

“Ending forced
marriage will take
more than a change
in the law...”

ENDING FORCED MARRIAGE

Max Wind-Cowie
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Thomas Gregory

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Max Wind-Cowie
March 2012

Introduction – Why forced marriage? Why now?

The UK Government has taken a strong line on forced marriage. It has advocated for action from the international community, using global forums such as the Commonwealth Heads of Government Meeting to lay out an ambitious and courageous aspiration that we end forced marriage. At home the Prime Minister has made clear both the unacceptability of the practice and the resolve of government to identify means of preventing it and punishing its perpetrators. David Cameron argued in a speech in October 2011 that forced marriage is ‘little more than slavery’ and promised to use the resources of government to bring an end to its practice within the UK and overseas.¹ The solution that he laid out – committing to the criminalisation of the breaking of Forced Marriage Protection Orders and to a consultation on further legislation to make forcing an individual into marriage a criminal act – is welcome and necessary but also insufficient.

Although government action and rhetoric in this area are welcome – and the Coalition Government is to be congratulated for its focus on forced marriage – it is not, on its own, enough to achieve the aspiration of a complete abolition of the practice. In order for that ambition to be achieved – and it can be achieved – Britain must improve and develop its machinery, agency and action on forced marriage in order to ensure that our domestic and international efforts are complementary and coherent, and that lessons learned in each sphere are applied to our work at home and abroad. It is also crucial that the emphasis within frontline agencies remains on preventing, rather than prosecuting, suspected incidents of forced marriage.

Three key elements of the UK's approach

The Coalition Government's and its predecessor's dedication to ending forced marriage should be a source of pride for UK citizens and UK non-governmental organisations (NGOs). Major historical achievements include Lord Lester's 2007 Forced Marriage (Civil Protection) Act, which gave people support and redress within the legal system, and the decision by the Scottish parliament in March 2011 to make breaching a protection order a criminal – rather than a civil – offence.²

However, if we are truly to achieve the aim of ending forced marriage it demands a better level and quality of engagement with what really works in tackling forced marriage at home and abroad. If we are to demonstrate to the world the possibility and desirability of eliminating forced marriage we must improve the way we present three key elements of the UK's approach: prevention, consistency and coordination.

Prevention

Prevention is vital, and criminalisation, while important, is insufficient. This is a lesson from international work that should be applied at home – the long-term eradication of forced marriage will be achieved through holistic and proactive interventions designed not simply to identify and protect specific victims, but to create spaces for discussion within the communities where forced marriage takes place. This means involving men, boys and the broader community in recognising both the utilitarian disadvantages that spring from the practice of forced marriage – negative impacts on the health, educational attainment and economic status of young people forced into marriage – and the real moral harm – the violations of human dignity and human rights – that the practice causes to individuals and families.

Consistency

Domestically, we can be inconsistent in demonstrating our commitment to abolishing forced marriage. While the political leadership demonstrated by the Prime Minister, Home Secretary

and other ministers is welcome, it has not always been followed through with action throughout public agencies. One example of this inconsistency, discussed further in later chapters, has been the Department for Education's reluctance to ensure adequate advice, guidance and preventative literature is present in schools. Internationally, consistency is also essential. As well as advocating for action from fellow governments, the UK should be urging concrete legal changes in key partner countries (such as Pakistan and India) to ensure that the UK legal code – used to protect victims of forced marriage – can be applied and implemented internationally.

Coordination

Forced marriage is a shared responsibility across the Home Office, Department for International Development (DfID), Foreign and Commonwealth Office (FCO) and Government Equalities Office GEO. The Forced Marriage Unit (FMU) has made progress in bringing departments together but we should go further – DfID should have a stake in the FMU, which is run jointly by the Home Office and the FCO, and all departments should contribute to the cross-governmental action plan. The UK approach to forced marriage at home suffers from a lack of regional presence from the FMU – especially in the North East – and overseas from a lack of coordination between in-country DfID representatives and FCO consular staff.

This report commends the Government for its efforts in pushing forced marriage up the international agenda, its work in tackling the practice at home and abroad, and its firm line on protecting the right of every individual to choose their own destiny. The aspiration to end forced marriage is both desirable and achievable.

Defining forced marriage

In order to tackle forced marriage in the UK and overseas it is important to be clear what we mean by the expression 'forced marriage'. Evidence from NGOs and agencies involved in trying

to educate public servants and community leaders points to commonplace misunderstandings about what forced marriage is and what it is not.

A forced marriage is 'a marriage conducted without the valid consent of both parties where duress (emotional pressure in addition to physical abuse) is a factor'.³ 'Duress' encompasses a number of things, including psychological, sexual, financial or emotional pressure – it is not limited to physical violence. In the UK forced marriage often takes place between people under the age of 18 – in 2009 41 per cent of victims reporting to local agencies were under 18, and the percentage of actual victims who are under 18 is likely to be much higher.⁴ This fact has important implications: forcing children and young people into marriage has negative impacts on their educational and economic outcomes, as well as their sexual and emotional development.

There is an ongoing debate about whether the definition of forced marriage should be expanded in order to include those marriages where the victim is tricked into giving their consent, either through false information or the withholding of critical information.⁵ Equally important is recognising the difference between a forced marriage and a marriage which has been 'arranged'. While many in the West find the concept of arranged marriages difficult to understand, there are marked moral and practical differences between the two practices – for example, while arranged marriages are sanctioned and encouraged by many religious teachings, forced marriage is *not* an accepted religious practice under any mainstream faith.⁶

A forced marriage is undertaken either against the wishes of one or other individual involved (or both) or without their full and informed consent. Arranged marriages, on the other hand, involve consultation with both parties. It is important in making the case for action on forced marriage that there are clear differences between these two practices. Those affected by forced marriage should be aware that what they are experiencing is not simply arranged marriage. Those working with communities affected by forced marriage should also have a robust understanding of the differences between these practices in order to equip them fully to recognise and tackle forced marriage

without fear of cultural insensitivity. Finally, it is important that we make these distinctions clear – in our dealings with communities at home and foreign governments on this subject – to avoid giving the impression that the UK is opposed to a consensual practice.

The current state of forced marriage in the UK

David Cameron's speech in October 2011 was aimed at drawing attention to the ongoing practice of forced marriage in the UK. It is vital that this strategy – of building on the achievements of the 2007 Act, while at the same time raising awareness of the UK's ongoing difficulty with ending forced marriage within our shores – is maintained over the coming months. This will allow us to galvanise action domestically, and to make it clear, in our international advocacy, that the UK is a credible and experienced partner nation on this issue.

The situation in the UK reflects the acute difficulties in tackling forced marriage effectively. Of the calls to the National Honour Helpline run by the charity Karma Nirvana, 63 per cent had not reported their situation to the police, teachers, doctors or the FMU.⁷ Karma Nirvana has reported that of those who attended their 2010 national road show (which is aimed at frontline services and professionals who might come into contact with forced marriage, including social workers and educators) 76 per cent were not even aware of forced marriage protection orders or the legal status of forced marriage. This implies there is a huge knowledge gap in the existing legal framework designed to enable public servants and victims themselves to take action in the face of a forced marriage – raising the question of whether the UK Government has been clear and direct enough in communicating the policy priorities attached to the political messaging.

Those affected by forced marriage in the UK are often in communities that already experience difficulty accessing public services. However, assumptions and prejudices about those communities in which forced marriage takes place are often misplaced and may lead to public servants overlooking young

people at risk of becoming the victim of a forced marriage. In conversation with Demos, the director of a national organisation that campaigns against violence against women pointed out:

It's always been a problem to get local authorities and government departments to recognise and support the work that BME [black and minority ethnic] women's organisations do in the community. Generally there is an issue about local authorities and government not recognising the role of the women's centre in the community because those women don't report and so on.

The interviewee described how this reluctance to engage with black and minority ethnic women's organisations is bound up with issues around cultural sensitivity:

Another problem is the fear of being accused of meddling in community matters when actually what that means is that you are allowing traditionally male community leaders to speak on behalf of the community and they are not the ones that have been saying that this is an issue. You are effectively silencing women's voices.

Jasvinder Sanghera, founder of Karma Nirvana, told the 2011 Home Affairs Committee inquiry that her organisation is becoming increasingly worried about instances of forced marriage taking place in a broader range of communities than before, citing cases from Egypt and an increase in at-risk dual heritage children.⁸ Lambeth Women's Aid has also reported an increase in forced marriage among groups not usually associated with the practice, for example among people from African and Eastern European communities.⁹

Forced marriage does not solely affect women. The number of men and boys subject to forced marriage seems to be increasing – between 2008 and 2009 there was an increase of 65 per cent in the instances of forced marriage the FMU helpline dealt with that involved men and boys (134 in 2008 compared with 220 in 2009).¹⁰ Although it has been suggested that this increase may be the result of a rise in reporting after the establishment of the FMU, rather than a rise in the number of

instances of forced marriage, it still shows that men and boys make up a fairly consistent – and often underestimated – proportion of those being forced into marriage. Between 2008 and 2009, 14 per cent of cases reported to the FMU were male, although the unit believed this figure could be as high as one in five.¹¹

Forcing men to marry is less common but is nonetheless a real problem affecting hundreds of men in the UK. Reasons for forcing men into marriage range from entrenched homophobia to a simple lack of willingness in some families to accept their sons' desire to remain unmarried.¹² Either way, the number of male victims of forced marriage is becoming more significant in the UK, with the Albert Kennedy Trust, a charity for homeless lesbian, gay, bisexual and trans-gender people, reporting a rise in the number of gay Muslims contacting them for help because they are threatened with forced marriage.¹³

Thus it is clear that forced marriage – far from being an exotic development issue affecting those in far-off lands – is a domestic problem that is, if anything, on the increase. In the UK it affects women predominantly but it is also a concern for men – particularly gay and bi-sexual men from black, Asian and minority ethnic (BAME) communities. Although public servants often labour under the misapprehension that forced marriage is usually restricted to first and second generation migrants, it also afflicts growing numbers of dual heritage individuals and is so entrenched in particular communities that third and fourth generation British citizens are also being victimised in this way.

In this context, the Labour Government set up the FMU in January 2005, jointly run by the Home Office and the FCO. The FMU operates a helpline for those who are worried that they, or someone they know, may be a victim of forced marriage, as well as leading on the provision of advice and guidance to public servants in order to educate people about what forced marriage is, how to spot those at risk and what to do if they believe there is a risk of a forced marriage occurring. The FMU also funds a series of projects within the UK that are run by NGOs and charities with the intention of tackling forced marriage.

The statutory guidelines under which the FMU works – and which inform its advice to other public bodies – are currently under review. However, it is clear from our discussions with those working on forced marriage in the charitable sector that there is considerable frustration about the extent to which these guidelines are read and understood by relevant officials and public servants.

Britain's role in tackling forced marriage globally

The UK has been a world leader in advancing development around the world, particularly in matters related to gender equality and human rights. This has been reflected in the UK's work to tackle forced marriage in a range of countries in which we have an aid and development presence.

The range of FCO and DfID work that touches on forced marriage is broad and incorporates preventative aid and development initiatives and direct assistance and support for victims. The UK has a strong presence globally on forced marriage and interrelated issues. DfID's existing frameworks – in-country networks and relationships with governments and local NGOs – provide the ideal structure through which to combat forced marriage outside the UK. As the examples below demonstrate, capacity building initiatives of the sort that DfID currently funds in Africa play a central role in supporting communities to reject harmful practices. Extending and building on this existing framework will reduce the cost and increase the sustainability and success of initiatives designed to tackle forced marriage in the future.

In December 2010 DfID launched *Choices for Women*, a framework aimed at improving reproductive, maternal and newborn health.¹⁴ It was followed in March 2011 by 'A new strategic vision for girls and women'.¹⁵ DfID's programme aims to empower women and girls to make healthy reproductive choices through locally led social and attitudinal change. *Choices for Women* is built on four pillars, aiming to delay first pregnancy and support safe childbirth, get economic assets directly to girls

and women, get girls through secondary school, and prevent violence against girls and women.

