



Refuge response to the forced marriage consultation - a wrong not a right January 2006

Introduction

Refuge provides a national lifeline for thousands of women and children. Refuge is the country's largest single provider of emergency refuge accommodation and support to women and children escaping domestic violence. On any one day we support over 900 women and children. Since opening the world's first refuge in 1971 Refuge has had over 35 years experience of supporting women and children experiencing domestic violence.

Refuge provides safe, emergency accommodation through a growing number of refuges throughout the country and runs the Freephone 24 hour National Domestic Violence Helpline, in partnership with Women's Aid. Refuge offers individual and group counselling for abused women and children and community based outreach services for women, including specialist services for minority ethnic communities. Refuge advises foreign governments on the development of domestic violence strategies.

Refuge runs award winning media and advertising campaigns to raise public awareness nationally and internationally, whilst campaigning and lobbying for better provision for women and children experiencing domestic violence.

Refuge's black, minority and ethnic services

Refuge works with women from a vast and rich diversity of cultural backgrounds. Refuge's work with women from black, minority and ethnic women who experience domestic violence has highlighted the many additional pressures abused women face. Some of these pressures include those arising from culture, such as shame and izzat, as well as social exclusion and language difficulties. In 2005 the Home Office reported that while black, minority and ethnic communities are not disproportionately affected by domestic violence, they are much less likely to access public services.

Refuge opened its first refuge for Asian women and children in Derby in March 2003. Since then our services have grown to include refuge accommodation in Stoke and Richmond and floating support schemes in Derby and Staffordshire. On average Refuge's Asian services receive approximately 40 calls a month from women experiencing forced marriage, although we also know that many women are reluctant to come forward so this figure is not a true reflection of the scale of the problem.

Since 1997 Refuge has also run a community based project in three London boroughs which supports women from Vietnamese, Asian, Somalian and Turkish communities. The project delivers one-to-one discreet, culturally sensitive and confidential support, comprising crisis intervention, safety planning, practical casework/advocacy and weekly support groups. The project supports over 100 women per year. In south London Refuge runs refuges for African and African-Caribbean women.

Forced marriage criminalisation consultation

Overview

Refuge welcomes the government's commitment to addressing forced marriage. As the consultation document rightly states, the practice of forced marriage clearly contravenes national and international legislation. There can be no doubt that forced marriage is a serious crime and it is essential that the state intervenes to protect victims.

Forced marriage is a specific manifestation of domestic violence. It has its own causes and solutions, but needs to be seen within the broader context of domestic violence.

Refuge has consulted with staff, women in refuges, women accessing community support groups and drop in centres and women who access our one-to-one support services. Responses from participants have been included in appendix 1.

Refuge, like the government, recognises that the debate around criminalising forced marriage is an extremely complex and sensitive issue.

Should forced marriage become primary legislation

Refuge is recommending that forced marriage should not become primary legislation.

We support the view expressed in Southall Black Sister's response to the consultation paper that it is not necessary to create a separate criminal offence of forced marriage. Existing legislation, if properly implemented, would be as effective as primary legislation. Southall Black Sisters is also urging the government 'to address civil law, access to legal aid, provision of alternative safe and secure housing, financial support and increased awareness in schools as some alternative means by which to signal to society that forced marriage is a crime', Refuge fully supports these recommendations.

We believe that the existing criminal law should be better implemented and in so doing forced marriage will be recognised and treated as a crime.

Refuge is recommending that:

- Mandatory forced marriage training for the police, CPS, judiciary and social services to enable them to ensure better implementation of current legislation
- A review of current sentencing guidelines to explore the possibility of forced marriage acting as an aggravating feature
- Culturally appropriate support services for black, minority and ethnic women: refuges; community projects; advocates are developed
- An extensive, long term forced marriage prevention and education campaign is carried out
- Adequate funding is secured to resource this activity.

What does the government need to do

Refuge believes that domestic violence, and all forms of violence against women, will only be addressed when the government puts a fully funded national violence against women strategy in place. In the same way that domestic violence must be addressed through a three prong approach – protection, prevention and provision – so must forced marriage.

Protection

Refuge believes that the rigorous implementation of current legislation will act as an effective deterrent where women are experiencing forced marriage. To ensure legislation is implemented, the government must ensure that resources are made available to provide mandatory forced marriage training, as part of wider domestic violence training, for all professionals: the police; the CPS; the judiciary; CAFCASS; social services.

Prevention and education

It is Refuge's belief that forced marriage, which is a subset of domestic violence, will only end when the whole of society sees it as a crime.

To achieve this end the government must put an extensive, long term, fully funded, multi-tier forced marriage prevention and education campaign in place.

