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| **Forced Marriage** |  |

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**Definition**

A Forced Marriage is a marriage conducted without the valid consent of one or both parties and where duress is a factor. Forced Marriage is a criminal offence in Northern Ireland. (Please refer to [**Co-operating to Safeguard Children and Young People in Northern Ireland 2016**](https://www.dhsspsni.gov.uk/sites/default/files/publications/dhssps/co-operating-safeguard-children-young-people-NI.DOCX)).

Forced marriage involving anyone under the age of 18 constitutes a form of child abuse. A child/young person who is forced into marriage is likely to suffer Significant Harm through physical, sexual or emotional abuse. Forced marriage can have a negative impact on a child/young person’s health and development, and can also result in sexual violence including rape. If a child/young person is forced to marry, he or she may be taken abroad for an extended period of time which could amount to child abduction. In addition, a child/young person in such a situation would be absent from school resulting in the loss of educational opportunities, and possibly also future employment opportunities. Even if the child/young person is not taken abroad, they are likely to be taken out of school so as to ensure that they do not talk about their situation with their peers.

Forced marriage is generally viewed as only happening to girls/women, however according to figures from the Forced Marriage Unit of the Foreign Office, 15% of victims are male.

Children/young people from particular ethnic groupings/religious groupings will be more at risk of forced marriage.

**Risks**

One serious consequence of forced marriage is the increased likelihood of domestic and sexual violence and abuse. Anyone forced into marriage faces an increased risk of rape and sexual abuse as they may not wish to consent, or may not be the legal age to consent to a sexual relationship. This in turn may result in unwanted pregnancies or enforced abortions.

The risks of emotional abuse through being stigmatised by family wider community are also present; these in turn may lead to serious consequences for the individual in terms of their mental health or self-harming behaviour.

Children/young people are also deprived of the normal range of opportunities and experiences available to their peers when they are pressurised into marriage against their will.

**Indicators**

Warning signs that a child/young person may be at risk of forced marriage or may have been forced to marry may include:

* Extended absences from school/college, truancy, drop in performance, low motivation, excessive parental restriction and control of movements and history of siblings leaving education early to marry;
* A child/young person talking about an upcoming family holiday that they are worried about, fears that they will be taken out of education and kept abroad;
* Evidence of self-harm, treatment for depression, attempted suicide, social isolation, eating disorders or substance abuse;
* Evidence of family disputes/conflict, domestic and sexual violence/abuse or running away from home;
* Unreasonable restrictions such as being kept at home by their parents (’house arrest’) or being unable to complete their education;
* A child/young person being in conflict with their parents;
* A child/young person going missing/running away;
* A child/young person always being accompanied including to school and doctors’ appointments;
* A child/young person directly disclosing that they are worried s/he will be forced to marry.

**Legal Position**

All agencies with responsibility towards safeguarding and promoting the welfare of children must comply with [**The Right to Choose: Statutory guidance for dealing with forced marriage**](http://www.proceduresonline.com/sbni/files/right_to_choose.pdf) published by the Department of Finance and Personnel in April 2012 to protect persons from being forced into marriage against their will. This guidance is designed to assist with the operation of the Forced Marriage (Civil Protection) Act 2007 (the 2007 Act) and to ensure that the protections which the Act offers are widely promoted in Northern Ireland.

The Family Proceedings (Amendment No.3) Rules (NI) 2008 No 466 came into operation on 22nd December 2008. The Rules amended the Family Proceedings Rules (NI) 1996 (S.R. 1996 No. 322) in consequence of the Forced Marriage (Civil Protection) Act 2007. The purpose of the Act is to protect persons who are being, or have been, forced into a marriage. It gives the courts a wide discretion to deal flexibly and sensitively with the circumstances of each individual case.

