

# **Remedies for Forced Marriage**

## **A HANDBOOK FOR LAWYERS**

EDITED BY

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**INTERIGHTS**  
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protection of human rights

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## Chapter 2

### Escaping Forced Marriage: Non-Legal Remedies in England and Wales

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#### About the Author

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SBS runs a resource centre providing specialist services to black and minority women and girls (and their children) escaping gender based violence, including domestic and sexual violence, and harmful practices such as forced marriage, dowry abuse and so called 'honour' based violence (HBV).

Hannana has worked for SBS for 27 years, and been active in the field of race, gender and human rights for 30 years. She was an original member of the Home Office Working Group on Forced Marriage (1999) and has contributed to many research, policy and best practice/training initiatives and publications on violence against black and minority women. These include the work of the Forced Marriage Unit (FMU), and its Partnership Board and the former Community Liaison Unit, and drafting of the statutory and practice forced marriage guidelines, the Forced Marriage (Civil Protection) Act 2007, the Home Office strategy on violence against women and girls, and the Association of Chief Police Officers, London Metropolitan Police and Crown Prosecution Service Strategies and Procedures on forced marriage and HBV. Hannana has provided evidence to the Home Affairs Select Committee on Domestic Violence, Forced Marriage and HBV, the Council of Europe, the UN Committee on the Convention for the Elimination of Forms of Discrimination against Women and the UN Working Group on Contemporary Forms of Slavery. She also campaigned for the Domestic Violence Immigration Concession (1999), which became part of the Immigration Rules in 2002, and the Destitution Domestic Violence Concession (2012). She been involved in high profile domestic violence, forced marriage and 'honour' killings cases (Kiranjit Ahluwalia, Zoorah Shah, 'Jack and Zena', Banaz Mahmod, Surjit Athwal, *Quila* and *Bibi*).

Hannana has won several awards as an individual and as a member of SBS (but declined an MBE in 2004). Her publications include *Forced Marriage: An Abuse of Human Rights. One Year After 'A Choice by Right.'* *Interim Report*, (SBS Trust, 2001); 'There is no "honour" in domestic violence, only shame! Women's Struggles against 'Honour' Crimes in the UK' (Welchman, L. and Hossain, S. (eds) *'Honour' Crimes, Paradigms and Violence Against Women*, London: Zed Books, 2005); and 'True Honour': Domestic Violence, Forced Marriage and Honour Crimes in the UK' (Rehman, Y., Kelly, L. and Siddiqui, H. (eds) *Moving in the Shadows*, London: Ashgate, 2013). Hannana has a BSc (Hons) from the London School of Economics, an honorary MA from the University of Teesside and PhD by publication from the University of Warwick.

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## CHAPTER 2

### ESCAPING FORCED MARRIAGE: NON-LEGAL REMEDIES IN THE UK

Hannana Siddiqui

#### 1. INTRODUCTION

This chapter is aimed both at lawyers and at professionals in the UK working in legal, welfare and social care agencies that assist or come across victims of forced marriage in the course of their work. These agencies include non-governmental organisations (NGOs) such as women’s domestic and sexual violence advocacy and support organisations and refuges (including specialist black and minority ethnic (BME) women’s services); other community advice and support groups; public authorities such as educational institutions, health services, housing authorities, the police, social care services and the Home Office and Foreign and Commonwealth Office (FCO)’s jointly run Forced Marriage Unit (FMU) which works together with British High Commissions, Embassies or Consulates abroad. While some agencies provide direct services to victims, others need to be aware of how to give initial or emergency help and make appropriate referrals. In general, trained and qualified staff should be the ones to provide advice and assistance.

Assistance to victims threatened with or subjected to forced marriage may require a combination of legal and non-legal remedies, with the former often being the last resort. This chapter focuses on non-legal solutions to the problem, primarily within the UK, and is intended as guidance only. It is always advisable to obtain legal and welfare advice and assistance from qualified professionals when handling a case of forced marriage or any other form of abuse.

The experience of BME women’s groups and survivors of forced marriage in the UK has shown that policies and best practices adopted in domestic and sexual violence or child protection procedures are usually the most effective way to tackle forced marriage. These policies and practices are victim centred and put safety first, with prevention, protection and provision being guiding principles for action. This means offering victims<sup>1</sup> alternatives in a safe and secure environment, free from social, cultural and religious pressures and constraints. Agencies providing assistance in forced marriage cases must operate on human rights standards ensuring that victims are assisted and supported to lead independent lives by making a permanent break from violent and abusive situations.

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\* This chapter has been updated to 2011. Please check the introduction for references to more recent developments.

<sup>1</sup> Although this chapter refers to those experiencing forced marriage as ‘victims’, it is recognised that they are also ‘survivors’ and that the majority of victims/survivors are women and girls.

In providing assistance, agencies should consult the [multi-agency statutory guidance](#),<sup>2</sup> introduced under the provisions of the Forced Marriage (Civil Protection) Act 2007, and the [multi-agency practice guidelines](#).<sup>3</sup> There are also forced marriage practice guidelines that cover specific agencies or issues such as [assistance for persons with learning disabilities](#).<sup>4</sup>

## 2. BACKGROUND ISSUES

### 2.1 Contact from Victim/Third Party

A victim may approach you directly, or a third party (such as a partner, friend, relative, teacher or employer) may contact you for advice and assistance. Where the victim is unable to make contact, the third party may act as their representative. The representative should have the consent of the victim, but where this is difficult to obtain, agencies should assume that the third party is acting in the best interests of the victim, unless otherwise indicated or suspected.

### 2.2 Recognising the Problem

Forced marriage may not always be the presenting problem. For example, victims may seek help with housing issues or self-harming behaviour, and may also be feeling depressed and suicidal. They may have family problems, such as disputes over restrictions on movement, relationships and friendships, dress and make up, and education and career choices. They may manifest under-achievement or truanting at school, or have run away from home or shown poor performance and attendance at work. In some instances, other forms of domestic violence or child abuse may also be evident. Each case must be assessed with care in order to avoid stereotyping or misleading assumptions.

### 2.3 Identifying the Perpetrators

Forced marriage is also a form of so called ‘honour’ based violence where victims are forced to marry, or refused a marriage of their choice, in the name of family or community honour. Victims can be subjected to social ostracism, harassment, abuse and even murder in so called ‘honour killings’, for having shamed their extended family and wider community if they fail to conform to traditional expectations, particularly in relation to female sexuality and behaviour. Victims often face a heightened risk as perpetrators may include the victim’s parents, their immediate and extended family, the spouse or potential spouse and their immediate and extended family and/or religious and community leaders, either within the UK or abroad. In some areas “bounty

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<sup>2</sup> *The Right to Choice: Multi-agency statutory guidance for dealing with forced marriage*, HM Government, Nov 2008.

<sup>3</sup> *Multi-agency Practice Guidelines: Handling cases of Forced Marriage*, HM Government, June 2009. [Editors’ note: these guidelines have been replaced, please check the Introduction].

<sup>4</sup> *Forced marriage and Learning Disabilities: Multi-Agency Practice Guidelines*, HM Government, Dec 2010.

hunters”, private detectives or organised networks or gangs intimidate women into marriage or attack and harass them if they refuse to marry according to their family’s wishes.

## **2.4 Locating the Victim**

Victims may be forced into marriage in the UK or abducted and taken abroad (sometimes via a third country) where they are forced into the marriage. The abduction may involve physical duress or deception, for example, being taken abroad on the pretext of a holiday or to visit sick relatives. Sometimes a victim is brought into the UK either after a forced marriage or for the purposes of a forced marriage. In some cases, victims go “missing” and their whereabouts or circumstances are unknown. In other cases, the victim may have left home to be with their partner and their family may disapprove of the relationship and want them to marry someone else. The couple could be “on the run” and in hiding from the victim’s family.

## **2.5 Nature of Help Needed**

A victim may need help to prevent a forced marriage from taking place or to deal with problems following the marriage. Short and long-term assistance and support may be needed to help them cope with a range of inter-related problems or issues, such as criminal, care and family proceedings (regarding annulment of the marriage, divorce, child contact etc.), homelessness and lack of money, immigration or asylum matters, depression/trauma and other health problems, and issues connected with returning to education or employment.

## **2.6 Risk to Third Party**

A third party may also be at risk of abuse, harassment and acts of violence by the victim’s family, spouse/intended spouse and their family or others within the community, particularly if they are the victim’s partner or suspected of having assisted the victim.

## **3. GENERAL PRINCIPLES**

In general, the following principles apply to all agencies. However, the role of some agencies may be limited to taking a report, giving or taking some initial or emergency advice and action, and referring the victim to an appropriate agency for further assistance. Others who have a direct role in protecting the victim should consider the detailed guidance below on advising the victim and taking action.

In all cases, whether it is a victim or a third party who approaches you:

### **3.1 Do...**

- 3.1.1 Ensure that the priority for action is the protection of the victim and anyone else at risk. Safety is paramount.
- 3.1.2 Be sympathetic and take the individual’s concerns seriously. Take a victim-centred approach.

