sufficient to meet the objectives that is hoped will be achieved by introducing mandatory reporting
7. The love and loyalty a victim or potential victim may have towards their parents or siblings or other family members should not be underestimated. Additionally, victims may not want their parents prosecuted as the victims are likely to become isolated and ostracized by the community (which may affect future marriage prospects) and also put them at risk of honour based violence.
8. There is a very serious flaw in the law which allows 16 and 17 year olds to be married with the consent of their parents. All victims of forced marriage face pressures in one form or another but 16 and 17 year olds are especially vulnerable, and can be easily exploited. We ask that the minimum age for marriage be raised to the age of 18 immediately.
9. We feel that it would be more useful to dedicate time and resources to empowering victims and potential victims, such as through awareness raising campaigns which inform them of their rights and the help available to them. In particular, we feel it is imperative that information and advice is provided to students in schools and colleges through workshops and other awareness raising campaigns.
10. It is also important to ensure there is appropriate support available for victims when they do escape, such as adequate housing and financial help so that they do not face hardship etc.
11. Victims of forced marriage who have insecure immigration status must not be allowed to slip through the net and must also be provided with appropriate support and assistance. Helping such victims will send a strong message to offenders that they can

no longer use a victim's insecure immigration status and/or lack of British citizenship to their advantage.

## Evidence

12. Forced marriage is one of the key issues that has been frequently dealt with by MWNUK since its inception and has featured as a dominant issue in our campaigns and activities over the last 15 years (and will continue to be going forwards). We have held awareness raising events on forced marriage (including in schools and colleges), produced booklets and videos which make clear that forced marriage is against Islam and the law, regularly highlight the issues faced by victims of forced marriage in the media and at government level, and also directly challenge harmful views and practices when exhibited by so-called community leaders. Please see for example: [http://www.mwnuk.co.uk/go\\_files/resources/749863-Muhammad%20Afzal%20Complaint%20letter%20\(Birmingham%20Central%20Mosque\)%20.pdf](http://www.mwnuk.co.uk/go_files/resources/749863-Muhammad%20Afzal%20Complaint%20letter%20(Birmingham%20Central%20Mosque)%20.pdf)
13. More importantly, we regularly deal with victims, potential victims and survivors of forced marriage and honour based violence through our MWN Helpline and our wider outreach activities. We therefore rely upon the lived experiences of real victims and potential victims when we discuss the issues and make recommendations. Our knowledge and experiences, and that of our members and service users, is directly relevant to the Home Office's consultation on preventing and tackling forced marriages and hope our response proves to be useful in your considerations.
14. As part of our response we have read and will refer to the following:
  - a. The right to choose: Multi-agency statutory guidance for dealing with forced marriage:  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/322310/HMG\\_Statutory\\_Guidance\\_publication\\_180614\\_Final.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/322310/HMG_Statutory_Guidance_publication_180614_Final.pdf)
  - b. Multi-agency practice guidelines: Handling cases of forced marriage:  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/322307/HMG\\_MULTI\\_AGENCY\\_PRACTICE\\_GUIDELINES\\_v1\\_180614\\_FINAL.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/322307/HMG_MULTI_AGENCY_PRACTICE_GUIDELINES_v1_180614_FINAL.pdf)
15. We also wish to bring attention to the following MWNUK resources which include various facts, cases and statistics relating to forced marriage calls dealt with by our MWN Helpline which may believe will be useful in your considerations:
  - a. MWN Helpline Evaluation 2015:  
[http://www.mwnuk.co.uk/go\\_files/resources/821325-MWN%20Helpline%20Evaluation%20Report%20\(Jan-Dec%202015\).pdf](http://www.mwnuk.co.uk/go_files/resources/821325-MWN%20Helpline%20Evaluation%20Report%20(Jan-Dec%202015).pdf)
  - b. MWN Helpline Evaluation 2016:  
[http://www.mwnuk.co.uk/go\\_files/resources/169284-MWN%20Helpline%20Evaluation%202016.pdf](http://www.mwnuk.co.uk/go_files/resources/169284-MWN%20Helpline%20Evaluation%202016.pdf)
  - c. MWN Helpline Evaluation 2017:  
[http://www.mwnuk.co.uk/go\\_files/resources/460507-MWN%20Helpline%20Report%202017.pdf](http://www.mwnuk.co.uk/go_files/resources/460507-MWN%20Helpline%20Report%202017.pdf)

- d. MWN Helpline Data Dashboard (please register to log in and access our Helpline data): <http://www.mwnuk.co.uk/muslim-women-helpline-dashboard.php>

16. We now respond to the questions of the consultation as follows:

**Do you feel that the introduction of a mandatory reporting duty for forced marriage would improve the safeguarding response to the crime?**

17. We understand why there are individuals and organisations working with victims of forced marriage, and those who are sympathetic to the cause, that are in favour of introducing mandatory reporting in respect of forced marriage cases. In theory the proposal is a good idea as it places a positive obligation on relevant individuals/bodies to take action when they directly or indirectly come across a victim of forced marriage in the course of their work. It can mean that the individual in question is not ignored or dismissed. We also note that a number of individuals are in favour of mandatory reporting as it will allow better identification of victims and potential victims.
18. Although MWNUK are not strictly against the idea of mandatory reporting, based on our knowledge and experiences of cases of forced marriage and relying in particular on our MWN Helpline cases, we do not believe that mandatory reporting should be introduced for cases of forced marriage involving adult victims for a number of reasons which we will explain in this response. Further, whilst we do not in principle have objections to mandatory reporting where child victims are involved, we must state that we do not understand what real and practical difference mandatory reporting will make in cases involving victims under the age of 18 as existing safeguarding provisions and procedures should be used in the same manner envisioned through the introduction of mandatory reporting. That is, the vision that the Home Office seem to have in respect of mandatory reporting should already be happening where under 18s are involved.
19. We wish to begin by highlighting a 2015 MWN Helpline case which we feel will assist in explaining our concerns:
- A 19 year old female college student was taken to Pakistan during the Christmas holidays and forced into a marriage. When she returned to the UK she was closely monitored and was also subjected to physical abuse. She contacted our MWN Helpline and we managed to place her in a refuge. However, her family tracked her down and took her back home. We alerted the police and both her parents were arrested. Although she gave a statement to the police about her ordeal, she changed her mind as she was very upset that her parents had been in police cells all day and asked the police to release them. She also asked us to withdraw our report from the police but we did not given the circumstances and acted in accordance with our safeguarding policies and procedures.*
20. This case highlights a crucial point that we feel has been missed when considering the proposal of mandatory reporting; that is, that victims will not want to see their parents or other family members prosecuted. This may be for various reasons: out of love; out of loyalty; because they do not want siblings adversely affected (such as by being taken into care if parents are imprisoned, or having to live with other relatives for

whom the siblings will be regarded as a burden); because they do not want to be ostracised by their family or the wider community (which can amongst other reasons, affect their own future marriage prospects as they will be regarded as the trouble makers who sent their parents to jail); they do not want their siblings' futures affected (again, future marriage prospects could be affected); fear of honour based violence. Many victims will approach the likes of us or other professionals, such as teachers, for help to escape the forced marriage but not to report their families.

