

The United Kingdom's Experiences with Forced Marriage Protection Orders

Presentation by Sophie Wright
UK Forced Marriage Unit



Webinar hosted by:

Heather Heiman
Senior Public Policy Attorney
Heather@tahirih.org

Jeanne Smoot
Director of Public Policy
Jeanne@tahirih.org



**TAHIRIH
JUSTICE
CENTER®**

Protecting Immigrant Women and Girls Fleeing Violence

Tahirih's Forced Marriage Initiative

In 2011, Tahirih launched the:

- **Forced Marriage Initiative**
- **National Network to Prevent Forced Marriage**

in response to the findings of Tahirih's Survey on Forced Marriage in Immigrant Communities in the United States.

This webinar is part of a quarterly series.



**TAHIRIH
JUSTICE
CENTER®**

Protecting Immigrant Women and Girls Fleeing Violence

Tahirih's Forced Marriage Survey: Use of Protection Orders by Survey Respondents

- Over 500 respondents from 47 states participated in the survey; respondents encountered up to 3000 cases of forced marriage in US.
- Of these, 33 respondents reported using Protection or Restraining Orders in forced marriage cases.
- Almost all Protection Orders obtained *after* forced marriages had occurred; not used to prevent.



TAHIRIH
JUSTICE
CENTER®

Protecting Immigrant Women and Girls Fleeing Violence



Home Office

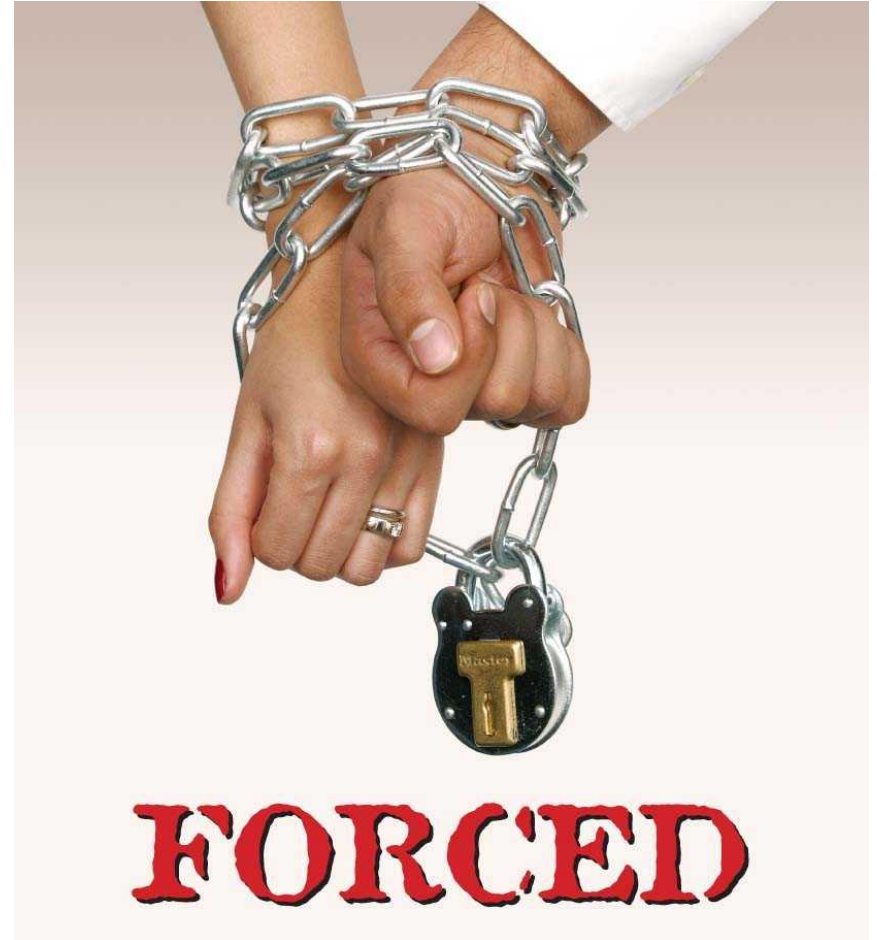


Foreign &
Commonwealth Office

Forced Marriage

Forced Marriage Unit

By Sophie Wright



Forced Marriage:

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

A person knows when they are being forced into a marriage against their will – that must be the starting point.

A Choice by Right (June 2000)



Who is affected?

2011: FMU gave advice or support in 1468 cases related to possible forced marriage.

- **Oldest victim was 87; youngest was 5.**
- **10% of calls involved victims below 15 yrs.**
- **19% involved victims aged 16-17**
- **44% involved victims aged 18-25**
- **14% involved victims aged 26-30**

78% involved female victims and 22% involved male victims.