Raising awareness of forced marriage as a crime must permeate throughout all of society. It is one of the only ways in which communities throughout the country will begin to recognise and understand that forced marriage is against the law.

Prevention and education strategies need to be multi-tiered and challenge:

- Society's response to domestic violence and forced marriage
- Beliefs within core communities where forced marriage is perpetrated. Women need to know that forced marriage is against the law and that there is help and support available. Perpetrators and would-be perpetrators need to be challenged
- Attitudes of friends, other members of the family and the wider community. Raising awareness of the fact that each and every one of us has a role to play in bringing this crime to an end

Solutions could include:

- Seminars with key community groups in the UK and abroad
- One-to-one discussions with key community leaders in the UK and abroad
- Campaigns in relevant media such as Asian Woman to address forced marriage and highlight services that are available to women. Other popular titles include Eastern Eye, Asian Bridal, Desi Pardes, Akbarai Jaha
- High profile media campaigns to highlight the law e.g. the recent Metropolitan Police domestic violence perpetrator campaign which highlights that the police do not need a victim's statement to prosecute, prosecutions can be made through third party evidence. Perhaps a similar zero tolerance campaign could be undertaken to highlight forced marriage?
- School common room campaigns (which support lessons taught within classes)
- Campaigns to run at international departure points. Posters which refer women to agencies able to support them could be put in toilets, emergency phones in toilet areas to airport police, specific training for airport personnel so that they can respond effectively and women can receive the support they need.
- Information in public places – libraries, cafes, sports centres, doctor's surgeries, religious centres, health centres, universities, shopping centres.

Alongside addressing the public's attitudes, it is essential that violence against women becomes a core part of the education curriculum. Children of all ages and backgrounds must learn from an

early age that violence and forced marriage are against the law. Children must learn that forced marriage is an abuse of human rights.

Refuge is urging the government to consider making violence against women a core component of the mandatory school curriculum. Only when forced marriage is covered as a 'must do' subject will young people realise that forced marriage is an human rights abuse.

Alongside a mandatory curriculum module teachers should receive appropriate training as part of their Post Graduate Certificate in Education training. Understanding the roots of forced marriage, the prevalence, the myths and the cultural implications must be extensively taught. Teachers must also be taught that services are available to help young people and their parents

DfES involvement is critical and Refuge hopes that the department will support this issue.

Provision

It is essential to raise awareness and challenge social attitudes, but in so doing it will create an expectation within the community that services are available. Women experiencing forced marriage must have sufficient access to refuge accommodation, community group and individual programmes and specialist black, minority and ethnic advocates. At present there is a shortage of generic services for women, but services for black, minority and ethnic women are woefully under provided. This needs urgent redress.

International work

Refuge would like to recommend that a programme of work is developed which addresses building key links with counterparts in countries where high levels of forced marriages take place. As highlighted in the government's consultation document this is a key area of concern as many young girls are expatriated in order to be forced into marriage.

Funding

A sustainable national violence against women strategy that includes forced marriage work, alongside other key black, minority and ethnic work, must be developed, implemented and supported by adequate funding. Refuge would like the government to make a firm commitment to allocating additional funding to support protection, prevention and provision work.

On a final funding note, Refuge would like to raise the issue of women who have no recourse to public funds. Each year thousands of non-British black, minority and ethnic women are unable to access state funding when they leave a violent partner. This means that thousands of women continue to live in fear of terror and abuse as they have no other option. Refuge is urging the government to give further consideration to changing the law to enable non British citizens who experience forced marriage, and other forms of domestic violence, to be entitled to the same benefits as British citizens. In the interim Refuge is urging the government to seriously review funding for The Last Resort Fund.

- Ends -

Appendix 1: Refuge consultation response

- 19 women attended the focus group
- 8 women responded to the questionnaire

Note: whilst it is of great value to have received feedback from women accessing Refuge's services, it must be noted that the majority of respondents are women who have escaped domestic violence. The feedback does not take into consideration the many thousands of women who are either facing forced marriage or who continue to live with a forced marriage and who have not accessed help.