This programme is instrumental to directing Britain's overseas engagement on issues primarily affecting women and has helped to cultivate a strategic vision for British development spending that emphasises the empowerment of women and the protection of their human rights. Evidently, development spending focused on tackling early and forced marriage falls under the auspices of these strategic goals – evidence laid out below illustrates both the impact on reproductive and sexual health of forced marriage and its dramatic influence over the economic and educational advancement of women. Under these strategies, the UK Government plans to support efforts in 17 countries to end early and forced marriages and create an environment where girls and women can realise their rights.¹⁶

DfID sponsors and leads a range of country-specific programmes. In Bangladesh, for example, DfID is intervening in order to deliver social change for women and girls through girls' education, reproductive health and choices, women's economic empowerment and reducing violence against women.¹⁷ The key to this work, as outlined by DfID, is women's empowerment and so field workers seek to strengthen links between health, education, governance, wealth creation and empowerment and embed tackling inequality and promoting empowerment across all their programmes. They aim to work with key stakeholders – within communities – to strengthen the delivery of services and try to develop a framework for measuring 'empowerment'.

The work of the FMU – discussed above – is also relevant to Britain's role in tackling forced marriage internationally. The FMU works with governments across the world to ensure the safe return of UK nationals taken abroad to marry. This work has been marked out for expansion, with the FCO and the Home Office pledging to extend the service to non-British nationals in the near future.

Forced marriage also has a ministerial champion, in the shape of the Home Office Parliamentary Under Secretary of State for Equalities and Criminal Information, whose role now

includes an explicit responsibility for tackling violence against women and girls overseas. The minister is required to encourage the FCO, DfID, Ministry of Defence and other relevant ministries to use their influence to reduce violence against women and girls.

From where we are to where we want to be

Britain does not do badly at tackling forced marriage – especially within the international context or when compared with the efforts made by peer nations – but we have not succeeded in eradicating it. Forced marriage is a pressing human rights issue – and a growing one at that – here in the UK, and remains an international human rights and development issue. Children under the age of 18 are being taken from the UK and forced into marriages, and throughout the world governments are turning a blind eye as harmful practices dominate concerns of equality, liberty and justice.

The steps taken by the recent Labour Government and the current Coalition Government are to be commended but despite the promised further reforms they are insufficient to end forced marriage on their own. A concerted policy push is now needed, a final heave, to bring together the full resources, expertise and reach of the UK Government, public agencies and NGO community. The UK must also use its diplomatic relationships with governments internationally to push for global change. We can end forced marriage, but only if we focus relentlessly on prevention, consistency and collaboration, taking these three principles as the pillars around which we construct our approach.

Summary of recommendations

The recommendations laid out below are drawn from our engagement with key stakeholders in ending forced marriage – from NGOs, victim-support charities, people with experience of forced marriage and those working within government departments and agencies.

Give the FMU a wider, deeper presence

Although in many ways the FMU is a success story for multi-agency working, we recommend that its structure, way of working and make-up should be improved in order to enhance its performance in tackling forced marriage.

Appoint regional liaison officers

Many non-London NGOs and people working with victims of forced marriage expressed frustration at the lack of regional presence the FMU has. We recommend that each local authority in England and Wales appoint a specific liaison officer to engage with and represent the FMU within communities.

Bring DfID into the fold

In order to enhance the FMU's expertise in prevention, it should formalise its relationship with DfID. Closer integration between the FMU and DfID would formalise information and intelligence sharing, equipping the FMU with expertise in best practice in preventing forced marriage through community engagement.

Improve continuity at the FMU

The FMU's joint heads are taken from the Home Office and the FCO. The Home Office joint head is normally in their role for two years – the average secondment period for a Home Office official – but the FCO joint head is only ever in place for one year. In the interests of consistency and optimum performance and trust within the sector, we recommend that the FCO joint head placement length be extended to mirror that of the Home Office.

Be politically consistent

We recommend that the Government elevates the portfolio of violence against women issues to cabinet level – incorporating them explicitly into the home secretary's responsibilities. The

secretary of state should have the power to set direction on matters relating to violence against women across departments and have a special right to request information from other departments on their progress in meeting the strategic direction set within cabinet.

Introduce compulsory training

We recommend that one day's statutory training on the FMU's guidelines be mandated for public servants across a range of public services where professionals may come into contact with victims (and potential victims) of forced marriage.

Work internationally

We recommend that diplomatic efforts are focused on persuading core countries to coalesce around defined actions and targets on forced marriage – we recommend the successful strategy of engaging Commonwealth partners should be continued in order to build international pressure.

1 Prevention: why we need to prevent; what works?

This chapter argues that prevention, rather than prosecution, should be made the focus of UK policy. In order to explain the importance of prevention we lay out the three causal pathways showing the negative impacts of forced marriage. We then present a range of case studies of projects taking place within the UK and internationally where prevention has delivered significant results in tackling forced marriage.

Forced marriage is a complex, nuanced and difficult problem. It is burdened with perceptions of cultural difference and misunderstandings over the role of religion; it is sometimes hard for public officials and concerned friends and family to discern the differences between what is forced and what is arranged. It is also a truly international problem occurring across the world and often involving people in different countries being forced into marriage with one another. For these reasons it has been tempting for many of those advocating change to criminalise forced marriage, seeing the law as the best means of ending the practice entirely. But difficult as it may be to accept, the truth is that the law is not enough. We know what works in ending forced marriage – and certainly a clearer and more robust criminal framework is part of the solution – but it is prevention, rather than the threat of prosecution, that makes the difference.

By ‘prevention’ we mean that in order to truly end forced marriage we should not rely on post hoc punishment for those who attempt to force people into marriage – instead we should be using all the resources available to us to educate and inform, so that communities, families and public servants are equipped to take action to reduce and end forced marriage as a practice. Empowering communities is a crucial element of the preventative agenda. As an employee of a non-governmental organisation (NGO) working to combat forced marriage told us:

[Families] really do need the support to overcome their own cultural practices. For example, we had an instance where a father had stood up for his daughter. He didn't want her to be forced into marriage, but the parents came under tremendous pressure from their own parents and extended family to change their minds, because they were supporting their daughter to do something the family had never previously considered.

The preventative approach has a wide range of benefits. As is explained in chapter 2 – through the prism of a number of case studies looking at successful schemes funded by the UK Government – prevention can and does work. What is more, in our work overseas and our efforts at home, focusing on prevention and education as supplements to criminalisation enables us to work with communities where forced marriage exists and to avoid the perception that we are working simply to police those communities.

Importantly, prevention allows us to talk to foreign governments about the benefits of tackling forced marriage rather than simply communicating via the difficult (and sometimes antagonistic) language of individual rights. That is not to say that prevention is not about rights or that the UK is somehow wrong to point out the human rights consequences of cultures that allow for and facilitate forced marriage – rather, it adds another powerful string to our bow when dealing with foreign governments for whom rights-based arguments are less powerful.

In terms of international diplomacy, the key to this approach is highlighting the impact that forced marriage has on wider development. Below we lay out how studies have demonstrated the impact of forced marriage on a range of key development areas, from economic advancement to population health and rates of HIV/Aids. This is not to replace the human rights case against forced marriage and for preventative intervention, nor is it to suggest that the UK should take a solely utilitarian approach in making this case. But the compelling evidence that forced marriage impedes development in a wide range of countries must form part of our international advocacy in this area.

Why do we need to prevent forced marriage?

The evidence suggests that there are several possible routes through which early and forced marriage has wider impact. Given very limited data there is difficulty finding statistical support for these causal relationships, but a strong correlation can be shown. We now look at three possible causal pathways that make early and forced marriage a barrier to development (figure 1): its impact on health, educational attainment and economic status.

Causal pathways that make early and forced marriage a barrier to development

Health

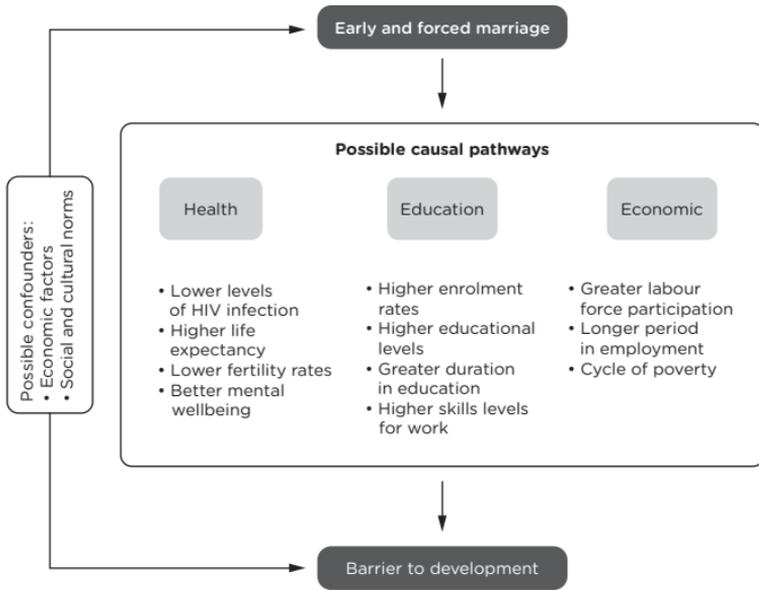
Early and forced marriage can severely impact on the health and wellbeing of individuals. This in turn can be costly to manage or treat, acting as a barrier to development. It is strongly associated with an increased likelihood of HIV contraction, decreased control over fertility and an increased prevalence and acceptability of intimate partner violence.

Fistula cases

*For every woman who dies in childbirth, some 15 to 30 survive but suffer chronic disabilities, the most devastating of which is obstetric fistula. Fistula is an injury to a woman's birth canal that leaves her leaking urine and/or faeces. Young women under age 20 are especially prone to developing fistulas if they cannot get a Caesarean section during prolonged obstructed labour. Prevalence is highest in impoverished communities in Africa and Asia.*¹⁸

The 2000 Forum on Marriage on the Rights of Women and Girls reported on a study of fistula cases in the Urology and Maternity Hospital in Conakry (Guinea) that had looked at the prevalence of fistula cases among girls. The research found that out of 26,536 deliveries between 1988 and 1990 there were 132 vesicovaginal fistulas and 55 rectovaginal fistulas. Of these, 125 and 42 respectively occurred in young, first-time mothers aged between 14 and 19, representing 94.6 per cent and 76.36 per cent

Figure 1 **Potential causal pathways making early and forced marriage a barrier to development**



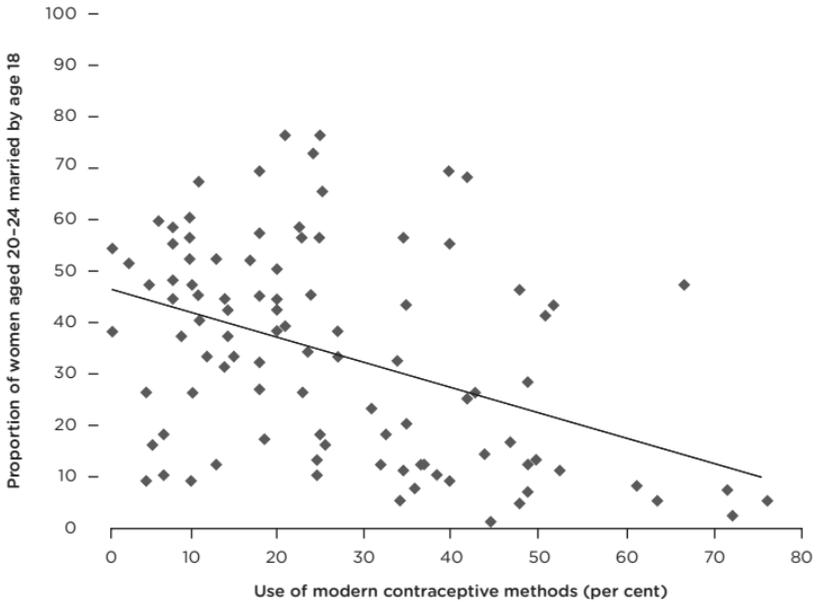
of all fistula patients at the hospital. The research also highlighted the fact that the majority of patients treated for fistulas were from the inner regions of the country and did not have their children in a hospital.¹⁹

Figure 2 shows the relationship between the use of modern contraception and the proportion of women aged 20–24 who were married before the age of 18.