66 instances (4.5%) involving those with disabilities (56 with learning disabilities, 8 with physical disabilities and 2 with both) were brought to the FMU's attention.

10 instances (0.7%) involved victims who identified as LGBT



2011 DATA CONTINUED:

Countries of Origin:

**Pakistan (56%), UK (9.3%), Bangladesh (7.8%), India (6.2%),
Afghanistan (1.5%)**

**Between 0.8-0.6%: Iraq, Iran, Saudi Arabia, Somalia, Sri Lanka,
Turkey, The Gambia, Yemen**

**Between 0.5-0.3%: Libya, Nigeria, USA, Kuwait, Morocco, Nepal,
Syria, UAE**

**0.1%: Albania, Australia, Canada, China, Egypt, Ethiopia,
Ghana, Indonesia, Ireland, Italy, Jamaica, Jordan,
Kenya, Latvia, Mauritius, Netherlands, Oman,
Romania, Serbia, Singapore, Slovakia, Sudan,
Tanzania, Thailand, Tunisia, Uganda, Zimbabwe**



Who are we?

- FCO offering consular assistance since 1999.
- Home Office Working Group set up in 2000 - *“Multi-cultural sensitivity is no excuse for moral blindness” (Home Office Minister)*
- **Forced Marriage Unit established in 2005.**
- FMU is now the Government’s one-stop shop for:
 - Developing effective Government policy
 - Awareness raising
 - **Casework**
 - **Domestic: The Unit providing assistance within the UK**
 - **Consular: Providing assistance abroad**
 - **Reluctant Sponsors: Supporting and assisting with Visa issues**



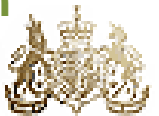
HOW WE CAN HELP:

How do we learn of a case?

- An individual contacts us in UK or at Post overseas fearing or fleeing a forced marriage
- An individual has already been forced into a marriage and wishes to prevent the spouse coming to the UK
- A third party contacts us on behalf of an individual at risk

What do we do in the UK?

- Reassure confidentiality
- Provide support, information and contacts (lawyers, social services, refuges, counsellors, voluntary organisations)
- Arrange safe accommodation in UK
- Work with UK Border Agency to prevent entry clearance or have individuals removed from the UK.
- **Work with police, social workers, teachers, welfare officers, health professionals and others in UK to protect people at risk**



Assisting in the UK:

Private, confidential call to discuss victim's rights, options and possible consequences.

Victim decides to leave home. Support to decide next steps and arrange accommodation. Complete a safety plan and contact plan to ensure victim stays safe throughout process and has a way of staying in touch. The above can be undertaken with or without assistance of FMPO.

Victim decides to stay with family. Complete a safety plan, with emphasis on discreet ongoing contact, agreed 'triggers' or warning signs to allow further action

Refer to further support services, with victim's consent.



Assisting Abroad:



What do we do overseas?

- Liaise with posts and NGOs overseas
- Speak to individuals alone
- Help them to get to High Commission/Embassy
- Arrange safe accommodation overseas
- Organise repatriation - and rescues in extreme cases
- Organise emergency flights and travel documents with safe pick-up and transport from airport



Forced Marriage (Civil Protection) Act:

July 2007: Forced Marriage (Civil Protection) Act 2007 (FMA) received royal assent. FMA took effect **in November 2008**.

FMA created a new **Forced Marriage Protection Order (FMPO)**. 339 FMPOs taken out by June 2011.

FMA also Allows Statutory Guidance on FM to be issued to agencies.

October 2010: FMU began its review of the implementation of the Statutory Guidance on forced marriage across public agencies in England and Wales.



Statutory Guidance:

The Statutory Guidance is relevant to all persons and bodies in England and Wales who exercise public functions in relation to safeguarding and promoting the welfare of children as listed in s.11 (1) or s.28 (1) Children Act (2004), or under s.175 Education Act (2002) as well as who exercise public functions to protect vulnerable adults from abuse. Such persons and bodies include:

- Maintained schools, independent schools and further education colleges
- Local authorities
- Police authorities and chief officers of police
- Youth offending teams
- Local probation boards
- Strategic health authorities
- Primary care trusts
- NHS trusts
- NHS foundation trusts.



Forced Marriage Protection Orders:

- **High Court or a county court (in 15 areas in the UK) can make an FMPO to protect a woman or man from being forced into a marriage, or from any attempt to be forced into a marriage, or to protect a person who has already been forced into a marriage.**
- **An application can be made by a woman or man, a third party or another person who is given permission (leave) by the court to make an application.**

This is very different to other family law orders, such as occupation orders or non-molestation orders, as only the person to be protected can apply for these orders. Unlike these other orders, an FMPO is not restricted to associated persons.