21. We feel that if mandatory reporting comes into place, then victims will be less likely to seek assistance in cases of forced marriage due to fears that their parents may be arrested, prosecuted and imprisoned. We are of course aware that forced marriage is a criminal offence regardless of whether mandatory reporting is introduced but it is also important to view this from the perspective of a victim. Whilst they may know that forced marriage is a criminal offence (and we must mention at this stage that not everyone is aware of this fact), currently victims may feel that they at least have the choice to report their parents or not. However, if this choice is taken away from them and they become aware that seeking any form of help, or even mentioning the forced marriage they have or may be subjected to, will lead to their parents or other family members being reported to the police, then we fear that they will no longer seek help at all and will suffer in silence. Again, we are aware that merely making a report to the police does not mean that an arrest or even a prosecution will follow, but from the perspective of a victim, the fact that their parents may be named on a record may be a sufficient deterrent from seeking help. We must remind the Home Office that the whole purpose of considering mandatory reporting is to help prevent and tackle forced marriages; if it will have the opposite effect then what is the point of introducing such an obligation?
22. Moreover, if victims are deterred from seeking help due to mandatory reporting obligations and remain silent about what has or may happen to them, this will in our opinion have a direct impact of affecting the data and statistics available to us. We understand that there are concerns about the way some organisations record information relating to forced marriage and also that existing data available is not reflective of the true scale of the prevalence of forced marriage in UK. However, neither of these issues will be addressed by mandatory reporting and if anything, may go towards worsening the situation by adversely affecting existing data that is available.
23. We also wish to make the point that simply informing the police or social services about a disclosure of forced marriage (or potential forced marriage) is not enough to tackle or prevent forced marriages. What are we expecting this one step of mandatory reporting to achieve? Granted it means that the victim is not ignored or dismissed, but what practical use arises from this one step? There is much more to helping victims and preventing and tackling forced marriages than making one call to the police or social services. We would like to remind the Home Office that all relevant organisations, whether schools, GPs or voluntary sector organisations, already have child and adult safeguarding policies and procedures in place. Indeed the government's own Multi-agency practice guidelines and statutory guidance refer to various mechanisms which need to be followed in cases of forced marriage. What will mandatory reporting therefore achieve in these circumstances given organisations will already be involving the police, social services, Forced Marriage Unit (FMU) and all

other relevant organisations, and generally following a multi-agency approach? Is it being suggested that the multi-agency practice guidelines are not being followed (and in some instances we agree that a multi-agency approach has not been followed - to the detriment of the victim) and if so, is mandatory reporting going to solve these issues?

24. Crucially, the practice guidelines continuously mention the different factors which need to be taken into account, the need to ensure safety and most importantly, the need to work with the victim and obtain their consent and abide by confidentiality requirements as far as possible. In our opinion, mandatory reporting will undermine all these aspects and in turn, undermine the trust victims may have, which in our opinion will ultimately lead to less disclosures and less opportunities to assist victims. Additionally the 'one chance' rule that is continuously referred to will be lost because reporting obligations were given more priority than assessing the individual circumstances and needs of the victim or potential victim on a case by case basis.
25. We know that there are instances where failings have occurred but introducing mandatory reporting is not going to resolve these issues. Those who take the issue of forced marriage and safeguarding needs seriously, will do so regardless of whether there is a duty to report. And those who do not will find it easier to care less because they will feel that fulfilling their duty to report fulfils their obligations and they can metaphorically wash their hands from the case. We are forced to ask, is this what victims of forced marriage deserve? Is this going to help prevent forced marriages? Helping victims involves much more than signposting and passing on to police or social services.
26. We also wish to make the point that there will also be individuals who may from time to time come across victims of forced marriage in professional settings but who do not recognise that what has happened or is about to happen is a forced marriage. This may be due to a lack of understanding, lack of training or due to their own cultural and/or patriarchal interpretations which they have applied to the situation. We feel that mandatory reporting is unlikely to make a difference to the way they operate quite simply because they will not see it as a forced marriage which needs to be reported. It may be that the introduction of mandatory reporting identifies this issue but we feel that this could come to light regardless of whether there is a duty to report; e.g. if a victim made a complaint or if another colleague or professional from another organisation became aware of the issue. Moreover, it would appear that mandatory reporting provisions are only expected to apply to certain professions, just as in respect of FGM, and therefore will not apply to certain mosques or Shariah Councils who will also be coming across victims of forced marriage (and perhaps the only ones that the victim will have approached) and they will not be required to report. In our opinion therefore, mandatory reporting is being directed at the wrong professions, in that it is being directed at those who already have procedures in place to follow a multi-agency approach and take safeguarding issues into account and not at those who may be dismissing the lived experiences of victims and perhaps exacerbating their situation further.
27. We believe that instead of improving safeguarding responses to the crime, mandatory reporting will have the opposite effect as it will stop individuals from coming forward

to seek help. As such we are firmly against the introduction of mandatory reporting in cases of forced marriage.

**If a mandatory reporting duty for forced marriage was introduced, do you think it should apply to:**

- 'Known' cases
- 'Suspected' cases
- 'At risk' cases

28. From the perspective of a charity that is working towards ending forced marriages and all other forms of abuse and discrimination, the distinctions are irrelevant for us because we take all instances of forced marriage seriously regardless of whether the forced marriage has taken place, is about to take place or is suspected.

29. In terms of introducing mandatory reporting we do not think it should apply to any of these three instances, however if it was to be pursued we feel that it would be detrimental to victims if it is applied to suspected and at risk cases and strongly feel that it should not apply to such cases.

30. We wish to share the following MWN Helpline cases in this respect:

- a. *The friends of a female university student contacted the MWN Helpline because they were concerned about her. Her parents had found out about her boyfriend and had withdrawn her from the university course and booked flights to take her to Pakistan. She had informed her friends that this was in order to force her into marrying her cousin abroad. Her friends were no longer able to contact her and believed her phone had been taken away and therefore contacted us for assistance. We contacted the police and asked them to carry out a welfare check and to ensure that they spoke to her alone. When they attended the property, she informed them that she was indeed going abroad to get married and that it was of her own free will.*
- b. *A woman contacted the MWN helpline because she had refused to marry her cousin and had told her parents of her decision. She had also told them that she has a boyfriend and wants to marry him instead. The parents would not agree to her marrying her boyfriend and were still pressuring her to marry her cousin. She had attempted suicide and was taken to the hospital and was receiving counselling. She was provided with legal and safety advice including the options she could take. This resulted in her moving out of her parents' house and living independently. She did not want to move in with her boyfriend because she does not want to be cut off from her parents as despite everything she still loved them.*