Family planning

The UN Population Fund argues that ‘the ability of women to control their own fertility is absolutely fundamental to women’s empowerment and equality’.²⁰ Women involved in early marriage tend to be younger than their partner and have less control over their sexual and reproductive health. Bayisenge

Figure 2 **The relationship between the use of modern contraceptive methods and the proportion of women aged 20–24 married by age 18**



Source: Population Reference Bureau²¹

argues that because of this powerlessness there is little ability for young wives to withstand pressure to prove their fertility early.²² The Inter-African Committee on Traditional Practices Affecting the Health of Women and Children states, ‘For a husband, marrying a child bride is an effective way of ensuring control over her productive and reproductive role.’²³

International studies have found that those married after the age of 18 are 40 per cent more likely to have had their first birth in a health facility. Births where the mother is under the age of 18 increases the probability of health complications and the death of the mother or child.²⁴ It is unsurprising therefore that those who were married after 18 were 40 per cent less likely to

Table 1 **Women aged 20–24 who had given birth before the age of 18 in ten surveyed countries**

Country	Women who had given birth by age 18
Niger	51%
Chad	48%
Bangladesh	46%
Mali	45%
Guinea	44%
Mozambique	42%
Central African Republic	38%
Zambia	35%
Uganda	35%
Gabon	35%

Source: Population Reference Bureau, 'The World at 7 Billion'²⁵

have had a miscarriage or still birth.²⁶ Unicef estimates that the risk of death following pregnancy is five times as great for girls aged between 10 and 14 than for those aged between 20 and 24, and girls aged 5–19 are twice as likely to die.²⁷ Pregnancy carries a greater risk of health problems, such as anaemia, to adolescents than it does to older women.

Pregnancy-related deaths are also the leading cause of mortality in 15–19-year-old girls, and those aged under 15 years are five times more likely to die than those aged over 20. Infant deaths are twice as high in babies of very young mothers.²⁸ A study on contraceptive use among 15–19-year-old girls in unions found that many felt pressurised by families to prove their fertility very early in the marriage. For example, 46 per cent of girls in unions had never used any contraception, and only 31 per cent stated that they used modern contraceptive methods.²⁹

Mental wellbeing

Bayisenge argues that early marriage has severe 'psychological and emotional impacts', mainly because marriage occurs before a time of mental and physical maturity.³⁰ This can be particularly troubling in instances of first sexual experience. Hindin recently

conducted a meta-analysis into the influence of a woman's early childbearing on subsequent empowerment in sub-Saharan Africa, in which she found that women who had children when they were under the age of 20 were significantly more likely to believe that wife beating was justified, so 'those who began childbearing earlier have expectations of poorer status and empowerment within marital relationships'.³¹

Violence

Researchers looking at evidence of the impact of early marriage in India found that those married after the age of 18 had a greater ability to reject in-marriage violence.³² Looking at the states of Bihar and Rajasthan in India, Speizer and Pearson found that those who are married early were more likely to have experienced 'intimate partner violence' in the last 12 months.³³ Haque et al, looking at the 2007 Bangladesh Demographic Health Survey, found that the incidence of physical intimate partner violence, although not sexual intimate partner violence, in the past twelve months was significantly higher among those who had undergone early marriage than other couples.³⁴

Early marriage as a form of 'traditional practice' has a strong association with female genital mutilation.³⁵ It is claimed that female genital mutilation 'validates a girl's body for marriage and procreation'.³⁶ Yet female genital mutilation, while being a painful and dangerous procedure, can also lead to a multitude of later health and fertility complications. For early married girls, female genital mutilation can make childbirth particularly dangerous.

HIV/AIDs

In many communities, particularly in sub-Saharan Africa, early and forced marriage is being increasingly used in the belief it will be a protection against HIV.³⁷ Yet there is strong evidence that early marriage is related to a higher incidence of HIV infection in sub-Saharan Africa even when compared with the unmarried sexually active population of the same age group. Shelley Clark looked at HIV prevalence among married and unmarried sexually active people aged 15–19 and 20–24 in communities in

Kenya and Zambia and found that in the Kenyan and Zambian communities she analysed the HIV prevalence rate among 15–19-year-old women was around 10 per cent lower among unmarried women than among married women.³⁸ Clark argues that this is underpinned by the fact that early marriage increases the frequency of sexual intercourse, decreases condom use and removes the ability of women to abstain from sex, and so despite the lower number of sexual partners married women are likely to have, the greater exposure to unprotected sex increases the risk of HIV. This is likely to occur even more among victims of forced marriage, where matrimonial rape is more common.

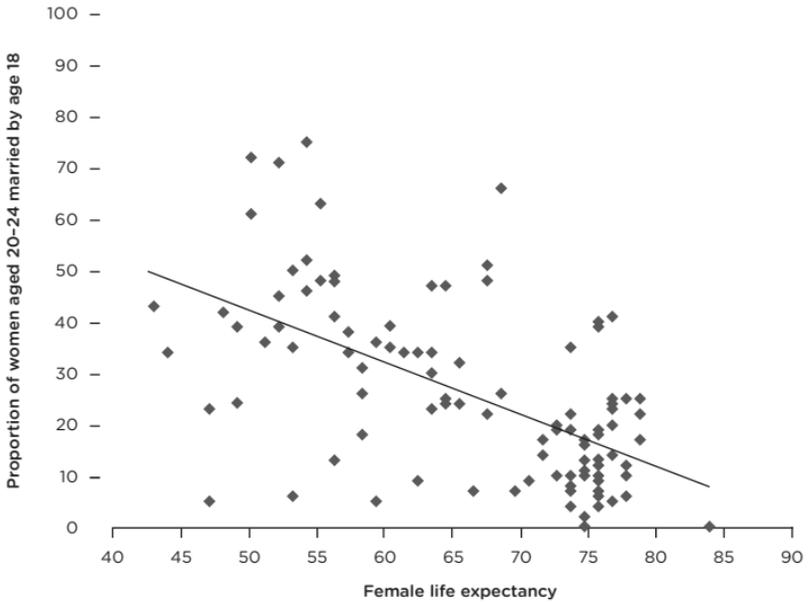
Clark has done a further analysis of 29 countries in Africa and Latin America based on demographic and health survey data for women aged 15–19 reconfirming the higher incidence of HIV. She found that in these countries:

- more than four in five of the adolescents who had had unprotected sex during the previous week were married
- women who married early tended to have older husbands
- married adolescents have relatively little access to educational and media sources of information about HIV

In areas like sub-Saharan Africa, HIV prevalence among young women aged 15–24 outpaces that of men the same age by two to eight times. The majority of sexually active girls in developing countries are married, and these married adolescents have higher HIV infection rates than their sexually active but unmarried peers. Yet HIV/AIDS programmes have treated this group as marginal and appealed more often to older women. Targeting young married women would help prevent HIV/AIDS from spreading not only within a generation, but to the next generation, as this is the most intensively childbearing group.

Looked at globally, there is a lot of evidence that young brides are often at higher risk than older brides of contracting HIV/AIDS. The age difference and lower economic status of girls make it very difficult to negotiate safe sex, and older partners may be at higher risk of being infected from previous sexual partners. A diminished capacity to nurture born of

Figure 3 **The relationship between life expectancy and the proportion of women aged 20–24 married by age 18**



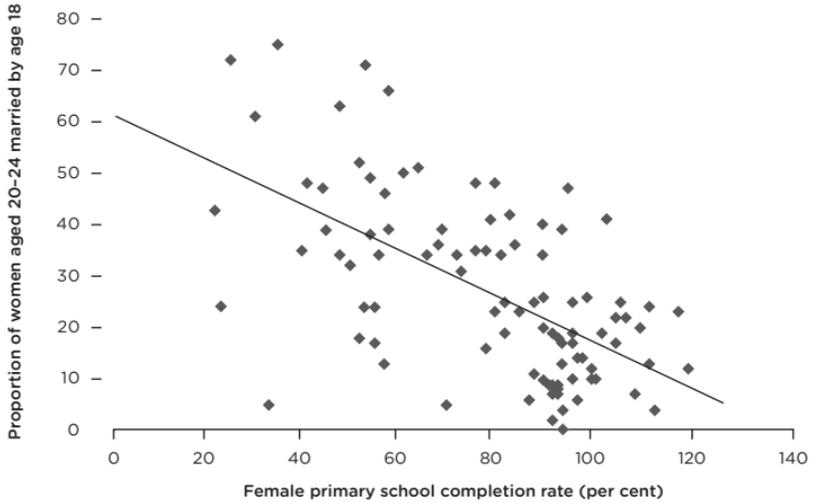
Source: Population Reference Bureau

immaturity and a lack of higher education encourages higher mortality rates among the children of early marriages (figure 3).

Education

There is a strong relationship between the educational completion rate of a country and its rate of early marriage. Figure 4 shows that countries where there is a higher share of early marriage have a lower level of primary school completion by women. Figure 5 shows the relationship between female literacy rates and the proportion of women aged 20–24 who were married by the time they were 18.

Figure 4 **The relationship between female primary school completion and the proportion of women aged 20-24 who are married by age 18**

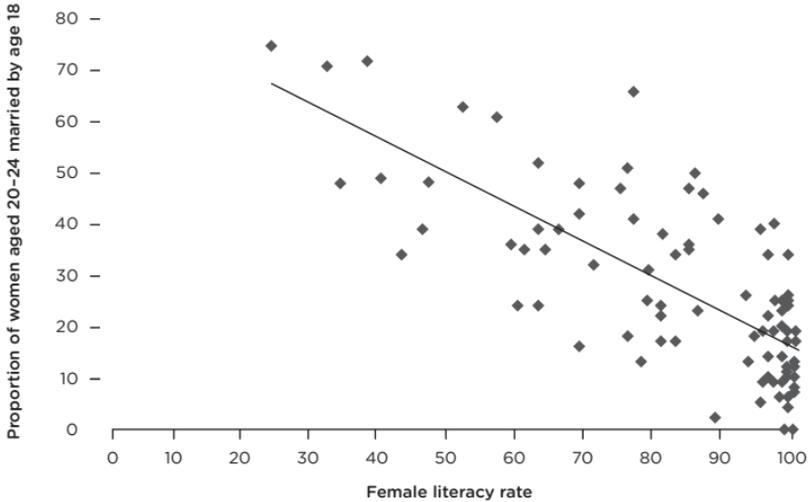


Note: The primary completion rate can have values above 100 percent, which can be a symptom of late entry, grade repetition, or of an enrolment push at some point in the past, perhaps as a consequence of a school enrolment campaign. In the UIS database, 38 countries have values above 100 per cent but in the long run the primary completion rate can be expected to stabilise at 100 percent.

Source: Population Reference Bureau

Wider studies of the relationship between early marriage and education show there is a two-way relationship between them. Choe et al cite low education levels as one of the chief covariates of early marriage in Nepal.³⁹ Bayisenge shows that cutting off even basic education is common in societies where early marriage is high. She argues that this also acts as a barrier to employment or routes to escape poverty more broadly.⁴⁰

Figure 5 **The relationship between female literacy rates and the proportion of women aged 20-24 married by age 18**



Source: Population Reference Bureau

Economic status

Forced marriage is strongly tied up with economic factors. Forcing someone into marriage is often seen as a way of improving a family's financial position – for example by ridding a family of a member (usually a girl) who is seen as a financial burden, by forging an alliance with a wealthy spouse, or by increasing a family's financial or material wealth through a dowry-type payment from the groom.⁴¹ Educating families about the negative financial implications of forced marriage, and the positive alternatives (for example, the potential for education, rather than marriage, to lead to financial security for women) is therefore a key plank of the preventative approach.

Forced marriage has a significant negative impact on the economic outcomes of its victims. This is largely because girls who are forced into marriage tend not to complete their education and are restricted to traditional roles that have little

financial reward. Schemes designed to increase girls' educational attainment levels and earning power have been shown to significantly reduce incidences of forced marriage.

The evidence around the developmental impact of forced marriage is a powerful tool to persuade governments around the world to engage with NGOs seeking to prevent its occurrence, and to take action themselves. Below are laid out examples of what that action should entail – advancing the case for a preventative approach that engages partners and stakeholders from within communities affected by forced marriage and for ensuring that any intervention is as inclusive as possible.

2 Case studies: international and UK- based initiatives

International

Plan International

Plan International is an NGO that works with communities across the world to promote child rights and end child poverty. During 2011 Plan worked in Pakistan, Malawi and Sierra Leone to set up the Global Youth Speakers Network. The network is designed to build the capacity of existing youth networks that are working on child rights and gender issues, and will send a series of delegates to New York for the UN Commission on the Status of Women in 2012.

During 2011 Plan ran capacity building workshops with young people in the three countries, designed to empower participants to discuss matters related to the status of women. Over two days participants discussed the issues that affect young people. Figure 6 shows a diagram that was drawn during a session about the solutions to early and forced marriage.