- Breach of an order would not itself be a criminal offence – at present, but would be a ‘contempt of court.’ Courts would have the full range of sanctions available to them, including imprisonment.



FMPOs Continued:

An FMPO can be made against a very wide range of people, including a person:

- who is in England and Wales;
- who is outside England and Wales as well as (or instead of) to order or restrain the conduct of the person within England and Wales;
- who is or may become involved in other respects as well as (or instead of) the person who is trying to or has forced another into marriage; or
- other persons who are, or may become, involved in other respects of any kind.



Types of orders contained within an FMPO:

Can prohibit or forbid someone from:

- Forcing the victim into marriage
- Being violent or making threats of violence toward victim
- Harassing, pestering or molesting victim
- Removing victim from the United Kingdom; removing victim (from home, from LA accommodation , other accommodation or England and Wales)
- Applying for a passport or other travel documents for victim
- Accessing the victim's known property, address, school or trying to gain access of such information
- Communicating with victim

Can order someone to:

- Surrender victim's identification documents including passport, birth certificate, ID cards, etc.
- Return the victim to the UK and to pay associated costs

Other orders that can be contained within an FMPO:

- That other siblings also be included in any orders stipulated.
- That the present passport(s) be destroyed



Basic example of obtaining FMPO.

Decision gets made that the victim wants to have an FMPO obtained.



Depending on the age of the victim the FMU would get in touch with a suitable third party/statutory agency for example, social services or the Police.



It would be for them to get a legal representative to go to a High Court (London HC is the only one for victims that are abroad) and make an application for an FMPO and a seizure of passports order. We can advise them what 'orders' need to be added to the FMPO that are tailored to the needs of the victim.



Once the order has been obtained the order and the passport order get served on a family member that has been named on the order and has to be in the UK.



Depending on the specifics of the order – the respondent would then need to undertake the steps necessary to remove the risk of a FM occurring.



CURRENT STATISTICS:

Between January 2010 and the end of September 2011:

There were 215 applications for an FMPO. Of these:

- 108 were where the applicant was aged 17 or under (12 unknown)
- 22 were from applications abroad
- 184 from the UK
- 9 were unknown location.



Example of FMPO sought for UK case:



Mesbah B's story:

Mesbah's tutor at college contacted the Forced Marriage Unit after she had gone to them for advice. She detailed that she was soon to be taken to India and whilst mum and dad had stated that this was so that she could visit her sick grandmother, her cousin had told her that it was actually for her own wedding. When she confronted her parents with this – she was hit by her father and told the decision had been made. She threatened to leave if they made her do it but her mother used emotional blackmail, putting a knife to her own throat stating she would kill herself if Mesbah didn't go through with it.

She was 17 years old and unsure about how she could leave the family but certain that she did not want to get married.

Mesbah made the courageous decision to allow for us to instruct social services to obtain a FMPO on her behalf. Due to risk issues, the police agreed to be at the address to take her to a women's refuge that was out of the area and to serve the FMPO and seize passports.

Whilst she is now protected, she has had to leave all that she knew and is still in some fear should she ever cross paths with her relatives of those from her community again.



ISSUES FOR VICTIMS – DECISION MAKING :

Will I ever see my family again?

This may cause problems for my little sister

Where will I live?

What about my studies?



They have made threats – what if these are real?

I love my parents- I don't want them arrested



Example of FMPO sought for victim abroad:



Javid's story:

Javid was taken to Pakistan for a family holiday, whilst he was there he realised that his mother wanted him to marry her niece. He had some degree of freedom and was able to use the internet whilst he was there – as such, he sent a message to his girlfriend on Facebook and asked her what should he do. She contacted the FMU and went back to Javid asking if he wanted to get a FMPO out as it could be served on his father in the UK. Initially he declined fearing it would have too many ramifications, however, when he realised that he would be expected to stay with his new bride until she became pregnant and that his mother had hidden his passport to be sure he could not leave – he confirmed that he wanted the FMPO.

The police arranged the order and it was served on his father – it had powers of arrest attached and his father's passport was seized. He was brought to the Embassy and was provided with Emergency Travel Documents (ETD) to get back to the UK. He was given support from a male only NGO.



The Pros of a FM Protection Order:

Won't be taken out the country.

Can still continue with studies and education.

Can be housed in a safe place and location

Can be free from mental and physical abuse

Legally protected

If abroad will be brought back to the UK

Can choose the life partner they want to be with.

Gives them back the power.



