

A choice by right



Summary of the report of the working group on forced marriage

Foreword

Our journey as parents is our most difficult and treasured. As many of us have migrated to Britain, the innate sense of obligation to maintain our cultures, languages and traditions have sometimes overwhelmed our ability to develop as a natural family unit.

The aspirations we have for our own children are sometimes marred by the need to protect them from harm and what is often seen as a Western influence. Nevertheless, the cherished dream of untainted success for our children is the central focus of all good parents.

It is to parents in particular that we want to speak about what we have learned. And why we are committed to changing attitudes to prevent using force to secure a marriage.

We were struck by the willingness of so many within our communities to tackle what is so clearly unacceptable behaviour within our society. There is rapid acceptance that children must be talked with and their views listened to.

Many parents use religious rationale to justify their use of force and violence. No religion of the world restricts choice, and we believe that good parents cannot either.

It was against the background of a Parliamentary Debate on the Human Rights of Women in February 1999 that our investigation began. We both accepted the invitation to chair this Working Group because of the commitment at the highest levels of Government to tackle this violence and abuse.

Reaching out to as many people as possible was one of our aims. We believe that a good dialogue has been initiated across communities as well as enabling Government Departments to become aware of the profile of our communities, often for the first time. We hope that our findings will enable dialogue and collaboration within and between the service providers, as well as with communities.

We believe that communities themselves need to be empowered so that forced marriage can be tackled. We also feel it is important to say that without a commitment to tackle the lack of representation of women, particularly Asian women, in prominent public positions many of the problems of empowerment highlighted in this report will not be resolved.

A great deal of detailed work has gone into our report. The Working Group is grateful for the support we received from Mike O'Brien and especially to the Government advisors to the Working Group for the huge amount of effort they put in to help us conclude our work. We want to take this opportunity to thank all the organisations we encountered, both during our visits and who responded to our call for evidence.

Most importantly, we salute the victims of forced marriage who were courageous in speaking out about their experiences.

Members of the Working Group brought a variety of perspectives along with a firm commitment to starting a process of change for the better. We have reached a broad consensus on important practical actions.

Now the Government and public services must play their part in taking this forward, in partnership with community and women's organisations, the opinion formers and the communities themselves.

For it is the communities, and above all the parents, who now need to take the leading role in eradicating forced marriage and giving all of our children peace of mind.



Baroness Uddin of Bethnal Green



Lord Ahmed of Rotherham

Building understanding

A forced marriage is a marriage conducted without the valid consent of both parties, where duress is a factor.

- It is a violation of internationally recognised human rights standards and cannot be justified on religious or cultural grounds.
- A clear distinction must be maintained between forced and arranged marriages. That distinction lies in the right to choose. The tradition of arranged marriage should be respected and valued.
- Forced marriage is a hidden problem. The Working Group has found that there is a lack of reliable data on cases of forced marriage in England and Wales.
- Forced marriage should be seen primarily as an issue of violence against women. The majority of cases the Working Group encountered involved young women, from teenagers to people in their early twenties.
- Much of the evidence presented to the Working Group involved families with a cultural background in the Indian sub-Continent. But many families with a cultural background in the Indian sub-Continent will never have come across an instance of forced marriage.
- The Working Group also heard of cases involving families from East Asia, the Middle East and Africa.
- The issue of forced marriage should not be used to stigmatise any community.
- Many cases brought to the Working Group's attention involved a spouse from overseas.
- The consequences of a forced marriage can be devastating for the whole family. The victims of forced marriage suffer terribly, but parents, siblings, and the wider family members suffer too.

The law and forced marriage

- Duress is always a factor of a forced marriage. Marriages can be annulled in England and Wales if consent was obtained through duress. Young people and parents need to be made more aware of this.
- There is no specific criminal offence of forcing someone into a marriage in England and Wales and the Working Group does not support the creation of a new offence.
- People who force others to marry often commit serious criminal offences in doing so. There have been prosecutions for threatening behaviour, assault, kidnap and murder associated with cases of forced marriage.
- The Working Group has found that the existing legal framework offers a great deal of protection to children at risk of being forced into a marriage, for example through the Children Act or the court's inherent wardship jurisdiction.