- 3.1.3 Remember the ‘one chance’ rule<sup>5</sup> and see the individual alone immediately in a safe and private place.
- 3.1.4. Recognise the signs and ask the right questions to establish whether or not it is a case of forced marriage, even if it is presented differently, for example, as a case of homelessness, depression or missing persons.
- 3.1.5 Obtain as much information as you can about the victim and any children involved on the first report or disclosure as this may be the only or best opportunity to do so. Note the following information:
  - a) The date of the report;
  - b) The name and contact details of the person making the report;
  - c) In the case of a third party report, the details of their relationship to the victim and how they have obtained their information.
- 3.1.6 Collect the following information and documents from or about the victim:
  - a) Name (including any nicknames or other name by which they are known);
  - b) Date and place of birth;
  - c) Nationality and immigration status;
  - d) Home and other relevant addresses in the UK;
  - e) Addresses overseas if they have been or may be taken abroad;
  - f) Telephone (including mobile) numbers in the UK and abroad, and email address, if any;
  - g) A description of the victim, including any distinguishing marks;
  - h) A recent photograph of the victim;
  - i) School/college, benefits or employment details;
  - j) A photocopy of their UK passport and/or any other passports (if they are dual nationals or non-British nationals) or if these are not available, details of the passport(s), including number and date and place of issue;
  - k) National Insurance number;
  - l) Driving licence number;
  - m) A copy of or details of tickets and travel arrangements, including dates of out-going and return journeys, if someone is or about to go abroad or another part of the UK, and details of the person(s) with whom they are travelling, if known;
  - n) A full history of the alleged abuse, with key dates and events, as experienced by the victim and any other person, such as their partner, friend or relative, relevant to the case;
  - o) Details of their General Practitioner (GP), any clinics or medical services they use, e.g. dentist, ante-natal, family planning or well-woman clinic, and any medication used;
  - p) Details of any injuries and physical and mental health problems, including suicidal and self-harming behaviour. Ensure that the victim obtains medical attention if they have sustained injuries or show signs of extreme distress or mental health problems. If possible, subject to the consent of the victim, also

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<sup>5</sup> The ‘one chance’ rule means that there may be only one opportunity to assist the victim, and agencies should not assume that other opportunities will arise, thus failing to intervene on the first occasion.

take photographs of any injuries, noting on the back of the photographs the time and date you took them and where the injuries are located on the body, or preferably, use a professional photographer. Ensure the photographer is trustworthy or situated in a safe area;

- q) Details of any previous reports made to any individual and agency who may have relevant information on the case, and of their actions in response;
- r) Details of any existing civil injunctions, bail conditions or restraining orders/forced marriage protection orders, planned or pending legal proceedings (civil and/or criminal) or agreed plans of action made with individuals or agencies;
- s) Details of the current situation, including date and place of the actual or proposed marriage;
- t) Details of trusted friends or relatives (including the person making a third party report) in the UK and if relevant, abroad, who have or would assist the victim;
- u) Details of trusted agencies or contacts the victim knows or has been in touch with in the UK and, if relevant, abroad; and
- v) Any decisions or plans made by the victim and the reasons for those decisions.

3.1.7 Collect the following information /documents about the alleged perpetrator(s):

- a) Names, addresses, telephone numbers and other contact details of persons, including family and community members in the UK or abroad, who may be involved in forcing the victim to marry, particularly the full names and addresses of the parents or persons with parental responsibility and grandparents, the spouse or potential spouse and their parents and grandparents.
- b) Any recent photographs or descriptions of persons, including family or community members involved in the abuse, and particularly of those who may look similar to the victim, to avoid mistaken identity.

3.1.8 Advise the victim on the following:

- a) Legal and non-legal remedies to escape a forced marriage and other abuses, and their rights in the UK and abroad, including how to access women's refuges/shelters and advocacy and support agencies, in particular specialist BME women's organisations, lawyers, housing authorities, the police, social care services, counselling and medical services, the FMU and British diplomatic missions overseas for further assistance.

They should be informed about how they can:

- Protect themselves from any future threat by safety planning while at home (see section on Leaving Home)
- What to do in an emergency (for example, contacting the police on 999)
- How to contact other services (such as the FMU and domestic violence help lines)
- How to seek medical assistance in case of injury
- How to ask for help from airport and airline personnel and security staff, other travellers and the general public

- b) To ensure that if they leave home, they keep their address, contact details and records confidential, (in some extreme cases, victims may also need to consider changing their identity). They should ask agencies, such as their doctor, school/college, employer and benefit office to take steps to minimise risk by keeping their records secure and by taking other protection measures, such as helping to stop harassment if the victim is discovered.
- c) *Not to* travel abroad or to any other part of the UK if they suspect or know that they are at risk of abuse and/or forced marriage;
- d) If travelling is unavoidable, to ensure that they travel on their British passport if available<sup>6</sup> and take with them
- a secret supply of money in the currency of the country to which they are travelling;
  - copies of their passport(s) and travel documents;
  - contact details for the Forced Marriage Unit in the UK and the British High Commission, Embassy or Consulate in the country concerned;
  - contact details of trusted friends, lawyers and other agencies, particularly women’s organisations, specialising in domestic violence and forced marriage in the UK and the country concerned; and
  - a mobile telephone (which their parents or the perpetrators are not aware of) which can be used abroad and which they can keep charged and hidden.
- e) If it is not safe to carry documents or written information, to memorise essential information, particularly passport numbers and the date and place of issue, emergency telephone numbers and email addresses;
- f) To sign and provide a written undertaking that a third party, being a trusted friend or agency, can act for them if they go missing and fail to return home as expected or if there is cause for concern for their safety and well-being;
- g) Before departing, you and the victim should make contact with the third party and agree a plan regarding action to be taken in the event that the victim fails to return home as expected;
- h) To agree a way of making discreet contact through using a secret codeword or phrase to indicate to their trusted friend or agency that they need assistance and want to be rescued in the event that they are unable to speak freely;
- i) To provide you with personal information only known to the victim which can later be used to identify them;
- j) To discuss with you how to enhance security to prevent communications being detected, for example, by making sure no one else can read their

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<sup>6</sup> If the victim is a dual British national in the state of their other nationality (for example, a dual Pakistani-British national in Pakistan) and they are travelling on their Pakistani passport, it may be more difficult for the FCO to offer assistance. The victim should also be informed that in some countries, victims who travel to the country of their parent’s origin, such as Pakistan and India, will be treated there as dual nationals. Dual nationality may impede the FMU’s and the British High Commission, Embassy or Consulate’s actions to assist them if the authorities in the other country object to their intervention. Also see page 16 of the *Multi-agency Practice Guidelines: Handling cases of Forced Marriage*, HM Government, June 2009. [Editors’ Note: These have been replaced, please check the Introduction].

letters, text or email messages etc, and where this is not possible, how to communicate through a trusted third party;

- k) To obtain and inform you of their expected departure and return date. Ask the victim to contact you *without fail* upon their return home or to the UK;
- l) To discuss with you what action could be taken to rescue them if they fail to return as expected or if there is some other cause for concern. They should be informed that, if it is safe to do so, they should co-operate with any person offering assistance and take the opportunity to leave home or the place in which they are held. For example, the local police (if abroad, possibly helped by an NGO or British consular officials) may visit their home to facilitate their rescue, or a third party (such as their partner, friend, relative, an agency or a lawyer) may take legal action and the victim may be produced in court or at another location (such as the British High Commission, Embassy, Consulate or the police station) to ascertain their wishes. However, they should also be informed about the difficulties of making contact and taking action, particularly in overseas cases, which may also include problems connected with dual nationality.<sup>7</sup>

### 3.1.9 Advise a third party who may be reporting the case to do the following:

- a) Ensure that the action they take does not place the victim or themselves and others at risk;
- b) Ensure that they co-ordinate their actions and plans with other agencies involved in the case;
- c) Report the matter to relevant agencies such as the FMU, the police and social care services;
- d) Seek the assistance of a women’s organisation, particularly those specialising in the needs of BME women, for advice and to advocate on their behalf; and
- e) Contact a reputable lawyer for advice on legal remedies.

### 3.1.10. Undertake the following action:

- a) Make a **risk and needs assessment**, which includes obtaining information on the risks to the victim and anyone else involved, such as their partner, friends or relatives, and their needs. You should consider particular risk factors (such as the individual being pregnant, being in a sexual relationship or married without their family’s knowledge), and both physical and mental/emotional dangers, including suicidal and self-harming behaviour (see Box at end of chapter, for a guide on questions to be addressed);
- b) If the victim is under 16 or has children at risk, then you will need to activate local child protection procedures and use existing national and local protocols for multi-agency liaison.<sup>8</sup> **16-18 year old victims can also be assisted by social care and other services, and may require child protection procedures to be used- always obtain advice in such cases.**

<sup>7</sup> See footnote 7.

<sup>8</sup> *Working together to Safeguard Children: A guide to inter-agency working to safeguard and promote the welfare of children*, HM Government, March 2010; *Framework for Assessment of Children in Need and their Families*, Department of Health, 2000; *What to Do if You’re Worried that a Child is being Abused*, HM Government, 2006.

- c) If there is any suspicion that a crime has been or may be committed, refer to the police and the local Community Safety Unit and/or Child Protection Unit. Liaise with the police if there are concerns about the victim, their siblings or any children involved. If the victim is a vulnerable adult (i.e. they are over 18 and have mental or physical disabilities) or they are a young person with a disability/learning difficulty, refer to the appropriate team in social care services and/or police for protection; and
- d) Devise a **co-ordinated strategy** and action plan with partner agencies to protect the victim or anyone else at risk (see section below on “A Co-ordinated Strategy”).

### 3.2 Do Not....

- 3.2.1 Turn the victim or their representative away or dismiss their concerns. *Forced marriage is an abuse of human rights. Non-intervention based on cultural, religious or other reasons is not an option.*
- 3.2.2 Discriminate by stereotyping and making negative assumptions about minority beliefs and practices, by racially harassing people from BME communities or by treating them unfairly.
- 3.2.3 Breach confidentiality by contacting relatives, friends, community members or professionals. Sharing information should be done with the express and informed consent of the victim or their representative. Exceptions to this rule may include situations where there is a need to prevent or detect a crime or where you have an obligation to share information, for example to protect a child or young person, or vulnerable adult. If a young person aged 16 and over requests confidentiality, this can be upheld unless that person is a danger to themselves or others. If, however, the individual is 16-18, and there is information that they are at ‘serious risk of significant harm’, disclosure may be necessary. Always consult your confidentiality policy and obtain advice in cases involving victims under 18 or if you need to disclose without the consent of an adult. Whenever possible, the individual concerned **must** be told that disclosure is to take place.<sup>9</sup>
- 3.2.4 Attempt to mediate in order to reconcile the victim with their family and community. This places the victim at further risk of abuse as agreements, promises or compromises made through such mediation are not enforceable. Even informal mediation, such as passing on letters and messages, can add to emotional pressures and place the victim at risk of abuse by encouraging contact between them and the perpetrator/s. Religious arbitration tribunals or courts should not be used to deal with abusive behaviour such as forced marriage as these encourage mediation and reconciliation, and do not challenge the underlying belief and value systems which justify violence against women. Mediation in cases of abuse can endanger lives. There have been cases where individuals have been beaten and even murdered by their families during and following mediation.