Breach of FMPOS:

- If the FMPO was issued with an attached **power of arrest** – the Police could arrest an individual they suspect a breaching of the provisions laid out in an FMPO.
- **Five breach hearing cases** have been recorded since November 2008 up until the end of 7 June 2011. Whilst, for example, extending the original order has occurred in some cases, **only one has resulted in a prison sentence.**
- In some instances this was due to unwillingness on the part of the victim to cooperate. This highlights a difficulty in appraising this policy.
- The Length of time for a breach hearing to be settled/concluded can vary considerably – some cases have lasted over a year.
- **It was agreed that the first point is to criminalise breaches of FMPOs – this will be implemented by the Government within the next year.**



Case Examples:

A case study of a breach that did lead to a prosecution: and the only one where a custodial sentence was passed.

Example: Lydia Erhire February 2011.

This is of a 'Flagrant Breach' as the mother refused to sign the FMPO in the first place – as opposed to breaching the order.

This case was heard at the Old Bailey and attracted a lot of media interest as the mother – Mrs Erhire 'had refused to sign documents' allowing for the repatriation of her son after he was allegedly taken from the UK to Nigeria against his will. She was sentenced to eight months imprisonment as a result of her lack of cooperation in ensuring her son's safe return to the UK.



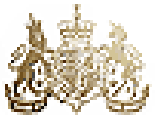
Non Custodial Breach:

Link: <http://www.guardian.co.uk/world/2010/jan/08/social-workers-failing-women-forced-marriage>

‘In Lancashire, the father, **Aurang Zeb**, had tried to set up a marriage between his daughter, Rozina, and his brother's son while visiting their native Pakistan when she was 19. He was ordered to forfeit his passport and barred from taking Rozina, now 23, to Pakistan.’

‘ But though he moved out of the family home after the order was imposed, he continued stalking his family, Blackburn magistrates were told. **Zeb was convicted (Sep 2010) of breaching the order, fined and sentenced to 200 hours of community service.** The maximum penalty is two years in prison. Magistrates also imposed a restraining order barring him from contacting his family indefinitely.’

It can be seen from the above that an FMPO is not necessarily an immediate remedy and other interventions may be required.



Forced Marriage Protection Orders- The future....

The future consequences when breaching becomes a criminal offence (as announced by the PM in October 2011) are questionable – essentially, it is not possible to confidently model the likely number of breaches of FMPO's in the future. There could be:



- An increase in breaches (relative to the current low volume) due to an increase in exposure and perceived increased chance of an acceptable resolution- i.e: Prosecution more likely to be guaranteed.
- A decrease in breaches due to unwillingness to subject family members to criminal proceedings.
- No change in the volume of breaches.



Criminalising forced marriage

In 2005, the Government carried out a national consultation on whether or not to introduce a specific criminal offence for forced marriage.

- The majority of respondents felt that the disadvantages of new legislation outweighed the advantages.
- Many worried that criminalising forced marriage would force the issue underground.
- Victims of forced marriage are often unwilling to take action against their parents, and many respondents felt that the legislation would not be used.
- Many of the actions taken to force someone into marriage already include criminal offences

The Government decided not to introduce specific legislation in June 2006.

On 10th Oct 2011 the PM announced he would –

- Criminalise the breach of a Forced Marriage Protection Order (FMPO)
- Consult on making forcing someone to marry a criminal offence



Beyond FMPOs

The Government has made the decision to look into whether it would be more effective to tackle the issue of Forced Marriage with legislation that may criminalise the term 'forced marriage'.

They have, however, requested a **Consultation** – ending in March 2012 to determine whether legislation making it a criminal offence would protect the needs of potential victims.

This can be seen online:

<http://www.homeoffice.gov.uk/publications/about-us/consultations/forced-marriage/>



My Experience. By Preet Kaur

I was born in Kenya, into a wealthy Sikh family who were not only **orthodox**, but very strict in upbringing and very culture oriented. Being born a second daughter to my parents was highly unacceptable to my grandmother. Girls are not deemed as higher or equal to male counterparts in many South Asian culture, therefore, there was a lot of negativity when I was born and kind of rejected at birth. The upbringing was emotionally and physically abusive and I started venting off my frustrations with swimming competitions.

As I became a teenager, the relationship with parents went worse and I rebelled more and more. This was because, as soon as a girl enters adolescence, she is confined and suppressed so as to maintain family honour and dignity in society, by being traditional and submissive. Things catapulted into even worse pastures as I came second in a swimming competition and was awarded a scholarship in USA, my father disagreed to my achievements and this disheartened me extremely. I wanted out of the family, so I ended up running away twice. The first was in 1994 on my 17th birthday but was brought back for being a minor and confined in my bedroom for 6mths and out of school.