31. The above two cases in our opinion highlight the delicate nature of forced marriage cases and the need to act carefully if we are to truly assist victims. The concept of the 'one chance' rule is constantly mentioned within the multi-agency practice guidelines, but it must also be remembered that as well as only having one chance to act and help victims before they are forced into marriage, we also need to act in a way that will best assist the victim. Although in both cases our priority was to ensure the individual's safety, in the case mentioned at 30.b we did not involve the police partly

because the victim did not want to cut ties with her parents and involving the police would have gone against her wishes, and partly because the key aim was to keep her safe and free from a forced marriage, which was achieved by assisting her to move out of her parent's home where she was no longer at risk of physical or emotional coercion. This was only possible after being able to properly assess the circumstances (as of course if there was any risk of honour based violence then we would have had no option but to report the case to the police for her safety) and build trust and confidence so that the individual knew that we truly wanted to help. If we had been required to immediately report the matter to the police, then in our opinion this may have impacted on being able to remove her from the home and in turn, could have meant that she was in fact forced into a marriage. Furthermore, whilst in the case of 30.a, it was in our opinion necessary to inform the police as there were no other options available to us, as can be seen from the details provided, informing the police made no difference in stopping the forced marriage as the individual simply stated that she was consenting to the marriage. In many cases involving the police can in fact add to the pressures faced by the victim as they may feel they must now consent so that their parents do not get into trouble; it may also 'tip off' offenders so that they expedite the forced marriage. Although we agree that the parents are wrong and committing or about to commit a crime, the main priority should be to help victims and potential victims rather than securing successful criminal prosecutions.

32. At this stage we wish to point out that we were generally in favour of mandatory reporting in cases of FGM (albeit we had reservations as to how it would be implemented and its practical effects) but we feel that 'known' cases of FGM are different than forced marriage cases as there is physical evidence available. In case of forced marriage however, regardless of whether they are known or suspected, they ultimately depend upon the victim's consent or lack thereof. As such it is much more difficult to evaluate what benefits would be achieved from mandatory reporting in cases of forced marriage, because very little can be achieved without a victim's cooperation, and existing safeguarding provisions in place are sufficient for cases involving children. More importantly, and we stated this in respect of introducing mandatory reporting in cases of FGM too, we need to stop thinking about prosecution rates and statistics and focus on helping the individuals involved whose very real lives are at stake.

**If a mandatory reporting duty for forced marriage was introduced for 'suspected' and/or 'at risk' cases, what safeguards do you think could be put in place to help mitigate the risks outlined above?**

33. As mentioned above, we do not think mandatory reporting should be introduced in respect of suspected and at risk cases. In response to this specific question, we do not believe that there are any safeguards which could be put in place to minimise the risks involved and strongly urge the Home Office to not introduce mandatory reporting in respect of these cases. This is especially because we have ourselves seen the impact of failings on the part of police when we have reported to them for information only; we fear that with mandatory reporting, it will only contribute towards increasing such instances and make the situation worse for victims.
34. We refer to a 2017 MWN Helpline case study which demonstrates the failings we refer to:



*A 19 year old woman called us for assistance. Her father had found out that she had a boyfriend and as a result had stopped her from going to work and taken all her bank cards. He was also planning to take her abroad to get her married and had booked flights. We were able to place her in a refuge and then with her consent, informed the police for information purposes only, should it be needed in the future. However the police then visited her at the refuge and in her opinion placed pressure on her to make a statement against her father. She did not want him to be prosecuted and ended up leaving the refuge after less than two days and went back home to her father. We believe that had the police not placed pressure on her she would have remained at the refuge. We carried out welfare checks and she responded that she was fine, that she had made up with her father and that he was no longer taking her abroad to get her married. We do not know whether this is true or whether she is simply stating what is needed to be said in order to protect her father. What is clear is that she will no longer be providing us with any information in respect of a forced marriage for fear that her father will be imprisoned.*

35. In the above-mentioned case we simply reported to the police for information purposes and with the potential victims consent but their actions from that point on lead to a situation which we believe was to the detriment of the victim. We are therefore concerned that if mandatory reporting is introduced, we will see many more cases where the wishes of the victim and the information and advice provided by organisations like us will be ignored which will only go towards pushing victims towards a forced marriage. Our concerns are not limited to cases of forced marriage either but also extend to domestic violence and sexual violence cases. Recently we involved the police in a case of alleged harassment but where we suspected that sexual exploitation may have been involved; we shared our suspicions with the police in case this would assist in obtaining relevant information during the interview process but asked them not to share our suspicions and allow the victim to raise the issues if she wishes to. However the police mentioned this to her immediately and directly, without any regard to the faith and cultural sensitivities involved. The victim then refused to give any evidence in respect of the harassment she had faced and refused to engage with the police or us. Due to the police's actions in this case, the victim lost her trust in us and impeded our ability to assist. Such instances also affect our reputation as a charity and could deter other victims from seeking help from the likes of us and other voluntary organisations.
36. The case at para. 34 is all the more concerning for us when we think of the psychological impact involved. Without meaning to minimise the trauma involved in 'known' cases of forced marriage, at the very least regardless of whether these victims wish to seek help or not, they are able to recognise that they are victims of a forced marriage. However, in cases such as that mentioned at para. 34 where help was initially sought by the victim and they then 'consented' in order to stop criminal prosecution against their parents, they may no longer be able to recognise that they have been forced into a marriage or may even blame themselves as having contributed to their plight.
37. Having said that, we do also have positive examples of having worked with the police such as where we inform them about a service user that has escaped so that the police are aware of the situation should a missing persons report be made by the family, or if

they are accused of theft in a bid to locate the victim. In other instances we have asked the police to carry out welfare checks where we have lost contact with our service user and have been concerned about their safety and welfare. However the key point arising from these examples is that decisions have been made on a case by case basis after an assessment of the needs of the victim and the surrounding circumstances; mandatory reporting will not allow us to carry out any such assessment and will in our opinion only go towards undermining our relationship with our service users.

**If a mandatory reporting duty for forced marriage was introduced, do you think it should apply to cases involving:**

- Under 16s
- 16 and 17 year olds
- Under 18 year olds
- Vulnerable adults
- Other adults

38. In theory it would make sense for mandatory reporting obligations to apply to all victims and potential victims regardless of age so that assistance can be provided to all those in need. However, in reality, the obligations cannot apply to those over the age of 18. Not only will this undermine adults with capacity (who whether we like it or not have the right to make a bad decision) but will also cause conflict with various legal provisions, including the Mental Capacity Act 2005 which govern capacity issues. We note that the multi-agency practice guidance consistently makes reference to the need for consent in cases of victims over the age of 18 which we presume is for the precise reason that to do so otherwise would conflict with existing legal provisions. We presume that the mandatory reporting provisions relating to FGM were limited to under 18s for this precise reason. It would also not make sense that there is a mandatory duty to report in cases involving adults where a forced marriage is involved but not where sexual violence or domestic violence are involved. In our opinion this could be interpreted as suggested that these are lesser crimes to forced marriage.
39. On that basis therefore, the reporting duty could only realistically apply to those under the age of 18. However, given that there are already various statutory duties and obligations in place to safeguard those under the age of 18 we must then question what difference will be made by mandatory reporting in cases of forced marriage?
40. We also wish to raise the dilemma that may be created in terms of complying with child safeguarding provisions which apply to those under the age of 18 when in fact 16 and 17 year olds are legally able to get married under UK law with the consent of their parents. This is a very serious flaw in the law which we feel needs to be changed with immediate effect. 16 and 17 year olds could be forced into a marriage but due to physical, emotional or financial pressures feel they have no option but to agree or say that they consented if asked by the police or others. All victims of forced marriage face pressures in one form or another but 16 and 17 year olds are especially vulnerable, and can be easily exploited. By increasing the minimum age to 18, we will remove the loophole exploited by parents to force their children into marriage at the age of 16 or 17 and we feel it would also be more likely that they would be able to study and at least complete their A Levels (or equivalent) as parents will have less of an incentive to remove them from education if they cannot be married until they are

18 years old. To this effect, we support Pauline Latham MP's Marriage and Civil Partnership (Minimum Age) Bill and hope to see it progress through Parliament quickly and become law in 2019.