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<sup>9</sup> See pages 22-23 in *Multi-agency Practice : Handling cases of Forced Marriage*, HM Government, June 2009, for further information. [Editors’ note: These have been replaced: please see the Introduction].

- 3.2.5 Allow the fact that the victim (or the perpetrator) has an insecure immigration status or is unsure about their status to impede your investigation of the allegation of forced marriage or of other abuses. Your overriding priority is the safety of the victim, who must be provided with advice and assistance to escape abuse. Refer the victim to a reputable and properly qualified immigration solicitor or advisor to obtain legal advice and assistance to regularise their immigration status.
- 3.2.6 Make direct contact with overseas police or other agencies without first liaising with the FMU.
- 3.2.7 Attempt to contact the victim by phone or in writing unless you are sure that there is no risk of others overhearing or discovering the communication, or of the person facing threats or violence as a result. Do not leave messages unless it is safe to do so. If the victim is overseas, it is best to liaise with the FMU before making contact with the victim or as soon as possible thereafter.

#### **4. A CO-ORDINATED STRATEGY**

Some forced marriage cases are complicated by the fact that the victim is missing or is about to be, has been or could have been taken and held abroad. Some cases can be further complicated by the victim being in a country or region with a difficult political or social situation, for example in areas of military conflict or civil unrest. These cases often require a co-ordinated strategy to tackle the problem effectively, which may involve a range of individuals and agencies in the UK and abroad and a combination of legal and non-legal remedies.

It is best to establish a co-ordinated strategy as soon as possible. The development and implementation of such a strategy will include a number of relevant agencies. The central agency responsible for the co-ordination may vary, but the approach should be victim-centred and prioritise their safety. In some cases, the central co-ordination function may be performed by an independent organisation, such as a BME women's advocacy group which the victim or their representative may have approached for assistance. A co-ordinated strategy prevents a situation where different parties pursue different plans, thus creating confusion, undermining any rescue plan and placing the victim and others at risk. Whenever possible, only work with trusted individuals and organisations.

The co-ordinated strategy may involve the following actions:

##### **4.1. Information Sharing**

Agencies should exchange relevant information and communicate between themselves about the case, which includes checking records and previous reports of abuse. Local information-sharing protocols may be in place, but in general, confidentiality should be respected and agencies must seek consent for information sharing from the victim or their representative. However, this may not always be possible and, in some circumstances, for example when protecting a child or in helping to prevent or detect a crime, disclosure may be necessary without the victim's consent. However, for reasons

of confidentiality and security, only relevant information should be shared on a ‘need to know’ basis. For instance, it may not be appropriate to inform contacts abroad, such as the police or NGOs, about the fact the victim has a boyfriend. This information may prejudice their approach to the case if they hold conservative cultural attitudes towards women and their sexual conduct, and place the victim at further risk of ‘honour’-related abuse from their families and communities.

#### **4.2. Case Conference**

A case conference involving relevant and available agencies and individuals, including, where possible, the victim or their representative, should be held. In some areas, appropriate pre-existing arrangements for case conferencing may be used, such as multi-agency risk assessment conferences (MARACs).<sup>10</sup> Agencies holding their own internal briefings, strategy meetings or case conferences should also invite relevant agencies, including the NGO advocate, to participate.

#### **4.3. Risk and Needs Assessment and Management**

A risk assessment should be made, where possible using existing tools in domestic violence and child protection procedures. This assessment must consider whether the victim is in immediate danger of forced marriage or other abuse, such as physical and sexual violence, abduction, suicide or self-harm. It must also consider if other people are also in immediate danger of violence and abuse, such as a partner, friend, siblings or other relatives. Sometimes a professional may also be at risk if they are known to have helped or suspected of helping the victim. In such cases, urgent action may be required to resolve the immediate crisis situation. In other cases, or after the crisis situation is resolved, where more planning may be possible, risk assessment should be an on-going process. The level of risk can change rapidly and assessments need to be revisited every time new information comes to light and/or factors change. Note that even where a case has relatively few risk factors, the victim or others may still be in danger. It is therefore essential that trained and qualified staff make the assessment as it requires the use of sound judgement and experience.

The needs assessment aims to ensure that the needs of the victim and those of others at risk are fully and effectively addressed.

As a management tool and to assist you to establish the relevant facts as well as the victim’s needs and to inform risk assessment and management, a number of questions should be addressed (see Text Box at end of chapter for a guide on questions). You should use this when interviewing the victim or their representative, and when making an assessment of the case, for example at case conferences.

Measures should then be implemented to manage risk and needs by preparing an Action Plan.

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<sup>10</sup> A MARAC is intended to facilitate, monitor and evaluate effective information sharing to enable appropriate actions to be taken to increase public safety in domestic violence cases. It is a multi-agency forum which usually focuses on high-risk victims as indicated through the use of risk assessment checklists. It enables sharing of information to increase safety and to jointly construct and implement a risk management plan that provides professional support to all those at risk and thus reduce the risk of harm.

#### **4.4. Action Plan**

An Action Plan to help the victim should be devised clearly outlining the responsibility and role of each agency or individual with a timescale for action. If possible, the victim or their representative should be informed of the outcome of the Risk and Needs Assessment and agreed Action Plan if they are unable to attend the case conference. The Action Plan should incorporate any Safety Plan agreed with the victim and aim to manage and minimise risk to the victim or others, including professionals, involved in the case. For example, covert attempts should be made to contact the victim to ascertain their wishes and assess their situation before a visit to their home. Without careful assessment of the home situation, any surprise visit may increase risks if the victim fails to disclose the abuse and decides to remain in an unsafe environment. However, in some cases, prior contact may not be possible, and although the risks are greater, making a home visit may be the only available option. On-going communication needs to be maintained as the Action Plan may have to be revised as a result of developments in the case. Complicated or difficult cases often take some time to be resolved, and in some instances, may remain unresolved for years or indefinitely.

### **5. BEST PRACTICE**

The following should be considered as best practice by all agencies:

#### **5.1 Enquiries/Home Visits**

In the UK, the police or social care services (the latter in the case of children and vulnerable adults) should make enquiries if there is concern that a victim is being held within the home, and is unable to seek outside help, or it is not clear where they are being held and they appear to be missing.

A home visit without knowing the victim's circumstances or wishes could undermine their safety and well-being, particularly if they refuse to leave immediately with the authorities. Unless it is an emergency, making discreet background enquiries may help to establish the situation prior to making a home visit. Information may be obtained from their doctor, housing agency, school or college, workplace, or from previous reports to the FMU, the police or social care services, as well as women's or community groups and trusted friends, partners and relatives. In some cases, it may also be possible to make prior contact with the victim, but this should only be done if it is safe and there is no danger of communications being overheard or discovered. Extreme care should be taken in ensuring that those suspected of holding and abusing the victim are not alerted. Discovery could result in the family moving the victim, expediting the forced marriage or subjecting the victim to further abuse and intimidation. Where possible, the perpetrators, not the victim, should be surprised by the visit.

If the person is a British national being held abroad, enquiries should be co-ordinated by the FMU.

#### **5.2 Interviews**

The victim should be interviewed in a private and safe location, preferably outside the home. If you have to speak to the victim at home, ensure that it is in private in a separate room where they cannot be overheard. In the UK, in most circumstances, the victim should be taken to the police station or another safe place, such as a BME women's centre, for interview. Make sure that the victim cannot be harassed or intercepted when coming to or leaving the building. Helping the victim speak to an independent advocate or counsellor from a women's group may also enable them to seek assistance. If the victim is abroad, an interview facilitated by the British High Commission, Embassy or Consulate will in most cases be more appropriate than one held at or by the local police station. A written record should be made of the interview and video or tape recording should also be considered as an option, particularly if allegations involve criminal offences, minors or intimidated and vulnerable witnesses.<sup>11</sup> When interviewing a child or vulnerable adult, witness support or an intermediary should be provided.

It is important to talk to the victim in person, rather than relying on what they say on the telephone. They may be too intimidated by the presence of other people to speak freely on the telephone, even if they do indicate that they are alone, or someone else may speak for them. The interview should also be directly with the victim and not a third party. Unless they want a trusted professional advocate to support them, victims should generally be interviewed on their own. The advocate should be fully aware of the implications regarding confidentiality, especially in respect to the victim's family and community. A certain amount of counselling may be necessary before the victim is ready to disclose the truth and seek help. In general, subject to availability, the counsellor or worker dealing with the case should be of the same gender and race as the victim. However, where a victim would prefer to speak to someone from a different background or gender, their wish should be respected. The counsellor or worker should have had training and experience of dealing with forced marriage and abusive situations. It is important to explain who is conducting the interview and why they have come to see the victim – and to reassure the victim that the aim of the interview is to protect them, and not to harass or simply arrest them or their family. It may also be useful to give the victim letters from a trusted partner, friends or relatives to reassure them. In some cases, a telephone conversation between the victim and these people may also help to persuade them to take action to protect themselves.

Avoid using a family member (especially a child), friend, neighbour or community member for interpretation as the victim may be embarrassed or too intimidated to talk in front of them. The interpretation may also be misleading and the interpreter may pressure the victim to drop their complaint or pass on sensitive information. Ensure that you have a professional independent interpreter with you if you think the person may have problems speaking English when making a home visit, or at least have one available on the telephone if this has not been possible. An interpreter can then be organised for the interview if it takes place at a later stage. Make sure that the interpreter speaks the correct language and dialect and is bound by professional codes of confidentiality and conduct. The interpreter should not take on the role of the officer or advisor in charge, or make the victim feel uncomfortable. The interpreter should not offer advice to the victim or make any negative comments or judgements. Whenever possible, the interpreter should be of the same gender and race as the victim, particularly

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<sup>11</sup> See [\*Achieving Best Evidence in Criminal Proceedings: Guidance on interviewing victims and witnesses, and using special measures\*](#), Criminal Justice System (CJS).

in cases involving rape and sexual abuse, unless the victim specifically requests otherwise.