Plan in Egypt

Plan has developed a very successful programme to tackle forced marriage in Assiut, one of the poorest areas in Egypt. The area suffers from a range of barriers to development, including poor infrastructure, a prevalence of customs and traditions that violate children's rights, high levels of illiteracy, poor educational facilities and high dropout rates, and a lack of health facilities. Early marriage was made illegal in 2008, but is still common in rural Egypt; the Ministry for Health has reported that over 50 per cent of girls in Upper Egypt are married before the age of 18.⁴²

Despite the unpromising local context, the situation for women in Egypt has improved radically over the past few years. In particular several important gains have been made in the

Figure 6 Diagram drawn by participants in a capacity building workshop, illustrating the causes and effects of early and forced marriage



legislature: female circumcision is now illegal, and – in part as a result of work by Plan – marriage under the age of 18 is prohibited. In addition, 64 seats were provisionally allocated for women in the People’s Assembly. Despite this, Egypt still has a low rank on the gender gap index, which assesses countries on the division of resources between men and women: in 2009 Egypt came 126th out of 136 countries.⁴³

How the project worked

Plan's work is built around a participatory model that aims to empower marginalised populations to work collectively towards community development. It does this by training community promoters, volunteers and community leaders, educating them about rights-based issues and engaging in capacity building interventions.

Plan's project in Assiut had five strategic aims:

- to increase the knowledge and information marginalised girls and women have about their rights, access to opportunities and ability to communicate and participate constructively with power holders, and to give them the skills to do this
- to enhance the level of understanding and relationships between girls and boys; to help men and women respect the equal value in society of their similarities and differences and the roles that they play
- to strengthen the capacity of local organisations, including women's groups, to participate, advocate and promote the rights of girls and women in order to reduce all kinds of gender discrimination
- to promote and actively participate in alliances and networks at national level; to advocate for policy change and law enforcement for girls' and women's rights
- to mainstream the gender focus in all Plan programme interventions and create an organisational culture and structure that values gender equality⁴⁴

Plan is well aware of the complexity of the issues surrounding forced marriage in the international context, and has used a socio-cultural approach, to embed work against forced marriage into a wider package that aims to promote the rights of girls. Rather than directly attacking forced marriage as an institution, the project sought to develop 'an environment conducive to dialogue, initiative, interaction and advocacy'.⁴⁵ Each intervention was tailored to the specificities of the community within which it took place, and was designed following extensive consultation with community members.

Each intervention drew on one of more of these elements:

- social marketing, communication and advocacy, involving training, community theatre and seminars for target groups; community events and activities that serve as a tool to raise awareness about gender equity, girls' rights, female genital mutilation and early marriage and other harmful practices; awareness-raising activities focused on men and youth
- programmatic interventions that promote the empowerment of women and girls, including awareness-raising campaigns about girls' rights, vocational training and literacy classes, micro-credit for small income generation projects, support to community schools for girls who dropped out of school, support to reproductive health services and campaigns
- engaging boys in programme activities, largely in the form of awareness-raising activities, public events and campaigns
- pre-marriage counselling, including information on gender-based violence and reproductive health for girls and boys⁴⁶

Outcome

Plan reported that the project had a range of positive outcomes, the most obvious being the introduction in 2008 of a law banning marriage for anyone under the age of 18. In addition, the project led to a shift in opinion among community leaders, with politicians, journalists and teachers all participating in Plan-led interventions and becoming more supportive of efforts to empower women and girls.

On a local level, the scheme broke the silence on harmful practices, and provided families and communities with space where they could discuss their attitudes and decisions about forced marriage and female genital mutilation. Plan also reported a shift in the way such previously taboo topics were spoken about, with women feeling increasingly confident to articulate their opinions in public. After the project, over 1,400 women made public declarations of their refusal of female genital mutilation and forced marriage, a landmark event considering the culture that had prevailed in the past.⁴⁷

DfID's work on forced marriage

On International Women's Day 2011 the Department for International Development (DfID) launched its strategic vision for women and girls, which is the current central DfID policy document on the subject. It commits the department to deliver four central outcomes, which have been selected with the aim of delivering effective outcomes for women and girls:

- improving maternal health and access to family planning
- increasing the number of girls completing primary and secondary education
- promoting the economic empowerment of girls and women through jobs and access to financial services
- piloting new approaches to eliminating violence⁴⁸

Although forced marriage does not feature explicitly on the list of DfID's four strategic aims for women and girls, many of DfID's in-country teams recognise it as a key issue through which the aims can be delivered. An exemplary element of DfID's approach is its recognition of the interlinked nature of the four pillars. As the strategic vision points out:

To be most effective, we need to link up actions across the pillars. We know that keeping girls in school is a crucial way to enable them to delay first pregnancy. Women with more years of schooling have better maternal health, fewer and healthier children and greater economic opportunities. Adolescent girls who are in school are less likely to have premarital sex and more likely, if they do have sex, to use contraception. Linking interventions across sectors will therefore accelerate our results and have greater impact. We need to, for example, focus on education retention, linked to cash transfers, with support for further training opportunities and jobs.⁴⁹

DfID Ethiopia

There is a wide disparity in Ethiopia between law and practice. Child marriage is illegal in Ethiopia and is barred by the constitution, and Ethiopia signed up to the Convention on the Elimination of all Forms of Discrimination Against Women in 1981 and the Convention on the Rights of the Child in 1991.

Despite this, DfID reports that the median age of marriage among Ethiopian women aged 20–49 is 16.5. The situation is considerably worse in rural areas: in the Amhara Region, where the Berhane Hewan pilot took place (see below), half of all adolescent girls are married before they reach 15. Ethiopia also suffers from severe problems with school completion – only 7 per cent of girls in rural areas have completed primary education, and less than 1 per cent complete secondary school.⁵⁰

DfID is investing £10 million over four years to support DfID Ethiopia's Programme to End Child Marriage. The money will support the scaling up of a successful pilot project called Berhane Hewan (see below),⁵¹ which was delivered as a collaboration between DfID Ethiopia and the Nike Foundation as part of their ongoing 'Girl Hub' partnership.

The large scale implementation of the project will be funded by DfID, but will be the responsibility of the Ethiopian Government, and implemented by the newly established Ministry of Women, Children and Youth Affairs. DfID has stated that the support of the Ethiopian Government was an important factor in justifying continued investment, since many of the officials within this ministry had been members of the now defunct Ministry of Youth and Sport, which implemented the original Berhane Hewan pilot.

The project is the largest among a range of ongoing projects designed to end harmful practices in Ethiopia. The rationale behind the high level of investment is that running such a project will develop the capacity of the new Ministry of Women, Children and Youth Affairs to become an effective force through which human development aims can be delivered. The project is designed to act as an exemplar for other similar projects. By strengthening the Government's capacity and developing a sustainable programme to end forced marriage, DfID aims to eradicate forced marriage in the Amhara region by 2030.⁵²

Berhane Hewan

The Berhane Hewan project took a two-pronged approach to delivering a reduced incidence of forced marriage.⁵³ The first

element of the project was an education initiative, designed to keep girls in school. In order to reduce the financial burden on girls' families, girls aged 8–19 were given school materials such as workbooks and pens, and after-school clubs were set up. These clubs acted as 'safe spaces' within which girls could get advice on subjects such as family planning and reproductive health. In addition, local female mentors facilitated discussions on taboo issues such as forced marriage, providing the girls with a space within which to articulate themselves and develop their voice and sense of empowerment.

The second element was to hold community conversations – discussion sessions within the community led by trained facilitators on topics including issues facing young girls, social norms and harmful practices. The aim of these sessions was to dispel myths and develop community problem-solving tactics. Solutions involving education and the elimination of gender discriminatory practices were brought to the fore, and girls and women were empowered to contribute to community discussions on the issues that affect their lives.

Over the two years that it ran in Amhara region (2004–06), the Berhane Hewan pilot delivered impressive results. In addition to increasing school enrolment among the 462 girls who took part, the project raised participants' awareness of reproductive health and contraceptive use. Outputs highlighted in DfID's report on the project included:

- Not one girl aged 10–14 included in the pilot married.
- Girls participating in the pilot were 90 per cent less likely to be married than girls in a control group of the same age.
- Married girls were almost three times more likely than those in the control group to have used a family planning method.
- Girls were three times more likely than girls in the control group to be in school.⁵⁴

Tackling forced marriage in the UK

The Forced Marriage Unit (FMU) funds six third sector organisations a year to deliver preventative projects across the

UK.⁵⁵ We now look at three of those projects, and suggest the lessons that can be learned from them.

Practical Solutions – the community surgery approach

Blackburn-based Practical Solutions provides advice and training to individuals, communities and statutory organisations on forced marriage and honour-based violence. The scheme that received funding from the FMU involved running community surgeries and workshops on issues around forced marriage.

The project

Practical Solutions' community surgeries were set up to provide a confidential space for people to discuss forced marriage. They are designed to be as discreet as possible using community centres or community venues where activities with children or health awareness activities are already taking place. In order to increase accessibility the organisation runs a text-message facility, and holds surgeries online.

The initial surgeries were designed to provide help and support, and to raise awareness of the Forced Marriage and Civil Protection Act among isolated communities. Discussing the project with Demos, a member of the organisation commented:

People just don't know about [the act]. The angle that we came from was, 'Well, you need to know about it, because if you don't you could end up in prison without realising why you're there.' So it benefits them to be made aware of it.

One of the organisation's main aims is to engage with communities whose members traditionally practise arranged, and sometimes forced, marriage, and are unsure about its definition and legal status within the UK. The organisation uses a variety of media to publicise its work, including community-specific media such as Sunrise Radio, the UK-wide Asian community station. As well as working in community settings, experts conduct sessions in universities and schools.

Practical Solutions is designed to support individuals from communities that practise forced marriage to overcome their cultural practices. One staff member commented:

You can have people who say, 'I now understand that this is wrong, and I've never thought of it like this before; now you've explained it I realise that this is not the right way to do things. But in order to help my children and others, I need your support, because I have to stand up to the rest of my family.'

What can we learn from the project?

Practical Solutions staff have observed that there is now a genuine appetite among parents and community leaders in the UK to discuss forced marriage. Indeed, the organisation reports that many of the participants in its surgeries and workshops express resentment at being excluded from discussions taking place on forced marriage. While this may not be overtly expressed in communications between communities and statutory services, it is an important trend, which the Government and local authorities would do well to note.

Southall Black Sisters - the 'whole school' approach

Southall Black Sisters are a black and minority ethnic women's rights organisation that has worked for over 30 years to support women experiencing domestic violence, forced marriage and honour-based violence. The project, funded by the Comic Relief and the Forced Marriage Unit, is part of a pilot in two schools in Southall, the aim of which is to assess the desirability and viability of embedding a whole schools approach to violence against women and girls (VAWG) into the national curriculum and in schools generally.

The project

The whole school approach embeds techniques to promote gender equality and change attitudes and behaviour on VAWG within the curriculum and the organisational structure of schools. The project being led by Southall Black Sisters focused on issues

affecting black, Asian and minority ethnic (BAME) women and girls such as forced marriage is now in its second year, and is taking place in two schools in Southall. The project aims to build pupil and teacher engagement with issues around violence against BAME women and girls, using that engagement to 'mainstream' these issues within the wider school environment.

The whole schools approach is premised on the notion of pupils as one of the main drivers of change. Through a series of classroom sessions pupils are given the analytical tools to interrogate gender norms and to understand the issues that face black, Asian and minority ethnic women. The pupils are then encouraged to apply these tools within the school environment, acting as ambassadors and mentors to other year groups and using assemblies and awareness-raising days to campaign for gender equality and against gendered violence.

Southall Black Sisters point out that projects based on the whole school approach need at least five years before they become properly integrated and sustainable. Barriers that they have experienced so far have largely been around persuading teachers and senior management to 'mainstream' the programme within the curriculum. While teachers have been happy to allow Southall Black Sisters to work with discrete year groups, at this stage spreading the message across the school presents more of a challenge.

The conservative views of some of the schools' pupils have led the project to investigate a range of routes into thinking about women's rights issues. The organisation reports that one particularly effective technique when dealing with boys from Somalia and Afghanistan – some of whom have unpalatable views about gender equality – has been to set up single-sex sessions run by men with supporting material from Southall Black Sisters. These, in combination with mixed-sex discussions delivered by Southall Black Sisters and teachers, seem to have gone some way to opening up attitudes and delivering change.

What can we learn from the project?