41. We also wish to share the following, very recent, 2019 MWN Helpline case study:

*A woman in her late 20s called the MWN Helpline. She had wanted to marry her boyfriend but although he was a Muslim, her family refused as he was not a Bangladeshi. They forced her into a marriage in the UK. The wedding ceremony was arranged without her knowledge and when she came home one day she was told to get married. The ceremony took place at her house. She is now living with her husband and has told him that she was forced to marry him and does not want to be in this marriage. Despite this, he has said to her that if she does not stay in this marriage he will slander her character. She has been advised to contact the police and also offered to contact the police on her behalf and can also assist in placing her in a refuge. However she has refused all such assistance as she does not want the police involved and does not want her parents to get into trouble.*

42. This case highlights the unfortunate reality that sometimes, regardless of the advice given, individuals simply do not heed such advice and can make decisions that are not in their best interests. Mandatory reporting will not make this victim (an adult) change her mind and we cannot override her decisions either when she has legal capacity. Rather than alienate this victim so that they suffer alone, it is in our opinion better that she is listened to and her wishes taken into account so that we can continue to build a relationship of trust and confidence. This will mean that at the very least she can come to us for help if the situation worsens, and we will be able to intervene if any serious safeguarding issues come to light.

**If a mandatory reporting duty for forced marriage was introduced, do you think it should apply to:**

- **teachers**
- **regulated health professionals (including doctors, nurses etc)**
- **regulated social care professionals**
- **voluntary and community sector workers**
- **other**
- **don't know**

43. Although we generally disagree with mandatory reporting being introduced, we strongly disagree that it should apply to voluntary and community sector workers. We say this as an organisation that would be affected by the mandatory reporting requirements in respect of forced marriage because it would have a serious adverse effect on our work. A key aspect of our work is working in a confidential manner and respecting the wishes of our service users in so far as we are able to. There are of course circumstances that we cannot guarantee confidentiality such as where there is a risk of self-harm or a serious crime has been committed, and not only do we have a breach of confidentiality policy in place in this respect but we have also highlighted our ethical principles and the circumstances in which confidential information may need to be disclosed on our MWN Helpline website. Please see the following link: <http://www.mwnhelpline.co.uk/page.php?id=93>. The reason we are open and honest about the way we operate is because the only way we can carry out our activities and

achieve our charitable aims is if our service users have trust and confidence in us and our intentions. We feel it is necessary to stress that many of our callers will have had other opportunities to speak to other professionals including the police but chose to call us for a reason. If they become aware that we are legally obligated to report all instances of forced marriage then either they will not call us at all or will call us anonymously and in both cases we would not be able to build a relationship and help them when it may matter the most.

44. All of the individuals and organisations listed above, including teachers and doctors, will have child and adult safeguarding policies and procedures in place to assist victims in need. Moreover, all organisations will be aware of the multi-agency practice guidance and best practice would dictate that these are taken into account. We of course appreciate that there may be some voluntary and community sector organisations which may not have such policies in place or may not be following best practice guidelines as they should be, but in our opinion mandatory reporting is not going to make a difference to these organisations. Perhaps the alternative approach to be followed is that all organisations purporting to be competent to work with victims of forced marriage are required to ensure that appropriate policies and procedures are in place and sanctions are levied if this is not followed? In this way organisations like MWNUK will not be required to undermine the relationships they have fostered with service users whilst also ensuring that all such organisations have procedures in place so that reports can be made to the police or social services when it is vital to do so.

45. To highlight our point further we wish to share another 2016 MWN Helpline case study (also mentioned in our 2017 MWN Helpline Evaluation):

*The caller had gone on a family holiday abroad and whilst there, her parents had forced her to marry her cousin. He raped her on the wedding night. She contacted the Helpline upon returning to the UK and did not want to call her husband to the UK but was worried about honour based violence from her family. She was put in touch with the Forced Marriage Unit about the steps she can take to prevent her husband's visa application from being successful. She was also provided with advice about the legal steps which could be taken to end the marriage. She was also provided with safety advice and options of being moved to safe accommodation. She did not want to report her parents to the police and instead wanted to think through her options.*

46. As can be seen from the details provided, we both respected her wishes and also applied a multi-agency approach and referred her to FMU for further advice and support. We were also able to build a positive and reassuring relationship with her so that she felt able to come to us again if she needed further support or advice. Had we immediately reported her case to the police, not only could this have prevented her from seeking help from FMU (as she may have backtracked to save her family and said that the marriage had taken place with her consent) but she may also not come to us in the future if she faced any other form of violence or hardship.

47. We would also like to highlight some other facts about our MWN Helpline which is publicly available through our evaluation reports (please see for example page 36 of our 2016 MWN Helpline Evaluation: [http://www.mwnuk.co.uk/go\\_files/resources/169284-MWN%20Helpline%20Evaluation%202016.pdf](http://www.mwnuk.co.uk/go_files/resources/169284-MWN%20Helpline%20Evaluation%202016.pdf)):

- a. In 2016, there were 30 cases where an internal safeguarding form needed to be filled in and the safeguarding procedures followed. Five of these cases included children. The reasons for safeguarding concerns included risk of harm from others from domestic violence, forced marriage and honour based violence.
  - b. There were also cases where there was considered to be a risk of harm to self due to mental health concerns. Some of the cases included homelessness.
  - c. Actions to protect the clients included: contacting the police, social services, mental health professionals, Forced Marriage Unit, one Multi-Agency Safeguarding Hub referral (a single point of contact for all professionals to report 37 safeguarding concerns) and three Multi Agency Risk Assessment Conference (where information is shared on the highest risk domestic abuse cases)
  - d. During regular supervision and case reviews a further three cases were identified that could have been potential safeguarding cases. These were reopened and further action taken by the team. Two of these cases were closed and the team were satisfied that there are no safeguarding concerns. One of these cases remains open and the team are trying to establish if there are any safeguarding concerns. The three cases were then used in training sessions to help increase vigilance in the team for potential signs of cases where there may be safeguarding concerns
48. As can be seen from the information provided at para. 47. above, MWNUK regularly make reports to the police, social services, FMU etc, where a safeguarding need arises. Moreover, we keep all our cases under review and have various mechanisms in place to ensure that no cases slip through the net. We have taken the time to fully train our frontline staff to ensure that they are able to spot the signs, carry out a thorough safeguarding assessment and take further action as necessary. We also have managers available to provide guidance and assistance in complex cases and a safeguarding officer has also been appointed. We feel that it would be more useful to support organisations like us to ensure we are able to continue to implement best practice and safeguarding mechanisms (such as through providing funding and other resources) and ensure that all other organisations working with forced marriage victims do the same. Mandatory reporting is not going to make a difference without such support.
49. If the Home Office takes forced marriages seriously they will heed our warning and ensure that the mandatory reporting obligations do not apply to voluntary and community sector workers. To do otherwise will undermine our work with victims and in our opinion, deter victims and potential victims from seeking help.
50. We also wish to make the point that our membership includes individuals from all walks of life including doctors, teachers and nurses. Reservations have been expressed from such members in respect of mandatory reporting applying to them; a GP for example has raised concerns that this could potentially dissuade victims from asking them for help which would only make the situation worse. We remind the Home Office that other forms of abuse could be involved in cases of forced marriage including domestic violence, rape and forced pregnancies. We do not want victims to stop seeking help in respect of any pain or physical problems they may be suffering as a result due to a fear that their doctor would have to report them if it transpires that a