### 5.3 Court Cases

In legal cases, victims, their representative and any witnesses often need considerable support. Where the victim has been missing or unavailable prior to the court hearing, for example in *habeas corpus* and some wardship or Forced Marriage Protection Order applications, it is difficult to speak to them before the court hearing to ascertain their views or to reassure them that it is safe to seek the assistance of the court.

Once in a court hearing, victims may find it difficult or intimidating to seek help if their parents or family and community members are present inside or just outside the courtroom. In some cases abroad, judges have granted special requests for a private discussion before the hearing between the victim and officials from the British High Commission, Embassy or Consulate. During such meetings, the victim may be handed letters from their partner or trusted friends and relatives encouraging them to seek help. Sometimes, the judge may also hold a private interview in chambers with the victim. However, even with these provisions, some victims feel too intimidated or unsure about seeking help from the courts.

It is therefore essential that every effort is made to reassure the victim. In the UK, this could include making an application in advance of the hearing to visit the Court and/or asking the Court about available facilities, e.g. separate entrances, exits, waiting areas, or more formal special measures for the criminal courts, such as giving evidence behind a screen or via video link, and court witness support schemes.<sup>12</sup> Overseas, the courts should be asked to enhance security and the victim should be made aware that the British High Commission, Embassy or Consulate have initiated or are interested in the proceedings, and/or that officials from these agencies are present in Court and/or able to assist with providing a safe route back to the UK.

### 5.4 Leaving Home

Research shows that leaving home is the most dangerous time for women suffering domestic violence, and experience shows that this often extends to cases of forced marriage. It is therefore vital that the victim is encouraged to take measures which will maximise their safety, particularly if they intend to leave home or the perpetrator suspects that they may leave home. In an emergency, the police or social care services may be involved in helping a victim to leave or be removed from an abusive situation. Even in cases where the victim is not ready, willing or intending to leave home, they should be advised of their options and assisted with safety planning so that they can take measures to protect themselves at home and make arrangements to leave home in an emergency.

The victim should also consider making some long-term plans in case they do leave home. This includes thinking about all the things they would need in order to start a new life, such as saving money and keeping it in a safe place or with a trusted friend

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<sup>12</sup> Ibid.

(ensure that if they open a bank or savings account, there is no risk of correspondence being sent or calls being made to the home address, or of being discovered elsewhere), where they would like to settle and how they can change their educational course or place of work. They should also consider the finality of their decision, and how they can build support structures by developing relationships with trusted friends, relatives or agencies. The victim may also want to keep a diary and other documented evidence of abuse with a trusted friend, that may be of use later in legal proceedings or applications, such as in immigration cases.

**5.4.1 Safety Planning:** Safety planning includes the victim doing the following:

- a) Making reports to outside agencies and leaving an undertaking and other documentation and information with a trusted agency or representative to act for them if necessary (see sections 3.1 and 3.2 above on “Do and Do Not”);
- b) Packing a small bag and keeping it hidden away or with a trusted friend. The bag should contain essential belongings for themselves and any children (remember these items are not as important as the victim’s safety and so may have to be left behind if it is not safe to take them) such as
  - documents containing proof of identity (eg passport(s), student ID card, photocard driving licence, or national insurance number/card); immigration papers
  - financial papers (eg mortgage/tenancy agreements, benefit books, money, cheque books, bank and credit cards)
  - prescribed medicines and medical cards
  - birth and marriage certificates/divorce papers
  - court orders and other documented evidence of abuse including photographs of injuries, personal diary and address book, recent photographs of themselves and abuser/s
  - clothes
  - toiletries
  - small valuables such as jewellery;
- c) Having a secret supply of money and emergency telephone numbers, which should be memorised if they are likely to be discovered;
- d) Keeping their fully charged mobile phone with them at all times and knowing where the nearest public telephone is available, and keeping a telephone card or change at hand for urgent calls. If it is safe, put emergency numbers on speed dial. (Make sure the victim knows some emergency numbers are freephone, such as 999.)
- e) Telling the local police about the situation and asking them to give a ‘rapid response’ if they are called for help.
- f) Dialling 141 before using telephone numbers which may raise suspicion in the mind of the perpetrator, to prevent calls from being traced;
- g) If an attack is likely, avoiding areas in the house where there is access to weapons, such as the kitchen or garage, or where they can be trapped, such as the bathroom or cupboards. They should retreat into areas where they have easy access to a telephone and an exit;
- h) Asking trustworthy neighbours to call the police if they hear sounds of a disturbance or calls for help;

- i) Telling trusted neighbours, relatives, friends and agencies about any court orders or bail conditions in place against the perpetrators, and to contact the police if these are breached.
- j) Teaching their children how to call for help and what to say, including how to give their full name, address and telephone number;
- k) Taking their children with them when leaving home if it is safe to do so;
- l) Removing or destroying anything by which communications can be discovered or which can be used to trace them if they leave home, such as letters and emails;
- m) Calling the police on 999 in an emergency, or leaving home quickly when it is safe, i.e. when the abuser(s) or anyone else who may inform them that the victim is leaving or try to stop them, is not at home. Making sure that they are not followed when they leave home and have easy access to safe transport, such as a car (taxis should not take them directly to their new address). And if possible, ask a friend to escort them until they get safely onto public transport.
- n) Not packing in advance where this can raise suspicion;
- o) Rehearsing their escape plan in advance without raising suspicion;
- p) Thinking of three safe places to which they can escape in an emergency, such as the police station, a refuge or a friend's house.

**5.4.2 Returning Home:** While it is possible for the victim to return home to collect belongings or children once they leave home, they should always do so with a police escort, and also with a social worker/refuge or support worker if possible. There should also be an accredited interpreter present if required, in case the family makes threats to the victim. It is important that they are not accompanied by their children, if any, when they return to collect their belongings. There should be a full risk assessment, and the victim should be made fully aware of the risk to their safety involved in returning home and what to do on the visit in order to minimise risk to themselves or others. The police should enter the property and each room first in order to check that it is safe for the victim and other professionals to enter them, and escort them throughout their visit. The victim or the professional should not engage in argument or conversation with the occupants. Only the police (or where relevant, the social worker) should ask for any missing belongings or children. The collection should be undertaken as quickly and safely as possible, ensuring that the victim or professionals are not followed upon departure.

The police may not assist if there is a dispute over ownership of belongings or with the removal of children from their normal place of residence if they are with a parent or someone with parental responsibility unless there is immediate danger to their safety or well-being. The victim should consult a family lawyer as soon as possible to resolve property disputes and child contact and/or residence issues.

**5.4.3 Continuing Threats:** Once the victim has left home, they can continue to be at risk and experience abuse, stalking and harassment from the family and community and so safety planning should be on-going. A victim should not be re-housed locally unless they specifically request this, and unless all risks of harm have been explained to them. It is often safer to move away from their local area, especially into a temporary place of safety, such as a refuge, until they can move into settled accommodation in a safe location. They may also need to change their identity, keep their address and contact

details confidential and ensure that agencies such as the police, benefits agencies, schools/colleges, doctors and health agencies, workplaces and landlords instigate security measures to prevent victims being tracked down by abusive family members including through community members and networks, such as ‘bounty hunters,’ hired detectives, taxi drivers, shop keepers, community and religious leaders, or people with access to the victim’s records (eg staff in a GP’s surgery, benefits office, school and college or housing department). These measures could include special arrangements to keep records secure, police protection or security schemes, employers and schools/colleges helping to deal with stalking and harassment or schools only releasing children into the victim’s care or their approved representative. The victim should also change their routine and any plans and appointments about which their family or community may know about.

Unless and until it is safe to do so, once a person has left home, professionals, trusted friends and family should avoid visiting them at their new address, as they may be followed and put both themselves and the victim at risk of harm. In any event, refuges have a policy of confidentiality and do not disclose their residential address to the public or allow home visits by friends and family. This can also be the case with professionals, who can contact the refuge by their office or help line number, and postal address. However, contact by personal or public telephone and meetings elsewhere (which should be at a safe location) is permitted.

**5.4.4 Legal and Other Support:** The victim should consider obtaining protection orders under the Family Law Act 1996 such as a Forced Marriage Protection Order (introduced under the Forced Marriage (Civil Protection) Act 2007, which amended the Family Law Act 1996), Non-molestation Orders or Occupation Orders or Restraining Orders under the Protection from Harassment Act 1997. Non-molestation Orders and Restraining Orders can be used to prohibit any person (including family members) from using any behaviour amounting to violence or harassment against the victim. Where an individual has experienced violence, they may be able to obtain an occupation order, a temporary injunction which sets out who can and cannot live within a home (or certain parts of the home). A Forced Marriage Protection Order can help to prevent or deal with a forced marriage. It also allows third parties, such as professionals, to apply for an order. A family lawyer can advise on this and on eligibility for public funding (legal aid).

If there is any risk to a young person under 18, it may be necessary to obtain legal protection with the help of the police, social care services and/or lawyers via police protection and emergency protection orders, supervision or interim and full care orders, and/or wardship proceedings, residence and prohibited steps orders.<sup>13</sup>

In some areas, a sanctuary scheme will provide security measures to enable a victim to remain in their own accommodation, where they choose to do so, where it is safe and appropriate and where the perpetrator does not live within the accommodation. Local authorities will be able to provide more information on sanctuary schemes. The victim can also contact the police and local authority for alternative schemes for improved home security, alarms and free mobile phones. Victims should also remain in contact with NGOs such as BME women’s domestic violence advocacy and support services

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<sup>13</sup> See page 31-36 of *Multi-agency Practice Guidelines: Handling Cases of Forced Marriage*, HM Government, June 2009. [Editors’ Note: These have been replaced, please see the Introduction].

for further assistance and support. However, victims should be informed that staying within or near the home may not be the safest option, even with a court order, particularly if they live with or close to the extended family and community networks.