Despite these barriers, the project has also had a range of successes. The first of these is the simple fact of getting the

project into schools in Southall. The reluctance of many schools and teachers to engage with issues such as forced marriage is well documented. Southall Black Sisters' position as a specifically BAME organisation acts in their favour when dealing with what are seen as 'cultural' issues. Inviting such specialist organisations into schools allows teachers to avoid accusations of racism or cultural insensitivity, and empowers pupils from BAME backgrounds to see themselves as potential agents of change within their own communities.

Imkaan – the 'peer educator' approach

Imkaan is a national organisation that focuses on the needs of BAME and refugee women and children experiencing violence. The specific project funded by the FMU was a peer education initiative, which established a pool of skilled peer educators who worked across the different communities (Turkish, South Asian, Middle Eastern, African and Irish Travelling) affected by forced marriage and honour-based violence. The project was designed to build on existing capacity within BAME communities, delivering a sustainable structure through which to challenge long-held ideas around forced marriage and harmful practices.

The project

Imkaan used its network of service providers to recruit BAME women with an interest in community activism and in working to challenge violence against women. It selected recruits through a formal interview process, but there was no requirement for them to have previous experience of working on projects on violence against women. The team of volunteers participated in a training programme, at the end of which members received a qualification from the National Open College Network.

The training gave the participants a framework through which to deliver education sessions and discussions around the impact and prevalence of violence against women and girls in BAME communities. In particular, the aim of the training was to give peer educators the tools to challenge constructively the views of forced marriage prevalent in some BAME communities,

asking questions that would allow individuals (and specifically women) to think differently about their responsibilities to their children and to discuss the potential negative impact of forced marriage on the lives of girls and young women. The aim of the discussions was therefore not to demonise those communities that practise forced marriage, but instead to provide education and challenge the attitudes that reinforce the practice.

After the training sessions participants identified community groups they felt would benefit from participating in discussions about the impact of violence against women and girls from ethnic minorities. In order to access these groups the peer educators organised women-only sessions in existing community settings, which took place as part of coffee mornings, after Arabic evening classes, after Friday prayers at a mosque, at universities and at health centres. They were designed to facilitate conversations that had historically not been held in those settings, building on the fact that participants felt comfortable speaking within a familiar environment, and in conversation with women from similar backgrounds.

During the pilot the peer educators encountered some resistance from community and religious leaders who were worried about the impact on the wider community of running such sessions. The peer educators received regular supervision and guidance throughout the life of the project in order to deal with these concerns and developed an emphatically collaborative model, which involved a lot of discussion with community leaders about the potential content of the sessions. Notably, some community leaders worried that running the sessions would contribute to existing negative perceptions of their communities in wider society. The peer educators allayed these fears by emphasising the non-community-specific nature of harmful practices, placing them strongly within the context of violence against women and girls.

What can we learn from the project?

The peer-educator model developed by Imkaan has been used in at least two further FMU-funded projects. Imkaan has been asked to discuss its approach with representatives of the US State

Department and the Swedish Youth Board. Imkaan's approach demonstrates the potential of empowering individual community members to work in an integrated manner within community groups. The appeal of the project for policy makers and other campaigning groups is derived from its ability to piggy-back off existing structures, and to use qualifications such as those developed by Imkaan and offered by the National Open College Network to add value to the experience of volunteers.

Preventing forced marriage

As with any unlawful activity or any human rights abuse, prevention is preferable to punishment. Forced marriage's status as a criminal act – either by the proposed criminalisation of breaching a forced marriage protection order or through wholesale criminalisation – is discussed in the next chapter. But it is clear that criminalising forced marriage will not, on its own, end forced marriage as a practice in the UK, let alone have any impact on its prevalence overseas. Looked at from a human rights perspective, the success enjoyed by programmes and interventions aimed at preventing forced marriage in the UK and overseas is compelling. The evidence suggests that interventions that take a 'whole community approach' – engaging the wider population in a debate and renouncing forced marriage – are particularly effective. Rather than simply concentrating on those forced, or at risk of being forced, into marriage, these interventions provoke attitudinal change and have long-term effects. Such approaches appear to work as well overseas as they do in the UK – implying that, when faced with structured and holistic preventative interventions, most families and communities will reject forced marriage as a desirable or acceptable cultural practice.

The UK's strategic approach to forced marriage – whether taking domestic action, funding schemes overseas or through international lobbying, diplomacy and outreach – should have prevention at its heart. Prevention has a number of advantages: the economic and development benefits (as well as the human rights impact) are clear, measurable and provable; the language of prevention is not culturally specific and bears less risk of

alienation; and it provides an alternative to ever-more punitive legal responses that governments may fear will alienate rural and traditional communities.

Prevention – at home and abroad – gives us a way to talk about forced marriage and to protect vulnerable people from degrading and scarring infringements of their human rights. Campaigners reporting back from the Commonwealth Heads of Government Meeting in Australia in October 2011 told Demos that discussions that focused on the ‘development’ angle of forced marriage received a warmer reception than those that approached the subject from a human rights perspective. Arguments that emphasise the evident economic and social benefits of ending forced marriage are accurate, and this argument is easier to make.

3 Consistency: the law is not enough; we need to use it as a starting point

This chapter describes the history of the UK's engagement with forced marriage, and looks at the case for and against criminalisation. It then argues that the UK needs to develop a consistent and coherent approach that will allow us to work with partner governments to tackle forced marriage globally.

How we got to the current situation

Over the past decade forced marriage has moved consistently up the political agenda. The first sign that government was committed to engaging with forced marriage was the establishment by the Labour Government of the Working Group on Forced Marriage in 1999, which reported on the spread and prevalence of forced marriage across the UK. Following the Working Group's report, the Government set up the Community Liaison Unit, renamed in 2005 as the Forced Marriage Unit (FMU). Also in 2005, the Government published a consultation on whether forced marriage should be criminalised: *Forced Marriage: A wrong not a right*.⁵⁶ Although the results of the consultation were inconclusive, the work precipitated the Liberal Democrat Lord Lester to develop the Forced Marriage (Civil Protection Bill). This was designed to afford people support and redress within the legal system, without going as far as criminalising forced marriage outright.

The popularity of Lord Lester's move was emphasised by the considerable cross party support that the bill received. Although it was introduced as a private member's bill, all the clauses were deleted and replaced by government clauses with the consent of Lord Lester. The third reading went through in the Commons without contradiction (*nemine contradicente*), and

the act received royal assent in July 2007.⁵⁷ Coming into force in November 2008, the act made forcing a marriage a civil offence and introduced forced marriage protection orders (FMPOs). It also set out statutory guidance for chief executives of relevant agencies, and issued guidelines for frontline workers regarding their responsibilities to victims.

FMPOs currently provide a framework through which forced marriages can be averted without directly criminalising the perpetrators. These orders can be sought by victims, third parties on a victim's behalf, or any relevant third party. This means that if victims are not in a position to request an FMPO themselves, then a registered third party can make the request on their behalf. Following the enactment of an FMPO, a court is empowered to take steps to stop a forced marriage from occurring. Courts can order perpetrators to hand over passports, to stop intimidation and violence, to reveal the whereabouts of a person, or to stop someone from being taken abroad. Anyone found guilty of breaching an FMPO can be sent to prison for up to two years.

Although forced marriage is not in itself a criminal offence, there are several criminal offences associated with its practice. Perpetrators can face prosecution for kidnapping, child abduction, false imprisonment, assault and battery, threats to kill, public order offences, harassment, child cruelty, sexual offences and blackmail.⁵⁸ There is also a range of civil law and human rights provisions that can be used to stop a forced marriage taking place. The 1989 Children's Act protects children and vulnerable adults from a range of harms, while article 16.2 of the UN Declaration of Human Rights (1948) makes it clear that forced marriages are a human rights abuse. Forced marriage can also contravene article 12 of the UN Convention on the Rights of the Child, and aspects of the UN Convention on Consent to Marriage and the Convention on the Elimination of Discrimination Against Women.

Should forced marriage be criminalised?

During the committee stage of the Forced Marriage (Civil Protection) Act 2007 Lord Lester set out a range of points

against making forced marriage a criminal offence, and argued that, at the time that the bill was passed, criminalisation seemed an unnecessarily heavy legislative tool to tackle an issue that demands a subtle and nuanced approach:

One of the great advantages of the family law approach is that the court can sit in private, sensitively and in a way that will, I hope, reconcile the victim with her or his family, while providing effective protection to put a stop to a course of conduct that may lead to real tragedy... I am not saying it would be inconceivable to have a new crime; other countries have done that. Although female genital mutilation is a crime, there has not been a single prosecution, for all kinds of reasons. This shows that the criminal process is not the best process, even though, with forced marriages and honour killings, one needs to have serious crimes for serious wrongs.⁵⁹

Although the 2007 Act stopped short of criminalising forced marriage, the Home Affairs Committee's report *Domestic Violence, Forced Marriage and 'Honour'-based Violence* in 2008 suggested there were strong arguments in favour of doing so, and recommended that the Government should set aside funds in order to track the impact of the act's implementation:

If the implementation of the Forced Marriage Act [in conjunction with other measures being taken to combat forced marriage] cannot demonstrate concrete progress in reducing the prevalence of forced marriage and increasing the safety of victims, then the question of criminalisation should be revisited.⁶⁰

This report also set out the main argument against criminalising forced marriage: making it illegal may make vulnerable young people less likely to report it, driving the practice further underground. Opponents of criminalisation, such as the activist group the Southall Black Sisters, point out that getting victims to come forward is already hard enough. They argue that victims are even less likely to contact statutory services if doing so would put family members at risk of being sent to jail. However, during the research for this report, a representative of a women's rights organisation told Demos that

the current process runs a similar risk of alienating victims from their families:

I understand the viewpoint that criminalisation would close the door to any reconciliation. But what people involved in these marriages tell us is that, once they make the choice to leave, [with the law as it stands now], they know they've closed the door behind them, or they know that the door's going to be shut on them forever. So I don't think [criminalisation] would make a huge difference in terms of reconciliation, but I do think it would take away some of the fear of the professionals involved. It would also be much more workable or tangible for those who are suffering as well, because they would know that they have recourse to this criminal act. It might also be a deterrent for those people thinking about forcing someone into marriage.

The argument that criminalising forced marriage will drive the practice underground is also not borne out by the international evidence. For example, the Iranian and Kurdish Women's Rights Organisation (IKWRO) cites evidence from colleagues in Denmark, where forced marriage was criminalised in 2008:

It has in no way been our experience that young people have stopped seeking help because of this law. On the contrary, the number of young people and professionals seeking help from LOKK [Landsorganisation af kvindekrisecentre] has soared since 2008.⁶¹

In addition, it is disingenuous to suggest that criminalising forced marriage would drive it underground, since forced marriage is already an almost exclusively hidden practice. As Dr Nazia Khanum pointed out in her 2008 case study of forced marriage in Luton, under the current legal and administrative framework 'the actual scale and complexity of [forced marriage] will probably never be known'.⁶² Similarly, while work by the previous Government's Department for Children, Schools and Families estimated that there were between 5,000 and 8,000 reported cases of forced marriage in England per year, civil servants have pointed out that, since they are under-reported, the actual number is likely to be much higher.⁶³

Some opponents of criminalisation argue that civil cases are preferable because they allow the victims to remain in control of the legal process, rather than triggering a prosecution that they may not necessarily want to pursue. The problem with this situation is that pursuing a civil case places the burden of responsibility unfairly onto the individual victim, leaving them open to pressure from their families and the wider community. In addition, the representative of one non-governmental organisation (NGO) told us:

I think maybe what [FMPOs] haven't quite achieved is they haven't got much power [to act] as a deterrent in the communities – because it's a court order, not a criminal offence and lots of people don't really understand what civil law means and some don't know about them as well. And the knock-on effect of that is that young people don't really know where they are, or take it seriously... I think it is going the right way, but we're very much in favour of criminalisation because we feel that it will have that deterrent effect and it will say to the community loud and clear – this is a crime, if you do it you will be punished. And if you're a victim, you have the right to stand up for yourself and you have the right to go out there and get protection.

Young men and women fleeing forced marriage are likely to feel a huge amount of guilt about their refusal to comply with their parents' wishes. Criminalising forced marriage would send a strong message to these young people that they have a right to refuse, and is therefore likely to lead to greater rather than fewer numbers of victims coming forward.