Tackling forced marriage

The Working Group recommends that organisations should assess what action they can take to tackle forced marriage with a view to developing their own responses. This work needs to be led by Government, through Departments and their services.

Action to tackle forced marriage should be developed and implemented as part of mainstream services. Much can be done through a re-assessment of existing protocols and procedures, taking account of the needs of victims of forced marriage. Particularly protocols and procedures aimed at tackling domestic violence and child protection.

Meeting the needs of victims

The Working Group believes that the starting point should always be the perception and need of the individual. They know when they are being forced to do something against their will and a person's cry for help should be the trigger for a range of appropriate responses.

The Working Group identified the following basic needs, which should always be considered when providing help to a victim forced marriage:

- Personal safety
- Confidentiality
- Accurate information about rights and choices.



Forced marriage: A marriage conducted without the valid consent of both parties, where duress is a factor.

There are many similarities between the needs of victims of forced marriage and those of domestic violence and child abuse. Services should draw on their experience in tackling these issues in developing their response to the problem of forced marriage. They also need to draw on the experience and expertise of each other and other partners, including community and women's organisations.

Preventing forced marriage

The Working Group has found that challenging and changing people's attitudes is the key to preventing forced marriage. This could be achieved through:

- Tackling the lack of awareness about individual's rights – both legal and religious – relating to marriage
- Facilitating a dialogue between young people and their elders about their expectations
- Opinion formers sending a clear and consistent message about the unacceptability of forced marriage
- Public information and education campaigns relating to human rights and family life
- Making clear the consequences of forced marriage on individuals and families.

Guiding principles for tackling forced marriage

The Working Group recommends that these guiding principles should be adopted in developing a response to forced marriage within any organisation or area of service delivery:

- Commitment
- Safety and protection
- Sensitivity
- Involving communities
- Multi-agency working
- Monitoring
- Training
- Promoting awareness of rights and services.

Monitoring implementation

The Working Group recommends that the All Party Parliamentary Group on Domestic Violence should take forced marriage as an issue within its remit and work programme; and that the Inter-Departmental Group on Violence Against Women should monitor the action across Government Departments.

The Working Group

In August 1999 Home Office Minister for Community Relations, Mike O'Brien, established the Working Group to investigate to what extent forced marriage was a problem in England and Wales and to make proposals for tackling it effectively. Baroness Uddin of Bethnal Green and Lord Ahmed of Rotherham jointly led the Working Group.