forced marriage is involved. Furthermore, we do not understand why a doctor in such a situation would not need to report where a victim attends and discloses (or shows clear signs of) domestic or sexual abuse, but will need to make a report if this same person is a victim of forced marriage? Is forced marriage being focused upon because it tends to be a particular issue in certain communities/cultures? All forms of violence are abhorrent and should be treated with the same zero tolerance attitude and if mandatory reporting is introduced in cases of forced marriage then we feel that it should also be introduced in cases of domestic violence and rape. We most certainly should not be putting into place any practice which may suggest that there is a hierarchy amongst different forms of violence or that one may be less serious than another.

51. Finally, whether we look at teachers or at doctors, we feel the need to stress that delicate relationships of trust are at stake and it is vital that a situation is properly evaluated before a decision is made in respect of next steps to be taken. For example, where a student has informed a teacher that she has been forced into a marriage it may be necessary to allow time for the teacher to continue discussions with the student so as to not further impact on the child through a breach of trust, or deter other students from coming forward to speak. On the other hand, if the student has a sibling who is at risk it may be necessary to act immediately. It is necessary to properly assess the situation and consider the best interests of the victim or potential victim as the ultimate priority. We must also highlight the importance of allowing for proper training of such professionals to ensure that they are adequately prepared to assess each situation of known abuse, as well as to be able to identify suspected cases. It would be unfair to introduce a duty to report without providing professionals with the knowledge, skills and resources to be able to fulfil their duties in this regard. We raised these same points in our response to the consultation on introducing mandatory reporting of FGM; regardless of the form of abuse being looked at, the principles ultimately remain the same.

**If a mandatory reporting duty for forced marriage was introduced, do you think it should require reports to be made to:**

- **the police only**
- **social care only**
- **the police and social care jointly**
- **other**
- **don't know**

52. With respect we are somewhat confused by this question as the involvement of social care is generally limited to cases involving children or adults with support needs or otherwise regarded as vulnerable. However not all victims (or potential victims) of forced marriage will fall within these categories and it may be that no other children are involved, in which case the role of social services in many cases will be limited if not non-existent. This therefore means that essentially we are looking at mandatory reporting to the police, similar to the FGM mandatory reporting provisions. Given the issues we have faced (as discussed above), we do not feel that mandatory reporting to the police will be beneficial. We would have been less concerned had we thought that the police would cooperate with us and take our views into account, or if we could report for information purposes only but as has been shown, this is not always

possible and has led to actions being taken that have led to detrimental consequences. As such we do not agree that mandatory reports should be made to the police.

53. Moreover we do need to raise the point that there are still issues when social services are involved due to a lack of understanding of faith and cultural factors. One of our member organisations (namely Apna Haq, based in Rotherham) informs us of how they assisted a potential victim of forced marriage who had disclosed her parents' plans to take her to Pakistan in the holidays to get her married. Both the police and social services were involved and she was placed into foster care. Within two days she informed her social worker that she had made up the story and wanted to go back to her parents. When asked by those at Apna Haq, the young girl informed her that she had never lived away from home (and had in fact lived in Pakistan for many years before returning to UK), that she had never had English food before, was uncomfortable around the foster carers' dog and was generally homesick. Although Forced Marriage Protection Orders were obtained, the young girl stated that she wanted to go to Pakistan to attend her sister's wedding. Although Apna Haq remained engaged, contact was gradually reduced and the young girl was adamant that there were no issues.
54. This case study provided by Apna Haq is crucial because it highlights the importance of taking the individual circumstances into account. The girl in question returned to her family because she became homesick and whilst she insisted that there were no issues, we fear that in the future if the subject of marriage came up, she would go along with her parents' wishes regardless of whether she was truly happy or not as in her eyes it may be the lesser of two evils.
55. The dangers of these cases is also that parents can use such examples to further coerce victims; for example, by telling them that if they did not agree to the marriage and left the home they would end up living in a foster home with second hand clothing and a dog in the house etc and that generally their life would be worse off than if they were married. Moreover, the possibility of imprisonment could be used as a means of coercion by the offenders themselves; e.g. 'will you leave home and put your parents in prison after everything we have done for you?' Financial dependence and lack of appropriate housing is a serious factor not just for why victims may feel unable to escape a forced marriage but also why they may feel unable to escape in cases of domestic violence. Mandatory reporting to the police or social care will not make a difference until these key issues are addressed. We feel that it would be more useful to dedicate time and resources to empowering victims and potential victims, such as through awareness raising campaigns and workshops in schools and colleges so that they are better aware of their rights and feel more able to seek help, and also ensuring that appropriate resources are available for them (such as adequate housing). MWNUK regularly hold workshops in schools and colleges and also carry out other outreach activities, such as attending community events and providing information and advice; we feel that such activities will be much more effective in getting victims and potential victims to seek help and escape forced marriages than introducing mandatory reporting.
56. On this point we would like to share a comment from one of our members, which we feel highlights the clear need for more awareness raising events to highlight that forced marriage is a crime and human rights abuse:

*"We are able to host charity events, parties and other occasions within the community but why are we so afraid to tackle such an important issue and talk to the community...why are we so scared of humans and so interested in their opinion?.... It shouldn't have to result to children committing suicide for people to recognise [forced marriage] is a crime, a life is too worthy of being taken for this so why are our own so keen on ruining our lives....?"*

57. Although we do not feel mandatory reporting should be introduced, we have serious concerns about reporting to the police or social care and wonder whether the appropriate alternative could be to report to the Forced Marriage Unit only? At least the FMU would (in our opinion) have a better understanding of the issues involved and we could work with them and decide how best to proceed in a collaborative manner, without fear of being undermined by the police or social care services.

**If a mandatory reporting duty for forced marriage was introduced then do you think reports should be made:**

- **at the point of initial disclosure (i.e. immediately/as soon as possible)**
- **within a specified time period (e.g. one month)**
- **only if/when the individual consents**
- **other**
- **don't know**

58. Due to the various reasons mentioned above, we believe that (if introduced) mandatory reporting should only be made if and when an individual consents, unless children are involved or there is a serious safeguarding issue which requires a breach of confidentiality. This would be in line with existing statutory provisions, the multi-agency guidance in respect of forced marriages as produced by the government and other safeguarding policies, procedures and best practice guidelines available.