Response to consultation questions

1. Have you encountered the problem of forced marriage? How were these cases brought to your attention? How many cases are you aware of? What were the age, gender and ethnic backgrounds of the victims?
 - *Feedback from the group: at least two forced marriage examples could be sighted per respondent. One woman told us that there had been '8 cases in my family'. The majority of victims were women, aged 15-20 and Pakistani*
 - *At Refuge our services support an average of 4 women a month who experience forced marriage*
2. Do you think victims and potential victims would be less likely to seek help if forcing someone to marry became a criminal offence? In what ways do you think this risk might be reduced?
 - *The overall feedback from the women who responded to this consultation was very mixed. Responses included:*
 - *'No. It may empower a woman to know that the law is on her side, it will make it much easier for her to get help'*
 - *'If the law is on your side you're more likely to get help. However, victims would probably be afraid of prosecuting their families'*
 - *'Yes – because the victim would be stuck in the middle between parents and the law. Plus their own happiness therefore they are more likely to go through with a forced marriage'*
 - *The over-riding feedback was that although laws are important, there is a great fear of prosecution. The group wanted the current laws to be better understood and better adopted by professionals*
3. Do you think that families might seek to find a way around a new law by taking potential victims abroad? In what ways might this risk be mitigated?
 - *The consultation group agreed that taking victims abroad may be a likely outcome*
 - *This concern could be mitigated by: mandatory forced marriage awareness in schools; teachers trained to identify and support young people who might be in danger; information in libraries; better support at airports and other exit destinations; making forced marriage of British citizens a criminal offence, no matter which country they are abducted to (please also refer to question 20)*
4. Do you think there are already sufficient criminal offences and protective measures? Are they being used to full effect? If not, what suggestions would you make to encourage better use of existing law?

- *At the beginning of the discussion the group felt that there were not sufficient criminal offences available to women faced with forced marriage – but that was due to the fact that the group had very little understanding of the current laws. Answers included:*
 - *'Maybe but girls are not aware of them'*
 - *'We as a community don't know about the laws, but neither do the police and health and social professionals'.*
 - *At the end of the discussion the majority of the group agreed that there were sufficient criminal offences, but little knowledge of them within communities, or with professionals.*
5. Would the potential of few prosecutions devalue a new offence?
 - *Although overall opinion within the group was split on the matter of making forced marriage primary legislation, everyone agreed that few prosecutions would not devalue a new offence.*
 6. Is there a risk that the disproportionate impact on Black and Minority Ethnic communities will be misunderstood or handled badly? In what ways could such risks be reduced?
 - *Again the group was split. There was a concern that a law might cause conflict, but only if it was not explained in full.*
 7. To what extent would perpetrators feel implicated by a new offence? How could we help them understand the difference between arranged marriage and forced marriage?
 - *Some of the respondents felt that perpetrators would claim that their 'culture was not understood' and that there might be a danger that the practice of forced marriage would continue and victims would be threatened to keep quiet*
 - *The group felt that there was still a lot to explore in terms of 'arranged' marriages. There are some arranged marriages which are undertaken with the consent of those committed to be married, but there are still many marriages which occur which are 'arranged' under duress and therefore need to be understood as a type of forced marriage*
 - *The group felt that the way to get people to understand the difference between arranged and forced marriage was to run a mass media campaign to reinforce the importance of 'consent'*
 8. Would the expense of creating a new offence be justified? Might the resources be better used on other work?
 - *The group could not answer this question. Saving lives should not be considered on a cost basis.*
 9. Would the potential for prosecution make it harder for victims to reconcile with their families?
 - *Over 90% of our respondent feedback felt that reconciliation would be much harder*
 10. Would any increased involvement in criminal prosecutions make it harder for victims to move on?
 - *Nearly everyone who responded believed that a prosecution would not make it harder to move on. Instead they felt that a prosecution would:*
 - *'In many cases victims will feel more able to continue with their lives'*
 - *'The biggest step is saying no. Criminal prosecutions may help a victim feel that she did the right thing'*
 - *'It's hard enough – no.'*

11. Do you think that non-legislative measures are sufficient to combat this problem? What more can the Government and its partners do to communicate the unacceptability of forcing someone to marry?
- *The overall feedback was again split. Feedback included:*
 - *'We already have the laws in place – but people are not aware of them'*
 - *'We have enough non-legislative measures but they must empower the victim'*
 - *'No – because of honour killings'*
 - *'We need to be hard on this issue and act as we mean to go on'*
 - *With these responses in mind, although the government sights a number of ways in which it has communicated that forced marriage is a crime, the law is still not understood*
 - *Feedback from the group suggested the following ways to communicate that forcing someone to marry is a crime: working with leaders abroad; education and extensive training for a wide range of professionals; education in schools; education in communities; for more support to be available – support that is tailored to a person's age*
12. Are there any other potential disadvantages to creating a specific offence of forcing someone to marry?
- *Feedback included the following comments:*
 - *'Ostracising foreign communities living in this country'*
 - *'I would find it hard, my parents or family would be arrested'*
 - *'Women will be pressured or punished not to tell the police'*
13. Do you think that criminalising forcing someone to marry would change public opinion, particularly in those communities most affected?
- *The overall feedback suggested that it might be possible to address the attitudes of the younger people, but not the older generations.*
 - *Whilst some of the group supported making forced marriage primary legislation, feedback also showed that this would not help bring an end to the illegal practice of forced marriage. Part of the group felt that the laws are already in place – the public and the professionals need to understand this.*
14. Do you think that criminalising forcing someone to marry would provide a strong deterrent? How could we maximise that effect?
- *As referenced above, the feedback from the consultation was split 50:50 with some of the group believing that primary legislation would act as a strong deterrent and others believing that it would drive the issue underground.*
15. Do you think that criminalising forcing someone to marry would provide victims with more tools to negotiate with their relatives?
- *The over-riding feedback from the group agreed that a greater understanding and more awareness of the fact that forced marriage is against the law would definitely give women more tools with which to negotiate.*
16. Do you think that the creation of a new criminal offence would make it clearer and easier for people to tackle the problem?
- *A range of answers were given which include:*
 - *'Yes, if the woman knew that there was support available'*
 - *'It will help'*
 - *'It will make the situation worse for most women'*

