

# **West Lothian Child & Adult Protection Committees**

## **Forced Marriage Guidance (Adults and Children)**

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## **1. Background**

### **1.1. Forced Marriage**

Forced marriage is **a Child or Adult Protection matter and follow the relevant child protection or ASP procedures.**

### **1.2 What is Forced Marriage?**

A forced marriage is one where a person is forced into a marriage without their free and full consent or, in the case of children, some adults with incapacity and some adults at risk, where consent cannot be given. 'Force' includes coercion by physical, verbal or psychological means, threatening conduct, harassment or other means. 'Force' also includes knowingly taking advantage of a person's incapacity to consent to marriage or to understand the nature of the marriage. Where there is forced marriage there will be an element of duress involved. Duress can include physical, psychological, financial, sexual and emotional pressure. Duress may be from parents, other family members and/or the wider community. The person is under immense cultural pressure to conform to the wishes of family and community. This is often accompanied by severe physical, emotional and sexual abuse. It is not uncommon for the person to be killed (so-called 'honour' killing) or commit suicide.

In the case of adults, involving or informing the family may increase the risk of significant harm to the person and practitioners should not approach an adult's family, friends or members of the person's community without the permission of the individual.

In the case of children, the IRD participants should consider carefully how, when and by whom the subject will be raised with parents/guardians.

### **1.3 What is an Arranged Marriage?**

An arranged marriage is one in which the families of both spouses are primarily responsible for choosing a marriage partner for their child or relative, but the final decision as to whether or not to accept the arrangement lies with the potential spouses: both spouses give their full and free consent. The tradition of arranged marriage has operated successfully within many communities for generations.

### **1.4 Who is affected?**

Forced marriage is a form of violence against women/gender-based violence and most cases involve women and girls between the ages of 13 and 30. However, both men and women can be the victim of forced marriage. Forced marriage is associated with other forms of domestic abuse and 'honour-based' abuse.

Forced marriage is not associated with particular religions or religious practices and has been recorded in Christian, Jewish, Hindu, Muslim and Sikh communities. Some forced marriages take place in Scotland with no overseas element while others involve partners coming to the UK or a British national being sent abroad.

## 1.5 Legal Context

Forced marriage is an abuse of children's rights under the UN Convention on the Rights of the Child. It is also an abuse of the basic human rights of children, young people and adults, as set out in the European Convention on Human Rights and is directly contrary to the domestic laws of Scotland and the UK. Forced marriage is illegal in the UK.

## 1.6 Forced Marriage Protection Orders

The Forced Marriage etc. (Protection and Jurisdiction) Scotland Act 2011 created Forced Marriage Protection Orders (FMPO). A FMPO is a legal order protecting a person from being forced into a marriage. An application for a FMPO is usually made to the Sheriff Court by a Local Authority. Other persons can apply with leave of the court e.g. Police Scotland. The Local Authority could, being a relevant third party chooses, in consultation with the police to seek a FMPO. In certain circumstances a court can make a FMPO without an application where it considers an order should be made to protect a person.

If there are complexities associated with factors such as immigration status, nationality, dual nationality and whether the person is in Scotland, elsewhere in the UK or overseas the Forced Marriage Unit should be contacted by one of the IRD participants for advice as these complexities affect how the persons can be assisted. The Forced Marriage Unit (FMU) is a joint Foreign and Commonwealth and Home Office Unit.

Forcing someone into marriage is a criminal offence in Scotland - Anti-social Behaviour, Crime and Policing Act 2014.

## 2. What to do

If there is a concern that a child or adult is being or has been forced to marry then **Child Protection or Adult Protection procedures must be followed** and an immediate referral made to social work services and/or the Police. Any agency can initiate an IRD.

In response to a forced marriage referral an Inter-agency Referral Discussion (IRD) should be conducted by the three core agencies - Social Work, Police Scotland and Health.

Social Work should speak to the Council's legal services about the circumstances of the forced marriage referral and the outcome of the IRD in order to consider applying for a legal order to prevent forced marriage and ensure the immediate safety of the person involved. Police should consider the need for alerts at UK borders.

The IRD should identify which participant will contact the Forced Marriage Unit for general advice and to discuss specific issues related to immigration status; nationality; dual nationality etc. where applicable.

As with any Adult or Child Protection IRD the purpose is to share and analyse information, identify risks and protective factors and agree a proportionate and timely response, any immediate action that needs to be taken and agree an interim safety plan. It may be necessary for IRD participants and relevant professionals to meet with the Council's legal services and others to discuss immediate action that is required.

As with any IRD, participants should consider the need for an adult protection case conference or planning meeting or child protection case conference or child's planning meeting.