59. We certainly do not agree that a specific time period should be specified or that it should be compulsory to disclose immediately at the point of disclosure. Whilst we understand that cases of forced marriage can be time-sensitive and there may only be the 'one chance' to prevent a victim from being forced into a marriage, as our cases have highlighted, acting too soon and making a disclosure could have the opposite and wholly unintended effect of compelling a victim to state they consent to the marriage. We do not want mandatory reporting to lead to victims being pushed into marriages instead of being saved.

60. We feel it is necessary to reiterate that forced marriage is a consent-based crime and it is important to respect the wishes of the victim or potential victim if they are to be truly helped (unless there are safeguarding concerns). Indeed, given that these victims have already been violated by having their right to choose to marry or not to marry taken away from them, they do not need to be undermined and re-victimised further by having professionals also ignoring their wishes and overriding their decisions.

**If a mandatory reporting duty for forced marriage was introduced, do you think it should require a report to be made:**

- **Once per profession**
- **Once per individual profession**



- **Other**
- **Don't know**

61. If mandatory reporting is introduced despite the concerns shared by us, then in response to this question we feel it should be reported once per individual profession unless there is written evidence available that a report has already been made about the same individual by another profession. Otherwise, individuals may assume that a report has already been made which may place them in breach of the mandatory obligations and it could also add unnecessary burdens on each profession if they are required to check whether someone has already made a report or not. Multiple reporting would therefore be administratively easier than requiring only one report. Whether multiple reporting may assist in better multi-agency working is to be seen.

**If a mandatory reporting duty for forced marriage was introduced, do you think failure to comply with it should be:**

- **Considered by the relevant professional regulator/employer**
- **A criminal offence**
- **Other**
- **Don't know**

62. Given the complexities surrounding forced marriages (i.e. being a consent based crime and ultimately needing the victim's cooperation), we feel it would be unfair for a failure to comply to be a criminal offence as there may be very valid, safeguarding reasons for doing so. Time may have also been needed to properly establish all the facts and build a relationship; MWN Helpline for example can sometimes receive multiple calls from the same caller and are given information in a piecemeal nature. We feel the most appropriate action would be to have sanctions and/or disciplinary proceedings pursued by the regulator and/or employer. Certainly in the case of MWNUK, if a frontline worker acted, or failed to act, in a manner that was in breach of our policies and procedures without a reasonable explanation, we would be following our disciplinary procedure.

**What evidence or information do you have on the expected increase in reports to the police from introducing mandatory reporting of forced marriage and how do you think they would vary with the different proposals?**

63. In our opinion, although there may be an increase in reports to the police initially once mandatory reporting is introduced, we feel that once it becomes common knowledge that mandatory reporting is an obligation on certain professionals, we fear that it may in fact deter victims from disclosing or even mentioning their suspicions. We feel therefore that it will ultimately lead to a decrease in reports rather than an increase over time. We do wholeheartedly hope that our fears are wrong but our knowledge and experiences suggest otherwise.

64. We do wish to point out that there still seems to be a lack of awareness over forced marriages being a recognised criminal offence. Thus one of the possible effects of mandatory reporting (and presumably the follow-up actions that would be taken by the police) may be that awareness is raised of this fact. We do not believe that it will lead to any significant rise in prosecutions and maintain that it may deter victims from seeking help if they fear their parents are at risk of prosecutions (and in fact one of

our member organisations is of the opinion that there is a link between criminalisation of forced marriages and the reduction in the number of women that have come to them for support) but nevertheless, it may assist if more offenders and potential offenders became aware that forced marriage is a criminal offence.

**What evidence or information do you have on the length of time which would be required to refer a case of suspected forced marriage to the police, the length of time which the police would spend investigating such a case, and any other costs to statutory agencies of complying with the duty?**

65. The length of time involved would ultimately depend on the facts of each case and the level of information and cooperation available from the victim. We do not have any further comments in this respect other than to make the point that where police, social services and voluntary sector organisations like ourselves work in a collaborative and helpful manner, keeping the best interests of the victim as priority, then we believe this would naturally reduce time and costs all round. Most importantly, working in a manner that is collaborative rather than undermining one another would allow us to best assist victims and potential victims and help tackle and prevent forced marriages.

**Would there be any other implications for frontline professionals of introducing a mandatory reporting duty for forced marriage?**

66. If it becomes applicable to voluntary sector organisations like ourselves, on the face of it we do not believe it will make a difference in terms of training costs because as we have explained above, we already follow thorough child and adult safeguarding procedures which from time to time require us to report to the police and social services etc. It may however have an impact in terms of resources. At present we make reports where we deem there to be a safeguarding issue (including the need for a welfare check to be made by the police) but if such reports need to be made in all cases of forced marriage then naturally this will take up more staff hours overall and this can have an impact on small, underfunded charities like ourselves. The best means by which to resolve this issue would be to simply employ another helpline support worker but unfortunately unless we are provided with funding to do so, this may not be financially feasible for us.

**Would the introduction of a mandatory reporting duty have any equalities implications and, if so, how could these be addressed?**

67. We do not believe that on the face of it there are any particular equalities based implications involved, but it is of course important that any procedures introduced are not implemented in a discriminatory manner. Anyone can be a victim of forced marriage and it is important to not act in accordance with any stereotypes or prejudices. Not only will this lead to unfair targeting but can also mean that some victims or potential victims of forced marriage are missed as a result.

68. Moreover, we repeat our comments at para 50 above where we question why a distinction is being made between forced marriage (and FGM) and other forms of abuse, such as rape and domestic violence? Is it because forced marriage and FGM can be regarded as abuse that is more prevalent in certain communities/cultures than others? It would be dangerous to prioritise different forms of abuse in this manner and

a zero tolerance attitude should be applied to each form of violence against women and girls.

**Are there any benefits to introducing a mandatory reporting duty for forced marriage which are not highlighted in this consultation?**

69. We do not believe there are any particular benefits to introducing mandatory reporting in cases of forced marriage and we therefore have no further comments to make in respect of this question.

**Are there any risks to introducing a mandatory reporting duty for forced marriage which are not highlighted in this consultation?**

70. We have no further comments to make in this respect; we have mentioned all the risks which we feel are associated with introducing mandatory reporting in response to other questions.