In overseas cases, British consular officials may be able to help victims return to the UK, but it is difficult for them to monitor the situation of someone who has refused their assistance and continues to live at home. However, the victim should be assured that the offer of assistance remains and they should be encouraged to seek their help should they need it in the future. Victims should also be encouraged to maintain contact with women's organisations, or other trusted agencies or individuals in the UK and abroad for on-going or future assistance.

## 5.5. Follow-Up

Making follow up enquiries is essential to maximise the victim's safety. Social care services may be able to make formal arrangements for monitoring a situation at home in the case of minors and vulnerable adults, and other agencies may be able to maintain informal contact with the victim. All agencies, such as doctors, teachers, employers, housing officers and health visitors, should be vigilant if they have or should have regular contact with the victim. Victims should always be encouraged to maintain contact and seek help in the future, even if they leave and return home several times.

Where the victim has left home, they will also need considerable on-going support and assistance. They are often extremely vulnerable, isolated, frightened and unsure of themselves. Many victims will need help with a range of problems and issues, such as temporary and settled accommodation, family, care and criminal proceedings, employment, welfare benefits and debt problems, education, immigration and asylum difficulties, isolation, trauma and depression. It is therefore useful for a central agency providing holistic services, such as a women's refuge or domestic violence advocacy and support service, particularly a BME women's group, to be involved in order to provide safe housing (such as a refuge), information, advice, advocacy, counselling and support, and to work in partnership with other agencies to help victims rebuild their lives.

## 6. THE ROLE OF AGENCIES

### 6.1 Help in the UK

All agencies have an important role in protecting victims of forced marriage.<sup>14</sup> The role of key agencies involved in advising and assisting victims or their representatives in the UK, and which can be part of any strategy planning, is discussed below.

**6.1.1 The Forced Marriage Unit (FMU):** The joint Home Office/Foreign and Commonwealth Office Forced Marriage Unit provides confidential information and assistance to male and female victims of actual or threatened forced marriage of any age, as well as to concerned professionals. The FMU should be contacted to assist in

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<sup>14</sup> Where an agency has failed to fulfil its obligations, victims or their representatives should make an official complaint using internal complaints procedures. Complaints can also be made to external regulatory and professional bodies and institutions. In some cases, legal action may also be necessary to ensure agencies provide full and adequate assistance to victims.

most forced marriage cases, whether in the UK or overseas, and particularly if the victim has been or is likely to be taken abroad, or has been forced into a marriage and does not want to support the spouse's visa application.

The FMU, working with consular officials in British High Commissions, Embassies and Consulates, may assist British nationals facing or experiencing forced marriage overseas. In some cases, a victim may be a dual national. (Sometimes a victim may be treated as a dual national if they return to the country of their parent's origin and may not be aware that this is the case.) The FMU can assist dual British nationals within the boundaries allowed by the host country.

The FMU also can help victims of actual or threatened forced marriage in the UK by liaising with agencies around the UK, including the police, social care services, education professionals, lawyers and NGOs to offer help to the victim. This might include taking action to help prevent potential victims from going overseas, working with social care services to consider what is in the best interests of the victim, or encouraging agencies to look at legal options to protect them.

**6.1.2 Independent Information, Advice, Advocacy and Support Services:** Some women's and community organisations, particularly specialist BME women's organisations, can offer independent and holistic information, advice, advocacy, counselling and support to victims or their representatives. Women's refuges, resource centres and other domestic and sexual violence (including Rape Crisis Centres) support services should be able to offer help and support to women and girls escaping forced marriage. BME women's groups, such as Asian women's refuges and support services, have specialist provision for those from particular minority groups. In some areas there may also be Independent Domestic Violence Advisors (IDVAs), who may be linked to specialist Domestic Violence Courts. Some areas will also have Independent Sexual Violence Advisors (ISVAs) who will specialise in the needs of victims subjected to sexual abuse.<sup>15</sup> For more information about IDVAs or ISVAs, contact the police, local authority or NGOs in your area.

Appointing an independent advocate from a women's NGO, particularly a BME women's organisation, an IDVA or an ISVA is very important in complex cases, which often involve approaching a range of agencies for help and devising and implementing a co-ordinated and effective strategy to resolve the problem. It is important to ensure that the agency is committed to providing services which are in the interests of the victim and aim to protect them from abuse without imposing any social, cultural or religious pressures and constraints.

**6.1.3 The Police and Criminal Justice Agencies:** The police and other criminal justice agencies have a duty to protect all victims of crime. While forced marriage is not a specific offence,<sup>16</sup> it can involve a range of criminal offences, including common

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<sup>15</sup> IDVAs and ISVAs are trained specialists whose goal is the safety of victims. While IDVAs and ISVAs will accept all referrals, their focus is on providing services to victims at medium to high risk of harm to address their safety needs. Although much of their work is about helping the victim through the criminal justice system, they can also assist the victim in obtaining access to civil remedies and other welfare and support services.

<sup>16</sup> [Editors; note: forced marriage became a criminal offence in 2014, please see update in the Introduction]

assault, actual and grievous bodily harm, harassment, false imprisonment, kidnapping and child abduction, rape and sexual assault, threats to kill, attempted murder and murder. A number of people may aid, abet or perpetrate the crime.

**The Police** are required to implement the multi-agency forced marriage statutory guidelines. They are also included in the multi-agency practice guidelines for forced marriage<sup>17</sup> In an emergency, call 999, and approach the police generally for assistance and protection. While all front-line officers should be able to assist, some police forces also have specialist officers or units (such as Domestic Violence Units or Community Safety Units) to handle domestic violence (which includes forced marriage). There is also an overlap with departments specialising in child protection and sexual offences. All reports to the police should be investigated, including those where the victim is abroad. In these cases, the police should not make initial contact with Interpol, who simply contact the local police overseas, but instead should seek advice from the FMU.

Other criminal justice agencies also have a role to play in protecting victims and prosecuting criminal offences. The **Crown Prosecution Service** has a policy on domestic violence and a strategy and action plans on violence against women (which includes forced marriage).<sup>18</sup> A range of measures (such as screens and video links) may be available in court to assist vulnerable and intimidated victims and witnesses to give their evidence. There are also witness support schemes based in court.<sup>19</sup>

In some areas in England and Wales, there are **Specialist Domestic Violence Courts (SDVCs)** where the court layout, practices and procedures differ from ordinary criminal courts in order to be more accessible to victims. In some areas in England, there are also **Sexual Assault Referral Centres (SARCs)**, which provide a ‘one stop shop’ for victims of rape and sexual assault. Victims can receive medical attention, counselling and, if they intend to pursue a police investigation, undergo a forensic examination.

**6.1.4 Social care services:** Social care services have a duty to protect children and an obligation to determine the needs of vulnerable adults.<sup>20</sup>

**Minors:** Social care services should commence *child protection procedures* in cases of forced marriage involving minors and work closely with the police and lawyers to protect victims and to assist with criminal and family proceedings. They have the power:

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<sup>17</sup> See page 62-69 in *Multi-agency Practice: Handling Cases of Forced Marriage*, HM Government, June 2009. [Editors’ note: These guidelines have been replaced, please see update in the Introduction]. There is also police guidance on domestic violence, see Association of Chief Police Officers and the National Policing Improvement Agency, *Guidance on Investigating Domestic Abuse*, 2008.

<sup>18</sup> See Crown Prosecution Service, *Policy for Prosecuting Cases of Domestic Violence*. Also see Crown Prosecution Service, *Violence Against Women Strategy and Action Plans* April 2008.

<sup>19</sup> A victim will be considered a vulnerable or intimidated witness if s/he is disabled, has experienced domestic and/or sexual violence, lost a family member through murder or manslaughter, or been intimidated and is frightened of giving evidence. Vulnerable witnesses receive an ‘enhanced service’ from agencies such as the police. In addition ‘special measures’ may be available at court, including giving evidence from behind a screen or via video link, although what is available varies between courts. The CPS will have to apply for special measures prior to the trial, and a judge must decide whether granting these will improve the quality of the witness’ evidence.

<sup>20</sup> See page 70-89 of *Multi-agency Practice Guidelines: Handling Cases of Forced Marriage*, HM Government, June 2009. [Editors’ Note: These have been replaced, please see the Introduction].

- To obtain Emergency Protection Orders.
- To initiate Care Proceedings for minors at risk of significant harm.
- To initiate Wardship Proceedings (subject to the local authority obtaining express permission from the High Court),<sup>21</sup> The surrender of a child’s passport may be required by order of the High Court as part of wardship proceedings.
- To apply for a Prohibited Steps Order to prevent the child’s removal from the country (this cannot be done if a care order is in force).
- Not to give parents contact with the child or to disclose their address. These measures should be considered whenever possible to reduce risk.

Social care services can also:

- place victims on the Child Protection Register and
- monitor a case even if a child stays at or returns home.

It is essential that such monitoring is effective and that the social worker allocated to the family maintains regular direct and private contact with the victim. The victim should not be placed under pressure to contact, meet with, reconcile or stay with their parents, relatives or community members where there is a risk of forced marriage or other abuses. Where a victim does stay or returns home, serious consideration must be given to placing the child on the Child Protection Register or subject to other monitoring arrangements to reduce risk. Also, in considering the safety and well-being of children, the risk factor of placing them with the extended family or with foster or other carers who may share the same conservative cultural and religious values about women and marriage as their parents must be seriously considered. In general, such placements should be avoided.

Family group conferences or counselling should also be avoided where the victim is at risk of a forced marriage because of the physical danger and emotional manipulation they may experience from parents or other family and community members who may attend.

Social care services may also accommodate a child where no care proceedings have been issued, but where the child has been made a ward of court for their own protection.