## 2.1 Key Practice Messages and Checklist - Adults

### Focus on safety and protection

- **Always** focus on the safety and protection of the person. Do not discuss with the person's relatives – this could increase the risk.
- **Always** take the views of the person seriously and recognise the potential risk of significant harm to them by their family if they don't agree to a forced marriage: families have killed in the name of 'honour'.
- **Never** attempt family counselling, mediation, arbitration and reconciliation as this may put the person at risk e.g. they could be married immediately by skype or telephone.

### One chance checklist

You may only have **one chance** to speak to the person.

- If the risk of harm is imminent then contact the Police on 999.
- See the person on their own and in a secure and private place. You should use an 'excuse' so you don't alert family why you are meeting.
- Reassure the person that you understand. Information will not be shared with others and you will find them support.
- Accept their wishes given age, maturity and level of understanding.
- Explain all the options and possible outcomes.
- Ensure an independent translator is obtained or a communication specialist is used for a person who is deaf or has learning disabilities etc.
- Give them (or help them memorise) your contact details and/or those of the police or a support agency such as DASAT (Domestic and Sexual Assault Team)

There are risks in using anyone to translate for the person so care must be taken to ensure they are professional, independent and have no links with the community or the person's family. Make sure they understand their role - to translate verbatim and not "interpret" the message or censor/omit any of the information.

- Be aware a woman may not be allowed or willing to speak to a male.
- Agree a way to contact them safely e.g. agree a code word or a neutral place to meet with them again.

Gather as much detail as possible from the adult or child, particularly if there are plans to take them abroad.

- Make an immediate Child Protection referral to the Duty Manager for Children and Families in the appropriate Social Work Office or Police (under the age of 16); or
- Make an immediate Adult Protection referral to the Duty Manager for Adults and Older Peoples services in the appropriate Social Work Office (contact details below) or the Police.

### DO

- **Follow CP or ASP procedures** and make an immediate referral.
- **Inform the person** of your professional obligations to share information.

## DO NOT

- **Send the person home unless they refuse help.** If they refuse help offer them **a safety plan** and a way to keep in touch.
- **Share information with anyone else** other than making a referral unless the person permits that.
- **Attempt to mediate** with those connected to the person e.g. friends, family, neighbours etc.
- **Delay in acting.**

## Useful Contacts:

### **West Lothian Council:**

Adults Social Care Enquiries Team - ASCET Tel: 01506 284848

Email: [adultsocialcare@westlothian.gov.uk](mailto:adultsocialcare@westlothian.gov.uk)

Livingston Social Work Centre Tel: 01506 -282252 Arrochar House,  
[children and families ages 0 – 16 and adults ages 16-64]

Bathgate Social Work Centre Tel: 01506 -284700  
[children and families ages 0 – 16 and older people aged 65 plus]

Broxburn Social Work Centre Tel: 01506 284440  
[children and families ages 0 – 16, adults aged 16 – 64 and older people aged 65 plus]

Out of office hours Social Care Emergency Team Tel: 01506 281028/9

West Lothian Domestic and Sexual Assault Team (DASAT) Tel: 01506 281 055

Email: [DASAT@westlothian.gov.uk](mailto:DASAT@westlothian.gov.uk)

### **Police Scotland**

101 or 999 in an Emergency

### **NHS Public Protection Team:**

Tel: 0131 536 5090

### **Charities:**

#### **Hemat Gryffe Women's Aid**

24 Willowbank Street, Glasgow G3 6LZ Tel: 0141 353 0859 (Mon-Fri: 9am-5pm)

#### **Amina, the Muslim Womens Centre (MWRC)**

Glasgow (Head Office)

Citywall House,

32 Eastwood Avenue,

Glasgow,

G41 3NS

0141 212 8420 (Mon-Fri: 9am-5pm)

Helpline 0808 801 0301 (Mon-Fri: 10am-4pm)

#### **Shakti Women's Aid**

Tel: 0131 475 2399 (Mon-Fri: 9am-5pm); Email: [info@shaktiedinburgh.co.uk](mailto:info@shaktiedinburgh.co.uk)

#### **Foreign & Commonwealth Office - Forced Marriage Unit (FMU):**

Tel: 020 7008 0151 (Mon-Fri: 9am-5pm)

Email: [fmu@fcdo.gov.uk](mailto:fmu@fcdo.gov.uk).

The FMU is familiar with issues around Forced Marriage and their advice should be sought especially when there are immigration complexities or flight risk.

#### **Further Information Links:**

**Useful Links:**

1. [Scottish Government Statutory Guidance](#)
2. [2021 Forced Marriage Guidance](#)
3. [2014 Forced Marriage Practitioner Guidance](#)
4. [2014 Forced Marriage Awareness Raising Material](#)
5. [Forced Marriage Survivor's Handbook](#)