**Are there substantive amendments which could be made to the statutory guidance which would help to prevent forced marriage and protect and support victims?**

71. Having reviewed the statutory guidance in detail we would be grateful if the following amendments could be made:
- a. The most obvious omission from the statutory guidance is the lack of mention of sexual violence as a motivator for a forced marriage (page 8). We have found for example, that where a BAME woman or girl has been a victim of sexual abuse (including sexual exploitation), when this is brought to the attention of the family they may re-victimise the victim further by forcing her to have a hymen surgery and then force her into a marriage. This information is mentioned in the practice guidelines but not in the statutory guidance and we feel it is necessary that this information is included in both documents.
  - b. It is also important to highlight that it is not just salaries that may be taken away from victims but also welfare benefits of those who do not work (page 9). Financial/economic dependence can be created in many ways including taking out loans in the name of the victim and stating the debts will be cleared if they marry a person of their choosing (this was one means by which a brother coerced his sister to marry his wife's brother for example).
  - c. In respect of the information provided regarding spouses that are married to someone with learning disabilities, we note that you have highlighted that such a spouse may be vulnerable to abuse from family members (page 10). We think it may be useful to share examples of the extent of the issue; in one case brought to MWN UK's attention for example, the victim was the spouse of an individual with mental health issues and was repeatedly raped by her brother in law and his friends whilst her husband was in the same house but completely unaware of what was happening to his wife due to a lack of understanding and capacity.
  - d. We feel it may be useful to mention the recent successful forced marriage convictions when discussing the legal position (page 11); this may assist practitioners by reassuring them that forced marriage is indeed a serious crime and the actions they are taking are very important and necessary.

Furthermore, although obtaining successful convictions should never be a priority over helping a victim, it may nevertheless assist in knowing that prosecutions can in fact be achieved with the right support and the law can be utilised effectively.

- e. It may be helpful to clarify the information regarding the Assessment Framework (page 20) where it is mentioned that children and young people facing forced marriage are often high achievers at school etc and therefore would not usually exhibit warning signs. This is of course accurate but we wonder whether it may cause confusion with information in other parts of the statutory guidance where it is mentioned that victims may be stopped from pursuing education or withdrawn from education. Again this information is correct but it could cause confusion in the minds of a person unfamiliar with these issues and it may be useful to clarify that in many cases there may have been no issues up until the point that the forced marriage was raised and the situation could change overnight (such as where a previous high achiever is all of a sudden stopped from attending college, or starts to lose interest in studying etc).
- f. Most importantly, if mandatory reporting is in fact introduced, substantial revisions will need to be made in respect of the points relating to needing consent and 'breaking confidence' as of course with mandatory reporting, there will be an automatic requirement to disclose information.

**Are there substantive amendments which could be made to the practice guidelines which would help to prevent forced marriage and protect and support victims?**

- 72. The changes mentioned at para 71 above are generally applicable to the practice guidelines, save for in respect of 71.a. as we note that this has been mentioned. However we do think that this should be more specifically highlighted and included in the list of key motivators. It would also be useful to stress much more clearly, such as in para 3.13 of the guidelines, that the potential warning signs or indicators of forced marriage could also be signs of sexual exploitation and that practitioners should therefore keep all possibilities of abuse in mind.
- 73. It may also be useful to update the guidelines with recent figures so as to highlight the scale and prevalence of forced marriages in the UK.
- 74. We understand that there have been recent changes to the Foreign Office's policy so that victims are no longer expected to meet the costs of their repatriation back to the UK. We presume this also means that third parties in the UK will also no longer be required to deposit a cash sum at a police station to cover the costs of repatriation of an individual held abroad. The practice guidelines need to be updated accordingly.
- 75. It may be useful to mention that Islamic marriages do not need to be conducted with both the bride and groom in the same place and although generally the victim and prospective spouse will in fact be married at the same location/venue (amongst other reasons, to ensure photographs can be taken as proof of marriage which may be necessary for spousal visas), sometimes they have been known to be conducted by phone or skype. The Islamic marriage can also be a means to entrap the victim and ensure their cooperation whilst arrangements are made for the 'official' wedding ceremonies.

76. We also wish to reiterate that a key point that is repeated again and again within the practice guidelines is the need to obtain consent and assure victims of confidentiality, where possible. This is in our opinion the correct approach which will be undermined if mandatory reporting is introduced. Nevertheless, if mandatory reporting is in fact introduced substantial changes will need to be made to the practice guidelines in this respect
77. We would also be grateful if the details of our MWN Helpline is included within the list of national support agencies so that individuals who may be at risk and in need of faith and culturally sensitive help or advice have the option to seek our assistance, rather than suffer in silence. Our free phone number is 0800 999 5786.

**Do you think that the statutory multi-agency guidance and the practice guidelines should be combined to provide one clear document for professionals?**

78. Although we do not see any specific harm in combining the guidance and practice guidelines especially as they do cover the same main topics, we think it may still be useful to keep the two documents separate at least for the moment. Aside from the fact that the statutory guidance has been issued under the Forced Marriage (Civil Protection) Act 2007, practically speaking it acts as a useful summary of the key issues which need to be taken into account by practitioners and also allows the likes of chief executives and directors to easily refer to the duties and obligations which they must comply with. Moreover, as statutory guidance is issued only for those organisations that carry out public functions, combining the two may give the impression that the information contained in the practice guidelines are no longer relevant to those organisations which do not carry out public functions when in fact it is imperative that all organisations who have contact with victims of forced marriage are aware of the contents of the practice guidelines and follow the best practice suggestions.
79. We feel they should be kept separate at least in the interim whilst a decision is made as to whether and how mandatory reporting is to be implemented.

**Do you think that the guidance should be broadened to include information on so called 'honour-based' violence/abuse?**

80. We do feel that there is a need for guidance to be issued in respect of honour based violence and as forced marriage is a form of honour based violence (and there can be much overlap between the motivators and signs etc), it would make sense to broaden the guidance to include information relating to honour based violence (HBV).
81. However, the information must be included in a way so that neither the information regarding forced marriage nor the information regarding HBV is diluted or minimised, or one regarded as being a lesser or secondary crime. It is important to be clear at all times that both forced marriage and HBV are equally serious crimes and human rights abuse and a zero tolerance approach must be followed at all times in respect of each offence. If this is not possible to do, then we suggest that separate guidance is issued in respect of honour based violence.

82. An interesting point to note is that whilst forced marriage appeared in the top five issues dealt with by the MWN Helpline in its first year of operation, since then although on its own forced marriage has not featured in the top 5 reasons for calling the MWN Helpline, if we look at the combined figures of forced marriage and HBV then they certainly fall within the top 5 bracket. This highlights the prevalence of the issues and in our opinion lends support for the need for statutory guidance on HBV issues.
83. On this point, it may be relevant to mention that whilst we had a higher percentage of calls relating to forced marriage in 2015 (and forced marriage was one of the top five reasons for calls to our MWN Helpline) and since then calls relating to other issues have exceeded the number of calls we receive in respect of forced marriages, we did in fact hold a forced marriage campaign in 2015 which was funded and supported by the government. During this campaign we raised awareness of the issues, highlighted that it was against the law and Islam and informed them on ways to seek help (which includes calling the police and/or our MWN Helpline). We feel that the higher number of calls relating to forced marriage in the same year that we had a dedicated campaign on the issue cannot be a coincidence and we feel that, if the government truly wants to assist victims and tackle forced marriage, then time, money and resources would be better spent funding and supporting such forced marriage campaigns. We feel it is better to direct money to educating victims and potential victims and empowering them to seek help, than introducing mandatory reporting which may only go towards silencing them.
84. Additionally for the sake of completeness we must make clear that our comments in paras 82 and 83 above are based on a comparative and statistical analysis which looks at the total calls received per year, the reasons for the calls, the total number of beneficiaries etc. Thus for example:
- a. In 2015 we assisted 335 individuals; 9.5% involved forced marriage.
  - b. In 2016 we assisted 583 individuals; 5% involved forced marriage.
  - c. In 2017 we assisted 792 individuals; 5% involved forced marriage.
  - d. In 2018 we assisted 941 individuals; 4% involved forced marriage.