In the context of a practice that may in any case lead to prosecutions for serious crimes such as aiding and abetting a rape, false imprisonment or assault, the argument that the victims of forced marriage will not want to criminalise family members itself lacks coherence. In any event, criminalising forced marriage would not make a criminal route the only option available to the victim. As the family law practitioner Cris McCurley pointed out in evidence to the 2011 Home Affairs Committee:

The argument that criminalisation would discourage reporting is also spurious; if the victim were given the choice of a civil or a criminal route

*(such as with the Protection from Harassment Act 1997) then they would have the protection, and the choice.*⁶⁴

Much of the opposition to forced marriage comes from a more generalised fear of cultural insensitivity derived from widespread ignorance on the part of commentators and policy makers about the position of forced marriage within those communities where it is practised. Forced marriage is not a mainstream practice among any ethnic group in the UK; it is condemned by all of the major world religions, and the vast majority of governments. Indeed, the approach which claims that some ethnic groups simply have different values and a different view of human rights is deeply patronising, and fails to do justice to the work being carried out by non-UK governments and activists working within their communities to challenge the practice of forced marriage. As Dr Khanum pointed out in her 2008 report:

*Britain has no monopoly on human rights. The successful partnerships have been established between the British, Pakistani, Indian and Bangladeshi governments to combat forced marriage confirm that repugnance for this practice is as strong outside the United Kingdom as within.*⁶⁵

Misconceptions on the part of policy makers around the position and prevalence of forced marriage within certain communities have played a major role in determining the course of the debate around criminalisation. Many politicians and policy makers seem unaware that forced marriage is expressly prohibited by all of the major religions. It may be the way people have always done things, but it has no provenance in any religious law. Once we recognise that fact, there seems to be no logical argument against it *also* being banned in the UK legislature. Research has shown that those communities in which forced marriage is particularly prevalent tend to be isolated and inward looking, with strong links to communities in their countries of origin.⁶⁶ Although the key to changing attitudes in these communities is to open them up to education and engagement initiatives, changing the law would provide a

valuable service to individuals within those communities who may not realise that what they are doing is unacceptable.

Arguments among activists who oppose criminalisation often draw on the assumption that making forced marriage against the law would lead to certain ethnic and community groups being unfairly stigmatised. As Cris McCurley commented in a letter to the Home Office Committee, this is patently ridiculous:

A review of the 2005 report on the question of whether to criminalise forced marriage inexplicably recorded that the decision was taken not to criminalise it as black and minority ethnic communities may feel targeted. I cannot think of another criminal offence that has been considered and rejected on the basis that the perpetrators might feel 'got at'.⁶⁷

Moves towards criminalisation

In March 2011 the Scottish Parliament passed the Forced Marriage (Protection and Jurisdiction) (Scotland) Act. Scotland had not previously had any legislation on forced marriage, as the Forced Marriage (Civil Protection) Act 2007 had applied only in England, Wales and Northern Ireland. The Scottish act does not make forced marriage itself a criminal offence, but it goes beyond the legislation in England to make breaching a protection order a criminal – rather than a civil – offence, punishable by up to two years in prison.⁶⁸ Interestingly, the Scottish Islamic Foundation responded to the new laws with calls for a move towards criminalising the practice entirely. The Foundation's chairman Asif Ahmed told the BBC:

Our position has been that while forced marriages are small in number and on the decline, they would go away faster with legislation to deal with them. We therefore welcome this step and the message it sends. Forced marriages are not sanctioned by any faith. Islam is clear that a valid marriage requires the full consent of both parties. To force anyone into it is a grave injustice which should be battled against by all people of faith.⁶⁹

David Cameron has also spoken consistently of his desire to implement more stringent measures against forced marriage.

In October 2011 he announced his intention to follow Scotland's example in making breaching a protection order a criminal, rather than a civil, offence. In 2007 Damian Green – at that time shadow immigration minister – announced that the Conservative party would open a consultation on proposals designed to tackle forced marriage.

Why criminalisation itself is not enough

The public consultation on criminalisation in the UK was ongoing at the time of writing (in January 2012), and the findings will be published later in the year. While the results of the consultation are unknown at this stage, it seems likely that we are moving towards establishing a more solid legislative framework through which to tackle forced marriage. Although we welcome the principle of criminalisation, we would sound a note of caution around the implementation of the legislation, and subsequent government policies (nationally and internationally) that may flow from it.

The move towards criminalising forced marriage comes in part from the Home Affairs Committee's May 2011 report, which argued that forced marriage should be made a specific criminal offence.⁷⁰ There has been some controversy around this report, however, with campaigners arguing that the evidence came from a narrow group of activists, working primarily in the north east of the country. In response to these complaints, the FMU commissioned Dr Aisha K Gill to conduct a wide-ranging feasibility study, which received 74 written responses and reported a broad consensus that legislation alone would have 'little impact'. Instead, the respondents called unanimously for 'more holistic support mechanisms, a sustained training programme aimed at relevant professionals, and an equally comprehensive awareness-raising campaign'.⁷¹

The report found that opinion was divided on the implementation of a new law on criminalisation. Many respondents felt the existing legislation was sufficient, but the author also reported a widespread dissatisfaction with the way that preventative measures are currently being implemented.

These are some quotes from respondents:

There are sufficient criminal offences and protective measures available; however, I don't feel they are being used to their full effect.⁷²

There are enough laws and criminal offences but not used effectively.⁷³

Yes there are sufficient laws. Are they being used to full effect? Not really but then when it comes to women are any of the laws used to full effect? The creation of yet another law wouldn't change this.⁷⁴

As we have argued above, and as these statements demonstrate, the current system is failing many women who desperately need support. Making forced marriage a criminal offence is a step in the right direction, and the Government should be proud to stand by its principles on this matter. However, it is important to take a nuanced approach: giving the victim a choice of reporting the matter to the police or going for a civil remedy may be the best way forward. As with all criminal offences, prevention is better than prosecution. Whatever the outcome of the consultation, the Government must show its commitment to the principles behind its actions. It is crucial to ensure that the spotlight does not shift away from the vital, preventative work that – as we show in chapter 1 – is beginning to have a real impact on the communities and individuals affected by forced marriage.

The importance of consistency

Arguably the greatest impediment in the fight against forced marriage has been an inconsistency between stated aims and practical, targeted outputs. This problem is by no means limited to the UK. In a briefing note to the Commonwealth Heads of Government Meeting in October 2011, Plan UK pointed out that Commonwealth women's affairs ministers had consistently raised concerns about the progress of the Millennium Development Goals and the plan of action relating to gender equality. At a 2010 meeting in Barbados, the ministers noted that without

‘increased resources and innovative solutions’, neither the plan of action nor the Millennium Development Goals were likely to be achieved by the 2015 deadline.⁷⁵ Questions also need to be raised about recent failures by UK ministers to promote the forced marriage agenda effectively during international engagements. Despite there having been numerous opportunities to emphasise the UK Government’s commitment to ending forced marriage during 2011, ministers have so far failed to deliver a coherent message.

Similarly the advances in the legal and political struggle against forced marriage have been undermined in the UK by a failure to translate political rhetoric into support for grassroots practice. One of the fundamental problems comes from a lack of relevant data: in September 2011 a study by Imkaan into the prevalence of ‘harmful practices’ (such as forced marriage or female genital mutilation) found massive inconsistencies in the way that data were collected. The report highlighted inadequate levels of specialist service provision across London, with some areas of London having no services at all. It also found that despite there being adequate guidelines and materials available about harmful practices, these tend not to be well integrated into local government and NHS policies, priorities and strategic plans.⁷⁶

The inconsistency of provision comes about in part from a lack of adequate training and guidance. During our interviews we heard repeated examples of frontline workers failing to act in the face of a suspected forced marriage: negotiating a potential child welfare problem is made ten times harder in a cultural context where the cultural norms are unclear, and the statutory guidance patchy. Many of the specialist organisations whose representatives we spoke to delivered training schemes for organisations that encounter forced marriage, as there is currently no government-accredited or UK-wide scheme. The head of one such organisation spoke about the lack of appropriate training:

Another thing we keep getting in our feedback, every time we hold training sessions, is people asking why training isn’t mandatory. So maybe making it

mandatory for certain people, or for certain levels, would be good. We have three levels of training. Level one we would say is for everybody; level two is for junior managers; level three is for senior managers or for frontline professionals who have a specific function. [If the training were mandatory] then everyone would have an idea. What we find more and more is that one or two individuals are identified as leaders, and they lead. But everyone else remains frightened, not knowing how to deal with these problems. They think they don't know how to handle the problem, and so they don't do anything at all.

The fundamental problem underlying the inconsistency in the UK's response to forced marriage comes from a lack of understanding among frontline workers and commissioners about the communities within which forced marriage takes place. Miscomprehensions about which ethnic groups are affected by forced marriage can lead to gaps in support for women who are not commonly perceived to be at risk. As Imkaan's report pointed out, forced marriage is not restricted to the South Asian or African communities that make up the largest proportion of migrants to the UK, but also takes place among the Irish Traveller community, and in communities from the Middle East. Because awareness is often lacking among frontline workers, the individuals from these communities often fail to get the support that they need.⁷⁷

Failure to understand the nature and prevalence of forced marriage is a particular matter of concern for local authorities and NHS commissioners. Imkaan's report, which was commissioned by the GLA, interviewed people with commissioning responsibilities from a range of local authorities. Several of those interviewed stated that they had not seen any data to persuade them that violence against women was a major problem in their local area. The director of a national campaigning organisation for women's rights emphasised this point during an interview with the authors of this report:

Generally there is an issue about local authorities and government not recognising the role of BME [black and minority ethnic] women's centres in the community because those women don't report and so on. This is even

more of a problem for BME organisations, which work with victims of forced marriage, because they are always feeling they have to prove their specialism and why there is a need to have specialist organisations supporting women, particularly now in the economic climate when local authorities are looking to make cuts so it's always a challenge.

The same interviewee also made the point that the authorities' reluctance to collect data about 'community' issues such as forced marriage demonstrates a failure to support the most vulnerable and marginalised in society, since it means that policy is based on the situation as it is reported through community spokespeople:

Another problem is the fear of being accused of meddling in community matters. Actually what that means is that you are allowing traditionally male community leaders [to] speak on behalf of the community and they are not the ones that have been saying that this is an issue.

One of the central actions implemented alongside the Forced Marriage (Civil Protection) Act 2007 was the creation of statutory guidance for all frontline agencies. These guidelines set out the processes that agencies such as schools must have in place in order to safeguard children and vulnerable adults in the case of forced marriage. In particular, the guidelines state that organisations must have a named individual who leads on matters relating to child protection and forced marriage. There is, however, no training directly linked to dealing with forced marriage, which is instead subsumed into domestic violence training. This leads to a situation where frontline workers are unaware of their legal obligations should they encounter forced marriage.

While those frontline workers who have read it describe the content of the statutory guidance as useful, its implementation and dissemination has been widely held to be a failure. Several of the people whom we interviewed for this report said they had spoken to frontline workers who seemed largely unaware of the requirement to report suspected occurrences of forced marriage to the FMU. The campaigns officer of one NGO told Demos:

I've spoken to people within schools who are specifically charged with guarding young people's welfare – not even teachers, but welfare professionals – who tell me, well, if they hear about someone involved with a forced marriage, all they can provide is a shoulder to cry on. I ask them if they've thought of contacting the Forced Marriage Unit – and they're like: 'Oh no, no I haven't done that. Am I supposed to do that?' They don't seem to understand that it's a legal obligation – they don't understand that there is a government body there to help. And they're doing things like, they're phoning up the family, sometimes they're going to the related leaders in the community – which is the worst thing they can do. But, like, they really don't understand.

Representatives from many NGOs described a widespread reluctance to tackle what are seen to be 'cultural' or 'community' issues in schools. Jasvinder Sanghera, who gave evidence to the 2011 Home Affairs Committee, reported that of the 100 head teachers that Karma Nirvana had contacted with the offer of running awareness-raising activities, only one had sent a positive response. Similarly, the head of an organisation that works to combat forced marriage in north west England told us:

Some schools don't want us to come in under the guise of forced marriage being worried that it may affect their intake. One school that we were very surprised about was my son's previous school. It had quite a high pupil intake from ethnic minorities in the local area. The school was in quite an affluent area. I spoke to the school asking if we could come in and do various things. I didn't ever get a direct 'No'; instead they would promise to sort something out, but it never happened. We did work with them on parenting – they were fine with that – but we couldn't do any work on forced marriage.