The Rules make provision for applications for a [**Forced Marriage Protection Order**](http://trixresources.proceduresonline.com/nat_key/keywords/force_marriage_prot_ord.html) (FMPO). (FMPO) under Schedule 1 to the Act - the High Court or a County Court may make a FMPO to protect a person from being forced into a marriage or from any attempt to be forced into a marriage; or a person who has been forced into a marriage. Such an order may contain such prohibitions, restrictions or requirements; and such other terms; as the court considers appropriate for the purposes of the order. The court could, for example, order that the respondent:

1. Does not take the ‘person to be protected’ (PTBP) abroad to be forced into marriage;
2. Behaves in a different way (e.g. forbids them from entering into any arrangements for marriage of the PTBP in or out of the jurisdiction or forbids them from threatening, intimidating, harassing or using force against the PTBP;
3. Hands over the PTBP’s passport and travel documents to the court and prevents them from applying for a new passport for the PTBP.

An application for such an order may be made in the course of other family proceedings or may be freestanding.  It may be made by the person to be protected or another person with the leave of the court or on the court’s own motion. Ex parte orders may be made where the court considers it just and convenient to do so.

Breach of a forced marriage protection order is a criminal offence – Any person who, without reasonable excuse, contravenes a FMPO, commits an offence and is liable on summary conviction to a fine or imprisonment or both. The Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 introduced a new offence of forced marriage;

**Protection and Action to be Taken**

Forced Marriage is a criminal offence in Northern Ireland, and where an agency, organisation or staff member has knowledge or suspicion of a forced marriage in relation to a child/young person, they should contact the PSNI immediately. (Refer to [**Co-operating to Safeguard Children and Young People in Northern Ireland 2016**](https://www.dhsspsni.gov.uk/sites/default/files/publications/dhssps/co-operating-safeguard-children-young-people-NI.DOCX).)

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Police, Housing Services, children’s social services, Health and voluntary organisations must work together to address the child/young person’s need as legal action may be necessary.

Any child/young person considered to be at risk of a forced marriage will be considered a child in need and assessed accordingly. Where an [**Initial Child Protection Conference**](http://trixresources.proceduresonline.com/nat_key/keywords/init_chi_prot_conf.html) is convened, great care must be taken to manage information about the whereabouts of the child/young person. The social worker and his/her manager must discuss the arrangements with the Case Conference Chair and consider whether the family should be present or not, or at the same time as the young person, as threats may be made. An interpreter fully independent of the family should be present at all times. Children/young people may require support workers/interpreters from the same gender and if possible the same cultural background.

**Issues**

Allegations of plans and arrangements to force a child/young person to marry will inevitably be divisive for the family and possibly the wider community. Therefore attempts to discuss this with the family could potentially place a child/young person at greater risk.

Children/young people may require support from workers of the same gender and if possible the same cultural background. Where interpreters and translators are used, care must be taken to ensure that they have no connections with the immediate community of the child/young person.

A child/young person arriving in this country for the purposes of a forced marriage or one who has recently married abroad may be extremely isolated and feel threatened and abused. The legal right to remain may be in question and the consequences of returning home may also be very serious.

Staff should not:

* Minimise the potential risk of harm;
* Approach or inform the child/young person's family, friends or members of the community that the victim has sought help as this is likely to increase the risk to the victim significantly;
* Share information outside child protection information-sharing protocols without the express consent of the child/young person;
* Attempt to be a mediator. This has in the past resulted in the victim being removed from the country and not traced /or murdered.

**Further Information**

[**Right to Choose: Statutory guidance for dealing with forced marriage**](http://www.proceduresonline.com/sbni/files/right_to_choose.pdf) (Department of Finance and Personnel in April 2012)

[**Forced Marriage (Civil Protection) Act 2007**](http://www.legislation.gov.uk/ukpga/2007/20/contents)

Pathway for Safeguarding and Promoting the Welfare of Separated / unaccompanied children arriving in Northern Ireland. Regional Operational Guidance, November 2013.

[**The Forced Marriage Unit**](http://www.forcedmarriage.net/) – website providing a wide range of practical help and resources.

[**Home Office**](https://www.gov.uk/forced-marriage) – Information and practice guidelines for professionals protecting, advising and supporting victims.

**End**