Therefore it is not that we are receiving 'less' calls on forced marriage in the literal sense but rather that whilst the overall calls received by the MWN Helpline is increasing each year and the number of beneficiaries assisted has almost tripled since the MWN Helpline was launched in January 2015, cases of forced marriage do not feature as prominently when we look at the overall number of calls received and beneficiaries assisted in a particular year. We feel that this in part may be due to a lack of awareness of the support available to victims and strongly urge for such information to be made widely available.

**If yes, is there specific information and advice on so called 'honour-based' violence/abuse which you think should be included?**

85. We repeat our comments at paras 80 and 81 above, and would add that it is important not to reduce the seriousness of forced marriages in comparison to HBV but that nevertheless it needs to be highlighted that HBV could lead to fatal results and

therefore it is more likely to be necessary to break confidentiality in such cases as serious safeguarding issues may be involved.

86. To this effect, it may be useful to perhaps mention real life cases of women who have been killed due to so-called honour to highlight the extent to which some perpetrators may go and the seriousness of HBV.

**Are there any other factors which you believe should be considered in relation to the guidance on forced marriage?**

87. We wish to quote a point mentioned within the multi-agency practice guidelines itself (page 27):

*"In these cases, sensitive questioning may encourage the person to disclose forced marriage. Even if they do not disclose anything the first time forced marriage is raised, it will show them that you understand the issues and it may give them confidence to disclose in more detail at a later date."*

88. This is crucial to note in our opinion because although forced marriage no longer appears in the list of top 5 reasons (out of 42 reasons) as to why calls are made to the MWN Helpline, forced marriage is also not always the main reason for calling us. An individual may call us for assistance with domestic violence or housing/homelessness and as the call progresses and/or relationship develops we are able to uncover that a forced marriage has also taken place or is about to take place. This is a precise example of the above quote in action in that someone may not disclose the forced marriage at first but the way you handle a case can encourage them to do so at a later date. This is why we are concerned by the prospect of being subjected to mandatory reporting as we feel our abilities will be compromised in this respect.

89. We also wish to mention the effects that a lack of appropriate housing and financial support can have on victims of forced marriage; it can ultimately be the reason they feel compelled to go ahead with the forced marriage. As well as looking at procedures and practices, it is important that steps are taken to assist victims with practical support such as ensuring organisations like ourselves have hardship funds available to assist victims of forced marriage. Faith and culturally sensitive counselling also needs to be more readily available if victims and potential victims are to be truly helped.

90. We also wish to raise the point that there are victims and potential victims of forced marriage within the UK that are likely to be ignored due to their immigration and/or citizenship status and in our opinion, mandatory reporting will make no difference to their plight. We wish to mention the following case study of a woman MWNUK are supporting:

*At the age of 16 she was forced into a marriage with a man 20 years older than her who brought her into UK on an EEA Permit. She gave birth to her daughter a year later, at the age of 17. She was subjected to all forms of abuse throughout the marriage including rape, physical abuse and controlling behaviour. One day in self-defence she stabbed her husband in the leg. Due to poor legal advice and also due to threats by her husband that she would not see her daughter again, she pleaded guilty. The judge (during a Newton hearing) also dismissed the domestic abuse and instead*

*described the marriage as a turbulent one. This resulted in her being given a custodial sentence of 18 months. She was not given a suspended sentence despite the fact that she was a domestic abuse victim and had a young child who was 3 years old at the time. However, as the sentence was over 12 months and she was a foreign national who did not have indefinite leave to remain, a notice was served by the Home Office stating she would be deported after serving her prison sentence. With MWNUK's assistance this deportation order has now been lifted (thank you to the Home Office for lifting this order) but she still lives in a state of limbo whilst her immigration status is decided. She has no recourse to public funds. We at MWNUK have managed to support this service user for the last 12 months by working with other organisations but have now exhausted even these avenues for assistance. As a small charity with limited funds, we are unable to sustain the help we have provided thus far and our service user is at the mercy of other individuals and organisations coming forward to help us help her. We are told that her application could take 12 months to conclude and quite frankly, we do not know if we can sustain her for even another month. If we cannot find anyone to pay for her accommodation and other living expenses over the next 12 months (or however long it takes for the Home Office to come to a decision), our service user will be left with two choices - becoming homeless and living on the streets or going back to her country of birth where her life could be in real danger and she could face fatal consequences (honour based violence or even murder at the hands of her family due to the alleged dishonour she has brought by acting in self-defence etc). Either option will mean not seeing her daughter again despite the progress we have made legally to help her obtain unsupervised visits, and donations to cover her immigration application.*

We raise this case study for two reasons. One is to highlight that for this victim of forced marriage, mandatory reporting will make no difference to her current plight. There is a clear lack of support available in cases of insecure immigration status and/or where the victim may not be a British citizen. The second reason is to quite simply ask the Home Office to assist in this case of a victim of forced marriage who has already suffered a huge ordeal and at the very least, expedite her case so that she can have a decision regarding her immigration status (whatever that decision may be) as soon as possible. We would be happy to provide you with further details and look forward to hearing from you in this respect. This is in our opinion a clear case where the Home Office will be able to demonstrate its commitment to helping victims of forced marriage, regardless of their immigration status, and help us tackle and prevent forced marriages in the long term as a clear message will be sent to offenders – that they cannot use insecure immigration status or lack of British citizenship as a means to abuse victims any longer.

91. Finally, we note that in cases of dual nationality the Foreign & Commonwealth Office may consider offering assistance to dual nationals in the country of their other nationality and we note that generally forced marriage cases fall into the type of circumstances where such an exception may be made. However, we feel that it should be a case that assistance **will** be provided unless circumstances in that country make it impossible to do so. There should not be any exceptions to providing assistance when it comes to forced marriages.

## **Final Comments**



92. As a point of clarification, we must explain that where our comments and examples have been limited to Muslim and BAME girls, this is due to the nature of our organisation and its work. As a national Muslim women's charity our work predominantly deals with Muslim and BAME women and girls albeit we also work with individuals of other faiths and are therefore also aware of issues of relevance to other faith and non-faith communities. We are also aware that some of the issues experienced by Muslim and BAME women and girls can also be experienced by non-Muslim, non-BAME women and girls, as well as men and boys. In turn we wish to clarify that where we make any recommendations, we do so on behalf of all those within wider society who may be affected by forced marriages and who may benefit from such recommendations.
93. MWNUK would like to express its willingness to assist through roundtables, events, research, training, support, information or advice or any other means on the issues discussed.
94. We would like to thank the Home Office for holding this Consultation and thank you for providing us with the opportunity to give Evidence. We hope it proves to be useful in your considerations.

**On behalf of Muslim Women's Network UK,  
Nazmin Akthar  
Chair**

**23 January 2019**

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