**Young Persons:** If a young person is too old for a Care Order (over 17 years, or over 16 if the person is married), social care services can nevertheless assist either by

- providing accommodation for the young person or
- providing services under the Children Act 1989.

**Persons with Disabilities:** There are reports of young people and vulnerable adults with mental and physical disabilities being forced to marry. Some individuals do not have the capacity to consent to marriage. While criminal and civil law can be used to protect them, social care services also have specific duties to provide protection and support under the *Children Act 1989* for those under the age of 18. The options available to a social worker to protect a vulnerable adult at risk of being forced into marriage, and who may be deemed incapable of informed consent, are limited. Social care

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<sup>21</sup> Section 100(3) Children Act 1989.

services can apply as a ‘next friend’ under the inherent jurisdiction of the High Court, asking for a declaration of the vulnerable person’s ‘best interest’, which could lead to an injunction(s) that could protect them from actions in pursuance of forced marriage, such as being taken abroad. Legal advice should be taken as to what options are available. Further information can be obtained in the [forced marriage guidelines on learning disabilities](#).

The responsibilities of social care services do not end if the child or vulnerable adult is taken abroad. Under these circumstances, they should work with the FMU, specialist BME women’s groups, lawyers and other agencies in the UK and overseas to protect the victim.

**6.1.5 Civil Justice Agencies:** Victims or their representatives should consult a reputable solicitor to advise on civil law remedies to prevent or deal with a forced marriage and related abuse, such as *protection orders*, *wardship*, and *habeas corpus*.<sup>22</sup> Lawyers can be contacted to initiate divorce or nullity proceedings where a victim has already been forced into a marriage, and to resolve issues such as child contact/residence and financial matters. Lawyers and BME women’s groups can also be consulted in order to clarify the law on religious and customary marriage and divorce.

In some circumstances, the FCO may be able to help obtain a certified copy of a marriage certificate where the marriage ceremony was performed outside the UK, although there is a charge for this service. Referrals to or suggestions regarding lawyers in the UK and overseas can be obtained from specialist BME women’s groups or the Law Society. The FMU can provide a list of overseas lawyers who speak English.

**6.1.6 Housing Services:** If in the UK, a female victim can enter a women’s refuge (safe house/shelter). Women’s refuges provide safe temporary accommodation and support to women and their children, and some of them specialise in the needs of BME women, such as those for South Asian women. Refuges have workers who can provide advice, advocacy, support and resettlement to residents and in some cases, non-residents, where outreach and floating support services are also available. Refuges may limit or be unable to accept women with an insecure immigration status who have restrictions on their right to claim benefits and are unable pay their rent. Nevertheless, refuges should be approached to establish if they can provide accommodation in such cases (also see section 6.1.7. e).

Any person over 16 and families escaping violence can also approach the local authority housing department for information, advice and assistance under the Housing Act 1996. This assistance is not available to people subject to immigration control. However, some cases can be complex, and victims with an insecure immigration status should always obtain legal advice to check eligibility.

Local authorities owe a duty to house people who are eligible, unintentionally homeless and in priority need. The priority need categories include people with dependent children, pregnant women and those vulnerable because of physical disability or mental

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<sup>22</sup> See pages 31-38 in *Multi-agency Practice Guidelines: Handling cases of Forced Marriage*, HM Government, June 2009. [Editors’ Note: These have been replaced, please see the Introduction]. Also see the Law Society’s [Family Law Protocol](#), 3 May 2006, which addresses domestic violence and forced marriage.

ill health, age, or any other special reason, including due to ceasing to occupy accommodation as a result of violence from another person or threats of violence from another person which are likely to be carried out.

Although they are multi-agency statutory and practice forced marriage guidelines which cover housing provision,<sup>23</sup> many local authorities do not have specific policies on forced marriage. However, a person escaping from a forced marriage may fall within the final priority need category above if he or she is ‘vulnerable’ as a result of violence or threats of violence.<sup>24</sup> The Code of Guidance to local authorities provides that ‘violence’ includes different forms of violence, including domestic and racially motivated violence.<sup>25</sup> The Guidance further provides that domestic violence should be understood to include non-physical forms of abuse. This interpretation could encompass the sorts of abuse suffered by a victim of a forced marriage, which may be non-physical forms of abuse only. A person escaping a forced marriage who is vulnerable as a result might also be considered under the ‘other special reason’ priority need category.

Young people aged 16 and 17, other than “relevant” children (children who have been or are being “looked after” by the local authority ie by social care services) and those under 21 who were (but no longer are) looked after, accommodated or fostered between the ages of 16 and 18, other than a “relevant student” (a person who is a care leaver and is in full-time further or higher education) should be considered as priority homeless. Those aged 21 or over who are vulnerable as a result of having being looked after, accommodated or fostered by the local authority and who are not “relevant students”, and 18-21 year olds who are not care leavers and who are not “relevant students”, would have to be regarded as vulnerable in order to be considered for priority need. However, some local authorities may decide that single persons (which often include childless couples) escaping violence (without being vulnerable for other reasons) are not eligible. Consideration should be given to legally challenging such decisions.

The local authority can also provide information about different accommodation options and issues, including refuges, tenancy agreements and transfers, eviction, and domestic violence support, outreach and re-settlement services. The local authority may also be able to advise on local schemes to help victims of violence stay in their own home, for example, the Sanctuary Scheme, which is operated in some areas and helps with measures to increase home security.<sup>26</sup> People to whom the local authority does

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<sup>23</sup> See pages 90-95 in *Multi-agency Practice: Handling cases of Forced Marriage*, HM Government, June 2009. [Editors’ Note: These have been replaced, see discussion in Introduction].

<sup>24</sup> The test for whether a person is vulnerable has been developed through case law and is stated in the Code of Guidance issued to local authorities as whether, when homeless, the applicant would be less able to fend for him/her self than an ordinary homeless person so that s/he would suffer injury or detriment, in circumstances where a less vulnerable person would be able to cope without harmful effects. See [Homelessness Code of Guidance for Local Authority](#) July 2006 Department of Communities and Local Government

<sup>25</sup> The *Homelessness Code of Guidance for Local Authorities*, July 2006, provides statutory guidance on local authority housing and social care services statutory or public functions in respect of people who are homeless or at risk or at risk of homelessness. Also see *Homelessness (Priority Need for Accommodation -- England) Order 2002* Statutory Instrument 2002 No. 205.

<sup>26</sup> Some local authorities run ‘Sanctuary Schemes’ which enable victims who no longer live with the perpetrator (s) and who wish to (provided that it is appropriate) remain at home to install high security measures with the purpose of protecting them from further violence, abuse and harassment.

not owe a duty to secure accommodation may still be entitled to such advice and assistance regarding their housing situation.

**6.1.7 Immigration and Asylum Services:**<sup>27</sup> Some foreign nationals with an insecure immigration status may have been subjected to domestic violence, forced marriage and other abuses abroad, and/or experience domestic violence and other abuses upon entry into the UK. In other cases, a victim who is a British national who has faced a forced marriage or other abuse abroad may wish to take action against the perpetrator(s), including by refusing to sponsor the visa of the person to whom they have been forced to marry. The FMU and other agencies, such as immigration and asylum advice agencies and BME women’s groups, can provide information and assistance on these immigration issues.

Victims with an insecure immigration status are particularly vulnerable as their rights to settlement or public funds such as social security benefits and public housing may be limited. They may be reluctant to come forward to seek help as they may fear deportation and/or destitution. Some stay in or return to abusive relationships, as they fear removal to their country of origin and the risk of further abuse, harassment and acts of violence, especially if from areas where separated or divorced women are ostracised and harassed for bringing shame and “dishonour” on their families and communities.

In some circumstances, victims may be allowed to remain in the UK if they can show they have experienced domestic violence in a relationship with a British or settled partner or because they fear gender-related persecution in their country of origin, as discussed below. However, note that cases where the victim has an insecure immigration status are often complicated and require specialist help. Unless you are properly qualified, do not attempt to give immigration advice yourself as it is a criminal offence to do so. Victims should consult a reputable and properly qualified immigration solicitor or advisor if they wish to make an application to remain in the UK or are unsure about their status. If the victim has no or a low income, they can approach an immigration solicitor who is publicly funded, but note that rules on entitlement to legal aid are subject to change.<sup>28</sup> The FMU and agencies such as BME women’s groups, can also provide information and support to people in this situation.<sup>29</sup>

**a) Domestic Violence by a British Citizen or Person with Permanent Settlement.**

Victims with limited immigration status may be entitled to remain in the UK if they have experienced domestic violence after having been admitted to, or granted leave, to remain in the UK on the basis of a marriage/relationship to a British citizen or a partner with permanent settlement (the sponsor). Such leave is granted for an initial two year probationary period<sup>30</sup> and they will have to show that the marriage/relationship broke

<sup>27</sup> Immigration and asylum laws and rules are often subject to change- please check with qualified lawyers and advisors.

<sup>28</sup> [Editor’s note: please see the Introduction for update].

<sup>29</sup> See [How Can I Support Her? Domestic Violence, Immigration and Women with No Recourse to Public Funds](#) published by Southall Black Sisters & Women’s Resource Centre, 2006. Also see [Rights of Women guide](#).

<sup>30</sup> A probationary period is the period for which the foreign spouse/partner (including civil partner) has limited leave to remain in the UK which is dependant on their marriage/relationship being subsisting. Currently, the probationary period is two years, at the end of which the foreign spouse/partner can obtain indefinite leave to remain in the UK with the support of their British spouse/partner. If the marriage/relationship breaks down during the probationary period, the foreign spouse/partner is normally

down due to domestic violence within the two year probationary period and that the relationship was subsisting at the time when the violence occurred. In order to prove that domestic violence took place, the applicant must provide supporting evidence. This provision applies even if the abuse is from persons other than the sponsor provided that it leads to the breakdown of the marriage or relationship, for example, where the sponsor fails to protect the victim from abuse by members of the sponsor's extended family. This provision is commonly called the 'domestic violence rule' and is outlined under paragraph 289 of the Immigration Rules.<sup>31</sup>

**Evidence Required:** The following evidence is required to show domestic violence under the Immigration Rules:

- A relevant court conviction against the sponsor; or
- Full details of a relevant police caution issued against the sponsor.