The failure to elicit engagement from schools on forced marriage comes in part from the failure of the Department for Education to engage with this subject. One expert told Demos:

I think the key issue is the lack of leadership from the Department for Education. There's a cross-governmental forum for organisations that work on violence against women and girls. They're supposed to check in on a three

or six monthly basis, and the Department for Education never turn up. They have just completely opted out of their responsibilities. We're not only talking about forced marriage: the Home Office are running a campaign on teenage relationship abuse and the Department for Education are not even turning up.

In its May 2011 report the Home Affairs Committee raised concerns about the fact that 'many schools continue to refuse to engage in preventative activity with children at risk of forced marriage':

In the light of clear evidence that many schools are not fulfilling their statutory responsibilities with regard to forced marriage, the Department for Education must provide more active support to teachers to enable them to carry out a role which may risk upsetting cultural sensibilities but is nonetheless vital for child protection.⁷⁸

Sadly there is little evidence that the Government has taken heed of the Home Affairs Committee's guidance. In response to the Committee's concerns, Education Secretary Michael Gove said: 'Schools will already be aware of the guidance available on forced marriage.'⁷⁹ In light of the evidence, this view seems at best naïve, and at worst obstructive. In a similar vein, many of the experts we spoke to raised concerns about the recent consultation on changes to the personal, social, health and economic (PSHE) education curriculum. In the consultation guidance, the Government describes its desire to simplify the statutory guidance on sex and relationship education and to increase teachers' autonomy in deciding which topics are taught in schools.⁸⁰ While there are many positive elements to increasing teacher autonomy – in particular the opportunity to cover topics that are relevant to the local context – the need for strong national leadership on subjects such as forced marriage means that this approach is likely to undermine the Government's stated aim of tackling the issue.

4 Coordination: government must not spread responsibility too thinly

This chapter argues that consistency and coordination are distinct but interlinked factors in determining how effective the UK Government will be in ending forced marriage at home and overseas. While consistency (discussed in chapter 2) is primarily focused on ensuring that victims, public servants and those we engage with diplomatically and in foreign legal systems are clear about the status of forced marriage, coordination is concerned with ensuring that this clarity is translated into effective and holistic action by government.

Forced marriage suffers from the multi-agency nature of its impacts. In the global context, forced marriage is variously the responsibility of the Department for International Development (DfID), the Foreign and Commonwealth Office (FCO), the UK Border Agency and the Home Office. At home, it falls under the remit of the Home Office, the police, local education authorities, the Department for Education, and social services and public health officials. The complexity of forced marriage requires any concerted effort to end it to be fully coordinated and involve effective linking of departments and multi-agency working. Evidence from international case studies – such as the one of DfID’s work in Ethiopia – shows that effective cross-agency working and commitment from government at all levels has a powerful impact on the rate of change.

Although the Government recognised the need for multi-agency working on forced marriage, particularly by setting up the Forced Marriage Unit (FMU) in 2005, jointly with the FCO and Home Office, there have been limitations to the extent to which cross-departmental working has been successful domestically and internationally.

The Forced Marriage Unit

In many ways the FMU is a rare tale of successful multi-agency working within the UK Government. Its joint heads – posted from the Home Office and FCO – coordinate responses to victim requests for help within the UK and the dissemination of statutory guidance to public officials. However, while the FMU and its parent departments are worthy of praise for making the Unit work it is clear that there are limitations imposed on it by its lack of official integration with other agencies and departments relevant to its work. One DfID official – with experience of working on forced marriage – told us:

So far the FMU has been a very FCO/Home Office thing. And sometimes we would have a slightly differing approach to similar issues, or slightly different framing of some of the issues. So what they might see as a violence against women issue, we might see it slightly differently as a broader, girls empowerment... I think it is valuable to coordinate. I don't think we've been great at doing it but [there is] a real appetite to look.

The difficulties in coordinating DfID and the FMU are myriad. As outlined by the official quoted above, in part problems of coordination stem from differing framing and language used to state the problem and identify solutions. Certainly, it is clear that the FMU has focused overwhelmingly on responsive action since 2005 – dealing with specific individuals affected by forced marriage and limiting most of its preventative work to providing statutory guidance and responding to requests for help and information from public bodies and agencies. This contrasts with the traditionally more preventative approach adopted by DfID, which has a history of funding and engaging with initiatives aimed at changing attitudes and social norms in the communities in which it works (as outlined in the case studies presented in chapter 1). Although this more proactive approach can be seen in some of the pilots funded and supported by the FMU, its day-to-day focus – for reasons of resource and remit – has been on reaction and remedy.

The FCO and DfID should further integrate their work on forced marriage, which until now has been relatively un-coordinated and ad hoc. A DfID official told us:

There's also, really importantly, the coordination in-country. And trying to figure out where we can complement each other's work. So a classic example is around social communications. That will benefit, potentially their work and our work. Trying to change attitudes and behaviours in somewhere like Pakistan about child marriage, will help both of our work. So there are some real clear cases, looking at where there are synergies and where we can really add value to each other's work.

Both departments would benefit from greater integration, communication and coordination of forced marriage strategies in order to ensure that resources are not double-spent and that lessons about effective preventative work are robustly shared. The departmental differences in how FCO and DfID policy is structured and formulated have caused difficulties linking their work in this area (as in others). A DfID official commented:

I think they [the FMU] are looking now to concentrate a little bit more on the international dimension. The way I perceive their mandate is very, very strictly focused on consular – so UK nationals. I think that some of the lessons coming out of our programmes would be useful to them, but – because it's not frontline, absolutely critical frontline – so there's that real frontline, urgent work that I assume that that unit does. But I think that the lesson learning is a classic case, where, it's actually quite a luxury. It's really urgent, but it's the basic operational needs that come first.

They must be overcome if we are to use the expertise, presence and resource of both departments successfully in the service of ending forced marriage: 'The structures haven't been there, so we're all learning together, we haven't had a formalised system of coordinating' (DfID official).

For two key reasons further and better coordination of policy and practice between the FMU and DfID would be desirable. First, it would better protect potential victims by giving formalised structures for sharing intelligence about forced marriage – whether involving UK citizens or not – overseas. Second, it will enable better learning on both sides. The FMU is keen to incorporate a more preventative and proactive approach to forced marriage in its work. A representative told us: 'We do

want to build on the preventative side of things and perhaps work more with partners on that.’

This desire – to be commended – points to the need for DfID to have a real stake in the FMU, alongside the existing coworking between the Home Office and the FCO. DfID brings experience of executing successful projects aimed at preventing forced marriage – as well as expertise in working with communities where forced marriage is regarded as acceptable in order to bring about change. That experience could prove vital in bringing prevention into the mainstream within the FMU and across government agencies concerned with this issue. What is more, formalised linking between DfID and the FMU would give clear structure and processes to other areas of shared interest – particularly through advocacy with foreign governments to update their legal codes governing forced marriage and to encourage a level of symmetry that enables streamlined processes in securing the safe return of UK nationals who have been forced into marriage overseas.

Coordination within the UK

Several representatives from non-governmental organisations (NGOs) we spoke to as part of the research for this report expressed disappointment at the lack of regional presence and reach of the FMU. One said:

We sometimes find, because we are the only organisation of our kind in the North West, it sometimes gets very lonely for us down here... One of my suggestions would be a satellite office, to hold regional meetings, or even a regional sub-group. We did have that many years ago, but because the level of knowledge and awareness isn't what it is now, it floundered.

In some areas this has been alleviated by particularly committed and engaged local authority point persons – normally individuals working within domestic violence or community outreach programmes. This patchy provision causes problems for NGOs and charities seeking to combat forced marriage in some areas and leads to gaps in the intelligence received by

national agencies. It also points to the lack of concerted and coordinated understanding of forced marriage as a problem, and of the statutory guidance for dealing with forced marriage, within the UK. A NGO official commented:

Children's services are very, very ad hoc. A lot of it comes down to the fact that people don't know what to do. There's also a fear. People worry that if they get it wrong they will be labelled as racist or ignorant, and so they think the best answer is just to leave it. The result is that we struggle to get the best service for the young person involved.

As we have described above, another problem outlined by many experts and frontline workers is that training in tackling forced marriage – and the number of staff who read the statutory guidance itself – is inconsistent and suffers from its lack of mandatory status. Government needs to translate the seriousness of its rhetoric and intent into a seriousness of policy in coordinating the state's response to forced marriage in the UK. The criminalisation of the breaching of forced marriage prevention orders provides the perfect opportunity for a campaign of education and training on forced marriage within the public and local sectors.

Ending forced marriage – how to do it

We have described above the impetus for and the broad approach to ending forced marriage. Government attention to the issue is welcome and commendable but greater prevention, consistency and coordination are the key to turning the rhetoric on forced marriage into reality. We lay out below a series of recommendations that, if adopted, could end forced marriage in the UK and contribute to ending it internationally. They are drawn from our engagement with key stakeholders in ending forced marriage – from NGOs, victim-support charities, people with experience of forced marriage and those working on this subject within government departments and agencies.

Give the FMU a wider, deeper presence

The Forced Marriage Unit is, in many ways, a success story for multi-agency working. However, there are improvements to its structure, way of working and make-up that have the potential to dramatically improve its performance in tackling forced marriage.

Appoint regional liaison officers

Many non-London NGOs and people working with victims of forced marriage expressed frustration at the lack of regional presence the FMU has. One NGO representative, working in the North West, said to us:

It sometimes gets very lonely for us down here. We've had a lot of support from the Forced Marriage Unit who are absolutely excellent, but in terms of actually being able to accept meetings... a lot of our work now is personally funded by myself, and it's not going to be there forever. And even things like trying to attend meetings, it becomes quite prohibitive in terms of cost.

Many organisations outside London find it difficult to engage with the FMU effectively, to attend meetings and engagement sessions, and to keep their knowledge of the national policy context and emerging issues up to date. This is not because there is a lack of effort on the part of the FMU but the result of constraints placed on the FMU's work by restrictions on resources, and the need for their London base.

We recommend that each local authority in England and Wales appoints a specific liaison officer to engage with and represent the FMU within communities. This could either be formulated as a specific role, or as a new responsibility to be added to an existing role. Situated within either domestic violence units or children's and social services departments the liaison officer would focus on ensuring that community groups and charities are linked in to the national policy context, given updated guidance and supported in their work. The existence of such liaison officers in each local authority would also help the FMU to improve its intelligence gathering and ensure that it is more responsive to developments and emerging issues as they

occur. A member of FMU staff told us: ‘We don’t really get specific information from the charities and NGOs, unless it’s something they need our help directly with.’

We do not recommend that the FMU sets up regional offices, or expands its personnel significantly – within the current economic and spending climate it is unlikely that resources could be found to achieve this. However, a wider presence enabling, supporting and informing the work of NGOs and charities with an interest in tackling forced marriage could significantly improve the work of those organisations and help to ensure that the FMU is fully engaged in what is going on in local communities. This can be achieved, at minimal cost, by using existing local authority staff – for no more than a day or two a week – to support the community and voluntary sector in localities, translate and provide guidance and to feed back information to the central FMU.

Bring DfID into the fold

The FMU’s cross-departmental structure has been a strength rather than a weakness. It has been hugely effective in drawing together the expertise and resource of the Home Office and the FCO and is to be commended for its efforts in liberating those being forced into marriage. However, as the FMU itself accepts, in order to become more effective the work of the FMU must become more preventative and must build on Britain’s expertise in delivering programmes to change attitudes and cultural norms overseas. A great deal of this work is already done through NGOs and charities – a limited number of which are supported by grants through the FMU’s funding programme – but the FMU’s focus and emphasis in promoting best practice from public agencies must include and build on what we know works best in the long term: prevention.

A key change that could bolster and enhance the FMU’s expertise in prevention, as it moves to a more proactive role, would be formalising its relationship with DfID. This department has a long and successful track record of funding and delivering programmes designed to prevent forced marriage

by working within communities – including with men and boys who may otherwise become perpetrators themselves – in order to end forced marriage. Closer integration between the FMU and DfID would formalise information and intelligence sharing, equipping the FMU with expertise in best practice in preventing forced marriage through community engagement.

Closer links between the FMU and DfID would also enhance the work of the UK in tackling forced marriage overseas – including with British nationals. DfID has established and trusting relationships – built on development and incorporating messaging and work around forced marriage and other contentious human rights issues – in many of the countries where British nationals are most at risk of being repatriated for the purposes of a forced marriage. DfID representatives spoken to as part of this project described the difficulties of in-country work with the FCO, highlighting a lack of understanding between departments and problems of miscommunication. These difficulties could be significantly reduced – with benefits domestically and internationally – by a closer and formalised presence for DfID within the FMU.