17. Would a new criminal offence help to bring perpetrators to justice? How important is that to victims and to the community at large?
- *There was much uncertainty from the feedback we received as to whether the group felt justice would be served. Some women wanted justice to be served and felt that the crime should be punished, but they also felt that evidence would be carefully hidden and that the community would close down on any questions being asked. This would therefore make convictions very unlikely.*
 - *With regards importance to the community the group felt that making forced marriage primary legislation would be important to future generations, but less so to current generations.*
18. On balance, should the Government introduce a criminal offence for forced marriage?
- *Overall the consultation group gave a mixed response.*
 - *Refuge's recommendation can be found in the conclusion.*
19. If the Government were to introduce a specific criminal offence relating to forced marriage, which of these options would be most effective and appropriate? What do you see as the advantages and disadvantages of each option?
- *The group did not have time to have this discussion in enough detail to provide a response.*
20. Should an offence of forced marriage apply when the offence takes place overseas? Would it be possible, in practice, to bring successful prosecutions in respect of forced marriages that take place overseas, especially in areas where it is not universally condemned?
- *The majority of feedback indicated that forced marriage for British citizens should be a crime when practiced overseas. Difficulties in achieving prosecutions were acknowledged, but an ongoing programme to build relationships and policies should become a key area of work.*
21. Who should be prosecuted in the cases of forced marriage? Should you be prosecuted if you were also the subject to duress? Should these decisions be left to the discretion of the prosecuting authorities?
- *The question of who to prosecute needs to be considered as part of a more extensive consultation process.*
22. How should the guilt be proven? Are there likely to be realistic cases of successful prosecution without a testimony from the victim?
- *The group felt that third party evidence, photographic evidence, marriage family history records were key tools.*
23. If a specific offence was created what should the penalties be?
- *As per question 21 this is an extensive area and should a new offence be created Refuge would recommend that a sentencing consultation be considered separately.*
24. Should there also be a specific offence of forcing someone into a civil partnership?
- *The group did not answer this question sufficiently.*
25. Are there any other practical aspects we need to consider?
- *Police training, thorough investigations, education in the community for the public and in schools.*

26. How successful has the Government been in communicating the unacceptability of forced marriage, particularly that force can include emotional as well as physical force?
- *The feedback from the Refuge consultation group suggested that awareness was very low. The group was aware of some media interest but there was no awareness of a campaign that has worked to influence communities.*
 - *The group felt that there was much more awareness of physical force in relation to a forced marriage, but that there was still much to do in terms of understanding emotional force and duress, both are still seen as positive 'tools' to assist an 'arranged' marriage.*
27. In what other non-legislative ways could the Government communicate this message?
- *Leaflets, support groups, accessible information, training and education.*
28. How could the Government encourage community leaders and other organisations to help communicate this message?
- *The group felt that before community leaders and organisations could start their own communications programme a separate and bespoke education campaign for key leaders needs to be put in place. Once achieved, and once full support has been gained, community leaders would be very important figureheads in the communication within communities that forced marriage is a crime.*
 - *The group also thought that sharing real life examples as part of this educational programme would be of great help.*
29. What more needs to be done to empower people to withstand pressure to get married?
- *Everyone who responded believed that access to vital support services was critical. Women who experience forced marriage need to know that they are not alone, that there is help available, that they can live independent lives.*
 - *The group also discussed funding for women with no recourse to public funds. There was unanimous support for equal access to payments for women experiencing forced marriage/domestic violence irrespective of whether they are a British citizen. The feedback asked how the government could expect other countries to respect our laws if we do not give non-British citizens the same support as we give our own citizens.*
 - *Again the vital role that education has to play was mentioned. Young girls/women must be told their rights at school (perhaps there could also be a programme of activity where women who are entering the country from abroad are also told their rights through interpreters) and young women must be educated to understand that forced marriage is a crime.*