If the victim is unable to provide any of the above, the following formal documentary evidence will be considered:

- An injunction, non-molestation order or other protection order made against the sponsor (other than an ex-parte or interim order);
- A letter from Chair of a Multi-Agency Risk Assessment Conference (MARAC).

If none of the above are available, evidence from the following non-exhaustive list will be considered:

- A medical report from a hospital doctor confirming injuries consistent with being a victim of domestic violence; and/or a letter from a GMC registered family practitioner (GP) who has examined the victim and is satisfied that their injuries are consistent with being a victim of domestic violence (injuries do not have to be just physical, but can also be psychological);
- An undertaking given to a court that the abuser will not approach the victim;
- A police report confirming attendance at the victim's home as a result of domestic violence (ensure you include a log report stating at which address the incident took place);
- A letter from social care services confirming its involvement in connection with domestic violence; or
- A letter of support or report from women's refuge or domestic violence support organisation.<sup>32</sup>

Additional evidence can also be provided. Applicants are required to provide as many pieces of evidence as possible to prove they were the victim of domestic violence.

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required to leave the UK and return to their country of origin. The domestic violence rules enables victims to stay in the UK indefinitely if the marriage/relationship breaks down due to domestic violence within the probationary period and they meet the evidential criteria as set out in the immigration rules.

<sup>31</sup> [Details of the 'domestic violence rule' and application forms](#). Also see [Chapter 8 of UK Border Agency Immigration Directorate Instructions \(IDIs\)](#)

<sup>32</sup> Contact the Freephone 24 hour [National Domestic Violence Helpline](#) (Tel: 0808 2000 247) run in partnership between Women's Aid and Refuge for details of refuges and domestic violence support services.

Providing only one piece of evidence from those listed in final section is not usually deemed to have proven the case.

If the victim cannot return to their country of origin and wants to remain in the UK, it is essential to report any domestic violence they may have suffered, particularly to the agencies outlined above. Reporting domestic violence to agencies helps to prove to the Home Office that they are a victim of domestic violence under the domestic violence rule. However, remember that in practice, reporting domestic violence to any agency or individual at any stage contributes to proving that they have experienced domestic violence. Agencies must keep a full record of the report. It is also important to give full reasons to the Home Office as to why the victim could not report the violence, or did not do so immediately. This is particularly the case where there is insufficient evidence of domestic violence as specified by the rules or where the application for leave to remain is being made outside the immigration rules due to exceptional circumstances.

**‘Overstayers’.** Applications should be made to the Home Office during the two year probationary period. Applications made ‘out of time’ or by those who have ‘overstayed’ their leave to remain (ie after the two year probation has ended), will be considered sympathetically provided all the required elements have been met and that the applicant can give a reasonable explanation for the delay in making the application. It is therefore important to set out the reasons for the delay in any such application. The Home Office cite examples of such reasons which include that the victim’s passport has been withheld by the sponsor or the stress of the situation had led the victim to overlook the need to obtain leave to remain.

**b) Domestic Violence by European Economic Area Nationals.** A similar domestic violence rule also benefits non-European Economic Area (EEA) nationals who enter or stay in the UK as a result of marriage or partnership with an EEA national (as opposed to a British National).

In order to qualify for residence:

- The marriage/civil partnership must have lasted for at least three years immediately prior to the divorce/termination of the partnership,
- Both parties must have lived in the UK for at least one year of the marriage/civil partnership, and
- The EEA national must have been exercising Treaty rights during that time.<sup>33</sup>

The applicant must provide the following:

- passport,
- evidence of domestic violence (as outlined above), and
- evidence that they are a worker, self-employed or self-sufficient (including students that are self-sufficient).

The divorce or annulment of marriage or civil partnership will not result in the loss of the right of residence of a Union citizen’s family members who are not nationals of a

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<sup>33</sup> See Chapter 5, Section 5, of the European Casework Instructions (ECIs) .

Member state if this is ‘warranted by particularly difficult circumstances, such as having been a victim of domestic violence while the marriage or registered partnership was subsisting.’<sup>34</sup>

**c) Asylum, Humanitarian Protection or Discretionary Leave:** Other applications may also be possible for asylum, humanitarian protection or discretionary leave to remain in the country if the victim is escaping forced marriage or other dangers to their or their children’s lives or well-being abroad. When assessing any claims for asylum, the Home Office should take into account any relevant gender issues, including the specific *Asylum Policy Instructions under Gender Issues for Asylum Claims*.<sup>35</sup> All victims can also apply outside the Immigration Rules for leave to remain on compassionate or exceptional grounds.

**d) Apply in time.** The victim should make an application to the Home Office before their limited leave to remain or visa expires as this improves their chance of remaining in the UK and helps to protect their right to appeal against refusal. If someone does not have a right to appeal against refusal, judicial review should be considered.

**e) No Recourse to Public Funds.** Victims with limited immigration status or a ‘person subject to immigration control’<sup>36</sup> may also be prohibited from claiming public funds, which includes most social security benefits and housing under the Housing Act 1996.<sup>37</sup> This is known as the ‘no recourse to public funds requirement’. Persons with indefinite leave to remain (ILR), refugees and those with humanitarian protection, discretionary leave to remain or right of abode in the UK, have the same entitlements to public funds as a British citizen. Also, some categories of overseas nationals with no settlement rights may also be entitled. It is therefore best to check entitlement. The prohibition on claiming public funds or benefits does not apply to public funding for legal help or assistance (legal aid), but check changes in legal aid entitlement.

Victims with no recourse to public funds or ‘persons subject to immigration control’ can pursue the following options for housing and financial support:

- **The Sojourner Project:**<sup>38</sup> In late November 2009, the Home Office set up a pilot project, managed by Eaves Housing for Women, which provides up to 40 days of funding for housing costs and subsistence for victims and their children who entered the UK on a spousal visa with no recourse to public funds while they make an

<sup>34</sup> Article 13(2)(C) of the [Free Movement Directive](#), in force since April 2006. See also Regulation 10(5) of Immigration (European Economic Area) Regulations 2006.

<sup>35</sup> See [Asylum Policy Instructions under Gender Issues for Asylum Claims](#). Further information can also be obtained from [Asylum Aid](#) and [Rights of Women](#).

<sup>36</sup> As defined by section 115(9) of the Immigration and Asylum Act 1999.

<sup>37</sup> According to Home Office leaflet ‘[No recourse to public funds](#)’, public funds are: income-based jobseeker’s allowance; income support; child tax credit; working tax credit; a social fund payment; child benefit; housing benefit; council tax benefit; state pension credit; attendance allowance; severe disablement allowance; carer’s allowance; disability living allowance; an allocation of local authority housing; and local authority homelessness assistance. Legal aid for legal proceedings is not public funds for these purposes. Also child benefit may be payable in some circumstances, so check eligibility. Also see: [Guidance on Public Funds](#). [Editorial note: Given important changes to legal aid, updated advice should be sought].

<sup>38</sup> [Editors’ note: this Project has been replaced by the Destitution Domestic Violence Concession in 2012, please see the Introduction for update].

application for indefinite leave to remain under the domestic violence rule. The pilot will continue until a more permanent solution is found and is subject to changes.

- **Refuges and Advice Agencies:** Approach an advice and support agency, particularly women’s refuges, advocacy and support services (including those specifically providing for BME women), to obtain information, advice and assistance on safe accommodation and financial support. In some areas, there may be schemes available to cover some housing and support costs for victims of domestic violence and other abuses, for example, Southall Black Sisters has a last resort ‘No Recourse Fund’ which can be accessed by calling its helpline 020 8571 0800 or [info@southallblacksisters.co.uk](mailto:info@southallblacksisters.co.uk)<sup>39</sup>
- **Social Care Services:** Contact local authority social care services (particularly if the victim is a pregnant woman, has children or is especially vulnerable due to age, disability or ill health) for help under the Children Act 1989, the National Assistance Act 1948 and other community care and human rights legislation. Local authority support from the social care services department does not count as public funds.

In a letter dated 30 January 2006, the Home Office asked local authority social care services Directors to be ‘mindful’ that some victims of domestic violence could have specific needs for care and attention and/or have dependent children, which may make them eligible for assistance under section 47 of the NHS and Community Care Act, section 2 of the Local Government Act, the Children Act 1989 and other relevant legislation.<sup>40</sup> Advisors could use this letter to support applications for victims of domestic violence and forced marriage, and for legal challenge against refusals. Similar [guidance](#) has also been issued by the Islington Council based No Recourse to Public Funds Network.

If possible, the victim should consult an immigration solicitor before making such an approach for assistance from the local authority as the authority may contact the UK Border Agency to establish the victim’s status. Victims should also obtain legal advice if they are refused or only offered limited assistance by the local authority, or where assistance is offered on conditions which are detrimental to rights of the victim and their children, such as the requirement that children be put into care.

- **Maintenance:** Contact a family lawyer to make an application for maintenance for the victim from the sponsor in the Family Courts. However this option may be limited if it is a short marriage, the sponsor has a low income and if there are long delays or problems in obtaining public funding or a court hearing date. If the victim has children and the parents and children are habitually resident in the UK- obtain advice and consider approaching the Child Support Agency for child maintenance.
- **Asylum Support:** Apply to the Home Office Asylum Support run by the UK Border Agency (UKBA), previously provided by the National Asylum Support

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<sup>39</sup> Southall Black Sisters has limited funding under their ‘No Recourse Fund’ for victims of domestic violence, prostitution and trafficking. This would include forced marriage cases. Check their [website](#) for availability and criteria.

<sup>40</sup> [Contact Southall Black Sisters](#) for a copy of the Home Office letter to local authorities.