This could be achieved by creating a permanent, revolving secondment position within the FMU reserved to ensure a formal presence for DfID within the department. The person in such a role – advising on best practice and policy from an international development perspective and liaising between FMU partner departments and DfID in-country officers – would embed DfID within the FMU's work, build on its existing multi-agency approach and smooth inter-agency working further.

Improve continuity at the FMU

The FMU's joint heads are taken from the Home Office and the FCO. The Home Office joint head is normally in their role for two years – the average secondment period for a Home Office official – but the FCO joint head is only ever in place for one year. This causes considerable frustration and difficulty for NGOs and partner organisations working with, or through, the FMU. Many of the people whom we spoke to as part of this

research process complained they felt as though they were ‘starting afresh’ every year and that – while having a great deal of admiration and praise for the individuals who have acted as FCO joint heads – this had affected the work of the FMU and its ability to maintain and develop its relationships within the sector.

The justification for the unusually short posting period for FCO joint heads of the FMU has been that in order to attract the best candidates from the FCO fast stream the posting must be kept brief. The fear is that longer placements would put off talented and ambitious candidates. Directors and ministers responsible for the appointment will make this decision, but we recommend that in the interests of consistency and optimum performance and trust within the sector in future, FCO joint heads are appointed for a two-year period to mirror the secondment period of the Home Office joint head.

Be politically consistent

As has been acknowledged throughout this report, the UK Government is to be commended for its leading international role in publicising the subject of forced marriage on diplomatic and development agendas. However, there is sometimes a worrying lack of focus and consistency in the UK’s efforts to place forced marriage at the heart of our efforts to promote development, gender equality and human rights internationally. For example, while the UK Government worked hard with partner governments in the Commonwealth to ensure that forced marriage was discussed and included in the formal communiqué at the Commonwealth Heads of Government Meeting in 2011, the UK is missing the opportunity to build on that momentum at the 2012 session of the UN’s Commission on the Status of Women, choosing instead to focus our lobbying on body image among women.

Part of the reason for the UK’s ongoing lack of international, diplomatic consistency is that although violence against women issues (under which forced marriage broadly falls) are represented at ministerial level within the Home Office, there is no cabinet level champion to ensure that the Government’s

agenda on subjects like forced marriage are coherent across departments, central to our diplomatic efforts and consistent.

We recommend that the Government elevates the portfolio of violence against women issues to cabinet level – incorporating them explicitly into the Home Secretary’s responsibilities. The secretary of state should have the power to set direction on matters relating to violence against women across departments and have a special right to request information from other departments on their progress in meeting the strategic direction set within cabinet.

One of the benefits of such a cabinet level champion would be the ability to press home the importance of prioritising forced marriage as a factor in public services. The Department for Education’s stance on equipping teachers with the knowledge and skills to identify potential victims of forced marriage – and to take appropriate action – is an example of where a cabinet champion might be politically useful in overcoming inter-departmental barriers. While the desire to ensure maximum autonomy for schools in the material they use and the means by which they teach the curriculum is understandable, the refusal to sanction and disseminate forced marriage material is disappointing. It would be helpful if the Department for Education would back Plan UK’s school resource – which assists teachers in starting conversations about forced marriage with pupils and in shaping attitudes – in order to promote its use among teachers and make it clear that such personal and social education is still an important aspect of schools’ pastoral responsibilities. A cabinet level champion may be able to make that case at the very top of government departments in a way that a minister cannot.

Introduce compulsory training

Many of the representatives of NGOs whom we spoke to in the course of our research expressed dismay that public servants engaged in working with victims (and potential victims) of forced marriage are not compelled to undertake any specialist training. This sentiment was mirrored by many public sector workers who had undertaken voluntary specialist training with

organisations such as Karma Nirvana. Furthermore, while statutory guidance on dealing with forced marriage is published and disseminated by the FMU to relevant public bodies, there is a lack of awareness among public servants of the specific guidelines that apply in dealing with those affected. Experts in forced marriage express concern that many public servants working in relevant fields – such as social services, children’s services and healthcare – mistakenly believe that their expertise in child protection issues equips them to navigate forced marriage cases. This misplaced assumption is dangerous on a number of levels – there are a myriad of differences between best practice in dealing with child protection and best practice in handling a suspected occurrence of forced marriage (not least the extent to which it is acceptable to involve family members in any resolution).

We recommend that one day’s statutory training on the FMU’s guidelines be mandated for public servants across a range of public services where professionals may come into contact with victims (and potential victims) of forced marriage. This training would serve a number of immediate purposes – it would equip professionals with up-to-date knowledge, introduce them to wider guidance and give them skills in identifying risk factors – and it would also provide an opportunity for frontline public sector workers in any locality to meet other agencies also dealing with forced marriage to share information and intelligence.

Work internationally

The UK Government is to be commended for its focus on prevention internationally and its commitment to ongoing funding of projects directly working to end forced marriage in partner countries. This commitment must be sustained – but the UK can also use its diplomatic presence and soft power to encourage partner countries to take the initiative and institute programmes of their own, modelled on successful work that has been funded through DfID.

We recommend that diplomatic efforts are focused on persuading core countries to coalesce around defined actions and

targets on forced marriage – we recommend the successful strategy of engaging Commonwealth partners should be continued in order to build international pressure. The benefits of working with Commonwealth countries such as Pakistan and Bangladesh when attempting to promote the subject of forced marriage internationally are multiple – it has served to strengthen joint working between the UK and those countries in other human rights and development issues and has lent legitimacy to the UK’s voice on this subject. The UK should maintain and strengthen those alliances by negotiating an agreed timetable of action with core countries that would serve as a starting point for discussions with other affected states and as a template for action elsewhere.

We recommend that such an agreement be founded in the twin goals of protecting and promoting human rights and dignity and of removing barriers to economic development. The causal pathways outlined in the first chapter of this report give some indication of the cataclysmic impact that forced marriage can have on development – this is a key aspect of the argument for proactive prevention in states where forced marriage is an accepted or tolerated practice. We recommend that DfID builds on this report – and on academic literature on the impact of forced marriage – in order to develop a rigorous cost–benefit analysis of the impact of forced marriage at the individual, community and national level on economic productivity and service demand.

Actions in any core-country agreement should include the following principles:

- *A move towards legal harmonisation:* As Lord Lester and others have argued, while many countries have legal codes prohibiting (in one way or another) forced marriage, the discrepancies between definition, seriousness, penalty and process are vast. Forced marriage is an increasingly globalised problem – with young women being returned to parents’ and grandparents’ countries to marry and/or being forced into marriage in order to secure entry into the UK for spouses. Any international action plan should place a priority on harmonisation of legal processes in

order to simplify and speed up the resolution of multinational cases and to ensure that comparable levels of protection are in place for victims.

- *An emphasis on prevention:* Signatories to any action plan should agree to prioritise the prevention of forced marriage across their education, child protection and health services in order to place a proactive duty on governments to engage in changing attitudes and norms with the ambition of ending forced marriage.
- *An agreement to work multinationally:* Signatories to any action plan should agree to a 'presumption to assist' when representatives of other signatory governments request specific help in resolving suspected instances of forced marriage involving foreign nationals and to a more general agreement on cooperation with development and aid agencies delivering programmes designed to prevent forced marriage.

Conclusion: we can defeat forced marriage

Forced marriage is not an inevitable blight. As has been described and discussed throughout this report it is neither a fixture of any major religion nor the inescapable consequence of particular ethnic or cultural identities – it is unnecessary and avoidable in South East Asia, sub-Saharan Africa and the UK where, shamefully, it is still to be found and may even be on the increase. It is the recognition that forced marriage can be ended as a practice which has driven the UK to lead the international field in opposing it and promoting practical measures to prevent it.

The benefits of ending forced marriage should be clear to us all. Primarily there is a crucial issue of human dignity – so degraded and undermined by this practice. The human rights of, predominantly, women and girls are serially and systematically undermined in cultures and communities where forced marriage is tolerated or promoted. Those who are forced against their will to become a spouse are robbed of their freedom to choose their own futures, and to fulfill their dreams and ambitions. They are too often, as David Cameron memorably put it, ‘little more than slaves’.

The hundreds of thousands, if not millions, of people who are victims of forced marriage are not as visible as those who are victims of genocide, famine or natural disaster. And yet they are a grotesque testament to the shallowness with which human rights are applied in some places and communities. The fact that this practice takes place in the UK should be a source of profound regret and guilt for us all, but it is also what will give us strength in pursuing the defeat of forced marriage around the world. Forced marriage is not an alien or abstract human rights concern, nor the preserve of just one culture: it happens here too. We cannot be complacent about other nations’ failure to end forced

marriage, since we too have not yet succeeded in doing so, but what we do in the UK can provide a source of greater knowledge and expertise for those states where this practice is more prevalent and pernicious.

So what should we do? If we are going to eliminate forced marriage in the UK and around the world what course should we set? And if, as we believe to be the case, Britain already leads the world in tackling forced marriage what more can or should we do?

Britain must continue to be clear about the vital role that ending forced marriage can play in the long-term economic empowerment and development of countries with which we have an aid relationship. And we must continue to show how best that is achieved. Several interviewees for this report highlighted the positive role that Britain's ongoing work in helping partner countries to tackle forced marriage has played in opening up wider development and diplomatic relationships – we genuinely partner other countries, build rapport and signal our intent by doing so. Furthermore, Britain must not be shy about admitting our mistakes and encouraging other nations to learn from how we are overcoming them – in order to share expertise and coordinate efforts. As we move to developing a framework for – at least – the criminalisation of breaches of forced marriage protection orders we should be working with Commonwealth countries in order to inform their efforts and in the hope that legal harmonisation – allowing for swifter and less complex resolution of cases involving cross-border nationals – can be embedded into multinational dealings on forced marriage.

But this attitude of learning and communication must work both ways. It is not simply the case that developing countries, seeking to end forced marriage, must look to the UK and learn from our successes – there is much benefit for the UK in looking outwards. As the Forced Marriage Unit (FMU) moves to place greater emphasis on pro-action and prevention, where better to learn best practice but from the work of the Department for International Development (DfID) and non-governmental organisations (NGOs) partnering the UK and foreign governments? Be it Plan's work in Egypt or DfID's in Ethiopia –

the whole-community approach that is increasingly pursued to change attitudes elsewhere could readily be developed more consistently in the UK. Having spent millions of pounds of taxpayers' money identifying the best routes to changing attitudes and protecting girls and women in developing nations, we have an obligation to apply the lessons at home.

There is a political will to end forced marriage in the UK and in partner countries throughout the Commonwealth and beyond in recognition of its contravention of human rights, drag on development and the poison injected into communities. The communiqué from the Commonwealth Heads of Government Meeting in October 2011 – with its commitment to practical steps and acceptance of the moral abomination that forced marriage represents – should give us great cause to hope. But the next stage, of fine-tuning our efforts in the UK and elsewhere, and of ensuring momentum and commitment are sustained, will take bureaucratic will and determination to match the rhetoric. The UK can, and should, embody that focus. By becoming more preventative in our approach, ensuring consistency and forcing a step-change in coordination, the UK can end forced marriage.

Notes

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Plan

Forced marriage is a hidden epidemic in the UK with an estimated 5,000 to 8,000 forced marriages every year. Around 41 per cent of victims are under 18. The Government has made clear its opposition to the practice of forced marriage and over the past decade, both this Government and the last have implemented a series of commendable measures to combat it, yet still the practice persists. So what can be done?

Ending Forced Marriage examines the history of the Government's fight against the practice in the UK, drawing on case studies of initiatives run in Commonwealth countries by the Department for International Development (DfID) and the Foreign and Commonwealth Office (FCO). It finds that the reason these schemes are successful is their holistic approach to the problem: involving community engagement and focusing on prevention rather than prosecution. It argues that criminalisation alone will not be enough – there must be community support.

Drawing on these findings, the report recommends that the Forced Marriage Unit (FMU) should be given a deeper, wider presence, with representatives across the UK engaging with local communities and a requirement on public servants to understand and assist the unit's mission. In terms of international action, the Government should build on its successful strategy of engaging Commonwealth partners and persuade core countries to coalesce around defined actions and targets. Finally, there should be greater integration between the FMU, FCO and DfID so that lessons learned from effective overseas initiatives can be applied at home. Tackling forced marriage requires a relentless focus on prevention as well as prosecution.

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