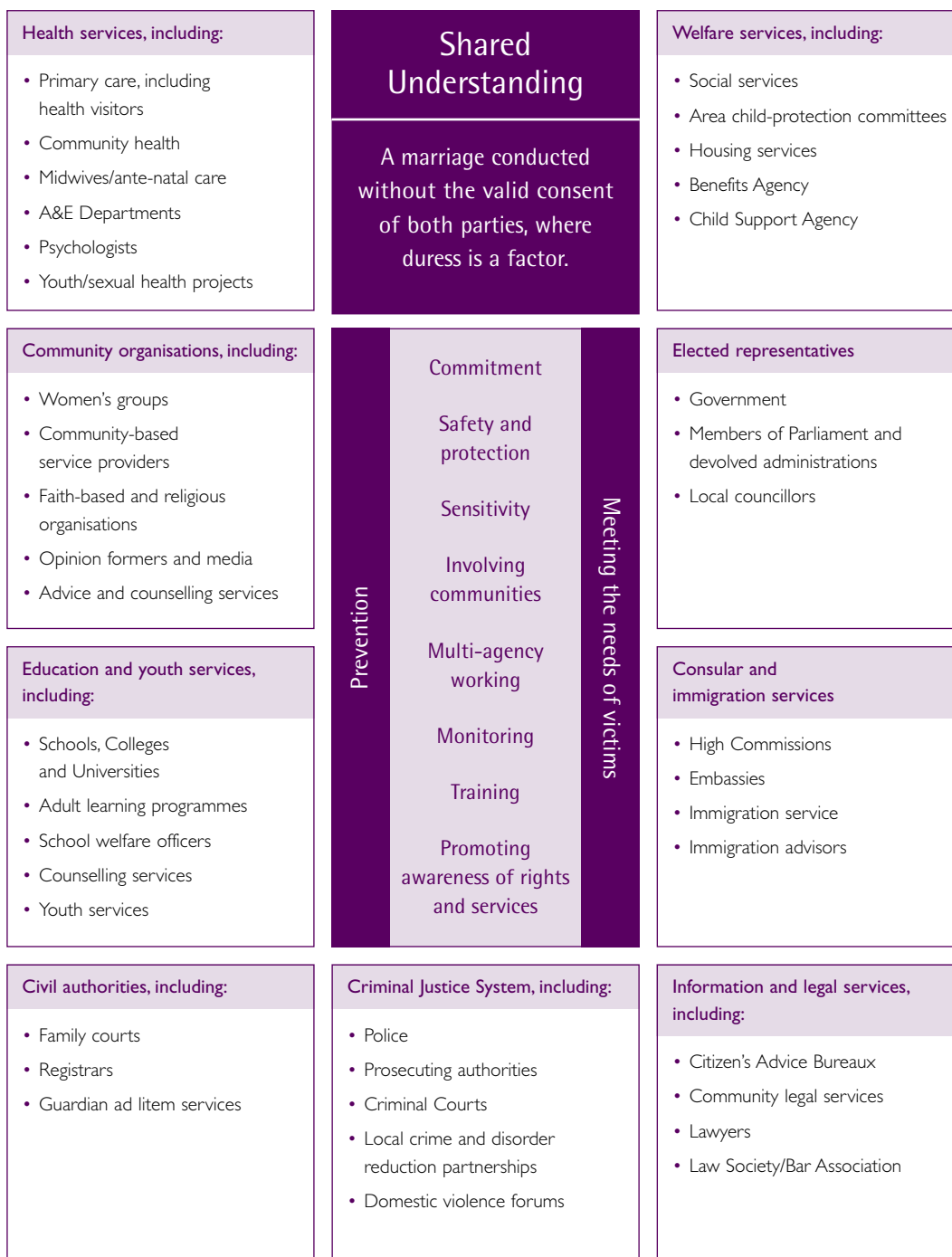
Terms of reference

The terms of reference of the Working Group were to:

- probe the extent of the problem;
- engage all of the relevant service delivery agencies, affected communities and relevant non-governmental organisations on this issue;
- stimulate a public debate to raise awareness of the issue of forced marriage; and,
- develop a comprehensive strategy for tackling the issue of forced marriage effectively, including preventative measures.

The Working Group undertook an extensive consultation exercise from August 1999 to April 2000 involving written evidence, seminars, visits to women's organisations providing front line services to victims, and meetings with victims of forced marriage and their families.

- Victims of forced marriage and their families and friends
- Women's organisations and groups
- Human rights organisations
- Community and religious institutions and organisations
- Parliamentarians
- Government Departments
- Local authorities
- Police forces
- Social services
- Housing services
- NHS Executive
- General Practitioners
- Health services
- Education authorities
- Youth services
- Teachers and headteachers
- Colleges
- Universities
- Academics and researchers
- Journalists
- High Commissions and Embassies
- The Immigration Service
- Lawyers
- Members of the judiciary
- The Official Solicitor
- The Registrar General
- Unions and professional organisations
- National charities
- Advice services



This is a summary of the findings of the Working Group's report. The full text can be found on the Home Office web-site at: www.homeoffice.gov.uk