Service (NASS), if they are destitute and have claimed asylum under the Refugee Convention 1951 or raised human rights issues under Article 3 of the European Convention on Human Rights 1950, provided that the applications are being considered as such, or at least acknowledged, by the Home Office. The UKBA normally disperse people outside of London after an emergency period (usually 2-4 weeks), and have guidance on domestic violence which they should follow when deciding where to place the victim, who should ask to be placed in a refuge or a safe location. The victim should not give up their accommodation without seeking advice first unless it is an emergency. This is because UKBA have strict guidelines as to the circumstances in which people can be transferred or re-admitted into emergency accommodation or support. Check eligibility as rules are subject to change by contacting the Home Office or ‘One Stop Services’ such as [Refugee Action](#) and the [Refugee Council](#).

**f) ‘Reluctant Spouses’.** In some cases, a victim or their representative may also contact the Home Office in the UK or the British High Commission, Embassy or Consulate in the country where they have been forced to marry or are under pressure to marry in order to sponsor a spouse into the UK. Such contact may enable the victim to obtain information and assistance in escaping a forced marriage. The FMU can provide information on the options available to victims who are reluctant to sponsor their spouse’s visa once they have returned to the UK (see information on Immigration Rules and Reluctant Spouses, from the latest [Guidance from the FCO](#) and also the Entry Clearance Guidance - General Instructions).<sup>41</sup> An earlier initiative to set the minimum age of marriage at 21 with the stated aim of curbing forced marriages was overturned in 2011 following a legal challenge on grounds of discrimination- check the latest legal situation.

**6.1.8 Other Agencies:** All agencies have a role in the protection of victims, including teachers, counsellors, health professionals, and staff at job centres and benefit offices who may notice problems.. All these agencies should make contact with the FMU, the police, social care services and women’s groups to obtain assistance, report abuse and to make a referral. This may be the only opportunity the victim has to ask for help. Multi-agency forced marriage statutory and practice guidelines cover educational institutions and health agencies:

**Schools and Colleges:** Teachers, counsellors, support staff, and child protection and education welfare officers in schools and colleges are often the first to suspect or become aware of forced marriage and other abuse within the family. Signs include children missing from school or on extended holidays, or young people being removed

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<sup>41</sup> Para 13.19 - Reluctant spouses (fiancé(e)s) states:

*Where a sponsor (usually a wife/fiancée but occasionally a husband/fiancé) tells you that he/she has been forced into a marriage and does not support the entry clearance application, he/she may ask that this information is not divulged as their family may take action against them. Where a sponsor gives such confidential information to an ECO it will not usually be appropriate to record these statements in the main body of the Q + A interview notes. The interview notes will form an integral part of any appeal and this information might result in adverse consequences for the sponsor. It will be more appropriate to record the statement separately. You should ask the sponsor to sign and date this statement and signify that it is true and has been given freely. In any case involving a forced marriage, you should contact the Forced Marriage Unit (FMU) +44 (0)207 008 0151.*

from college. There may also be poor attendance and performance at school/college as well as direct reports of forced marriage and abuse by students and friends.<sup>42</sup>

**Health Agencies:** General Practitioners, counsellors, hospital doctors and nurses and other health workers may also come across the problem when young people or their families approach them for their medical and emotional needs, which may include depression and self-harming behaviour. Some hospital departments, such as maternity, are now asking routine screening questions on domestic violence, which may also highlight cases of forced marriage.<sup>43</sup>

All agencies should keep a record of the report or disclosure made to them for information, medical and evidential purposes. They may also have to remain involved in the case for strategy planning, and may play a key role in contacting and assisting the victim. For example, some victims may only be allowed access to teachers, employers, job centre workers or medical personnel, and these professionals may act as a valuable liaison point between the victim and other agencies assisting them.

## 6.2 Help Abroad

Although the FCO can assist British and, in most cases, dual nationals, it is still difficult for victims to access help once abroad. Victims are often held in remote areas, very distant from the nearest High Commission, Embassy or Consulate, with no means of communication or support. They are often deprived of their liberty and have their passports, tickets, documents and money removed from them. It is strongly advised that where a victim has the slightest suspicion that they may be forced into marriage, they should NOT travel abroad. However, if travelling is unavoidable, they should take the precautions outlined above (See Sections 3.1 and 3.2 entitled “Dos and Do Nots”).

If the victim is abroad, contact the FMU before you take any action. The FMU works with High Commissions, Embassies and Consulates abroad, which can assist victims.

**6.2.1 Contacting /Rescuing the Victim:** British Consular officials may attempt to contact the victim directly. Providing assistance may also mean making a visit, with a police escort, to their home address overseas, but usually only after speaking to the victim first. In other cases, they may request the family to allow the victim to visit the High Commission, Embassy or Consulate although this may only be possible after obtaining a court order. Alternatively, contact may only be possible at court. In some cases, contact may be facilitated through a local organisation or lawyer at the request of Consular officials.

In some instances, UK-based and overseas women’s and human rights activists, lawyers, police officers, NGOs, journalists, politicians and government officials have

<sup>42</sup> See pages 54-61 in *Multi-agency Practice Guidelines: Handling cases of Forced Marriage*, HM Government, June 2009. [Editors’ Note; these have been replaced, see discussion in Introduction].

<sup>43</sup> See pages 44-53 in *Multi-agency Practice Guidelines: Handling cases of Forced Marriage*, HM Government, June 2009. [Editors’ Note: These have been replaced, see discussion in Introduction]. Also see [Responding to Domestic Violence: A Handbook for Health Professionals](#), Department of Health, 2005. Also see *Improving Safety, Reducing Harm: Children, Young People and Domestic Violence: A Practical Toolkit for Front-line Practitioners*, Department of Health, 2009.

also successfully intervened, but care must be taken to ensure that the victim’s safety is not undermined by breaches of confidentiality, mediation between the victim and their extended families and community leaders or interference by untrustworthy sources. Trusted agencies or individuals should be included in the co-ordinated strategy to help the victim.

**6.2.2 Return to the UK:** The FCO can facilitate victims’ return to the UK by providing emergency travel documents, helping to arrange flights and, where possible, by obtaining temporary accommodation in the country they are in. The FCO in certain very exceptional circumstances may provide a loan from public funds to help the victim return to the UK. The victim will have to sign an agreement to repay the loan in full and will have to secure the loan by giving up their passport to Consular staff who can issue them with an emergency travel document valid for a single journey to the UK. The FCO may ask a third party in the UK supporting the victim to deposit a sum of money in order to cover the cost of repatriation. The FCO may arrange for the victim to be met on arrival in the UK. The FCO can also help to arrange accommodation for victims upon their return and refer them to national and local support services.

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### **QUESTIONS FOR RISK AND NEEDS ASSESSMENT AND MANAGEMENT**

1. Is the victim about to be or recently married? If so, when and where?
2. Is the victim about to travel within the UK or abroad or has s/he already moved or is s/he overseas? When was s/he expected to return?
3. Is the victim missing? Who has reported them missing? What are the places where the victim may be located or staying?
4. Is there a history of abuse? What is this history? When were the most recent incidents and has there been an escalation in terms of frequency and severity of abuse?
5. Has the victim been threatened with or subjected to acts or attempts to commit physical or sexual assault, abduction or to kill them or others, including children? Did the victim/s sustain any injuries or were weapons used?
6. Has the victim been subjected to any mental or social pressure, including “emotional blackmail” such as threats by their family to disown them, accusations of bringing “shame and dishonour” upon the family or others through their behaviour or the need to fulfil family obligations and duty? Is there any financial or other pressure to marry, including for a dowry, wealth and/or status?
7. Is the victim isolated or imprisoned, and do they have contact with anyone?
8. Have the victim’s (extended) family or community been suspicious of or found out about a marriage or a sexual/personal relationship which the victim may have or suspected of having?
9. Is the victim pregnant or suspected by her family of being pregnant?
10. Does the victim face restrictions on dress, movement, friendships, education or work?

11. Has the victim recently or previously attempted suicide or self-harm? Are they depressed or traumatised? Do they have any mental health problems?
12. Does the victim have any special needs or medical conditions?
13. Is there an immigration issue in the case and is the victim not allowed access to public funds?
14. Does the victim need interpretation? If so, in what language and dialect?
15. Who is the spouse or intended spouse and are they related to the victim (eg a cousin)?
16. Do the victim's (extended) family or community have conservative attitudes towards marriage or do they subscribe to ideas of family 'honour'? Is sexual and social behaviour or sexuality, particularly female sexuality, tightly controlled within the family/community?
17. Do the alleged perpetrators have a criminal record or abusive history? What is the nature of this history and is it linked to issues such as any alcohol and substance misuse or mental health problems?
18. Do the alleged perpetrators have good links with community networks, 'bounty hunters' or gangs? If so, are they likely to use or hire them or others such as private detectives?
19. Was the victim about to leave home or did their (extended) family or community suspect that they may do so?
20. Did the victim recently leave home or have a history of being harassed and/or stalked? If so, by whom?
21. Has the victim returned home or been in touch with their (extended) family or community following a history of abuse within the family or community?
22. Have other people, such as the victim's partner, friends, relatives or professionals who have worked with them experienced any threats or abuse?
23. Have other people in the family, such as cousins and siblings, been subjected to or threatened with a forced marriage or faced any reprisals when marrying by choice?
24. Did the victim report to any agency or tell anyone about their situation? What were the details and outcomes?
25. Are there any injunctions, bail conditions and court orders in place or legal proceedings pending or concluded? If concluded, what was the outcome?
26. Does the victim have information regarding their options or any plans about what to do in event of an emergency or if they are subjected to a forced marriage or other abuses?
27. What is the victim likely to do if a certain course of action is followed, for example, if a home visit is made by the police and/or social care services, or they are produced before a court? Can the victim be safely contacted in advance to establish their views and circumstances?
28. What are the victim's (extended) family and community likely to do if a certain course of action is followed?
29. What is the current situation and what are the short-time and long-term risks and needs?
30. How can the victim and others at risk (including professionals involved in the case) be assisted, and how can only trusted sources of help be used?