The second time, I ended up falling in love with an Asian Christian and eloped with him in 1996. 5 days after the marriage, we were summoned to an inter Religion meeting to question motives behind the marriage, but was approved that I could continue with my marriage. My father, who is a prominent figure in his community/society, felt greatly dishonoured and betrayed by my falling in love with a non Sikh. He felt his pride had been tainted therefore him and part of the family plotted to have us **arrested** on the 10th day after our marriage, on **false charges..**

We were taken to the police station, after which I was discharged and Mike was kept in for the night. Our arrested was carried out by **dismissed policemen who had guns** and we had no choice but to listen. Once I was taken away from the police station, I was driven to my father's offices, where there were more men with guns and my granddad, my father's younger brother, family doctor and my mother, with some community members. I was questioned and beaten up before being huddled into the car and driven away to the borders of Tanzania. Halfway through the journey, I begged to be let alone and go back to Mike.

I was taken out of the car and my father's younger brother **stuck a gun to my forehead** and told me to behave or else I'll be dead, I had no choice but to listen and then the doctor **sedated** me, and I was **smuggled into the Tanzanian borders** with **another family member's passport**. I was kept under sedation until my passport was acquired off Mike and I was flown to India under a 'mental health' letter, written by the family doctor, who also flew with us (my parents and I). The sedation kept on going for sometime and I realised I was pregnant...my father got pills and **fed me one every day** and in a matter of days I'd **lost the foetus...**

I was, confined, observed and forced to succumb and forced to marry my second x-husband, Arvinder in India in 1998. Arvinder was an **illegal immigrant** in UK, it was the price I had to pay for dishonouring my family. Mike and his father had chased me and found out that I was going to UK soon so they spoke to the Interpol, who had the Metropolitan Police summon me for an interview in the UK. I spoke to Neil Jones in Southall and was **under threat** by my father, that if I said anything, Mike and his family would be wiped out. I, obviously **believed** the threat and chose to protect Mike and his family and told the police officer that all was fine and was let go. I was thereafter forced to sponsor Arvinder, who finally came into UK in 1999. I found out that he is alcoholic and the marriage became very **abusive**, in every way, and that he **used me** to obtain rights to remain in UK. I had no choice but to stay there because I was in a new territory and my father's threats constantly rung in my ears, plus, I was also under duress to have children, which I did, 2 sons.

Six years after my marriage, I chose to leave after extreme violence and an incident that led to the separation of the marriage. I went into refuge provision with both sons, for a month until the courts awarded me the marital home. Tried to live normally but had a break down in 2005 where I ended up in a mental house for a couple of nights, and was referred to psychiatric treatment. I had another relapse in 2006 and asked Arvinder (we were formally divorced) to look after the boys until I got better. There was a family case going on but Arvinder threatened to **kill me** for leaving the marriage and dishonouring him. This pushed me to make statements against him and a full CID investigation started, where he was arrested on 6 accounts of **marital rape** on me and other domestic issues. A CPS date had been set, but sadly didn't carry on due to the case being classified as '**historical**'.

In 2008, Arvinder **disowned** the boys and I was awarded full custody. After this, I decided to sell the marital home and move in with my mother, but Arvinder followed me there and I ended up in refuge provision for 3 years as a result of his persistent bullying and intimidating behaviour.

I finally got a place to live and he found out where I lived. I panicked and allowed him visitation rights with the kids as long as he didn't hamper my life. Unfortunately he abducted the boys in 2011 and made false allegations against me for being a violent mother. I fought the case for 9 months and in December last year I was awarded full custody of my sons (again) after Arvinder was formally warned under grounds of physical and emotional violence towards the children, that he is liable for arrest if he tries further manipulation...

I am now living a peaceful life but with many scars...

SUMMARY OF PREET'S STORY

- Experienced suppression as a teen – ran away twice –the second time eloped and married Christian Asian male that she loved.
- Father had them arrested on false charges and took Preet out of the country having beaten and sedated her.
- Flown out to India under mental health letter (doctor an accomplice) – was fed pills to miscarry her baby.
- Forced to marry man of her father's choice.
- Abusive marriage-rape and violence.
- Taken to a refuge with her 2 sons.
- Mental Breakdown.
- Threats to Kill continued.
- Police investigation over marital rape.
- Children abducted by their father.
- Finally awarded full custody of her children in December 2011.

Q&As

Q: Would you have wanted an FMPO if it was available?

A: Yes - if the order existed when I went through my ordeal, I would have used it and history would not repeat itself. I would not continuously be suffering consequences of somebody else's crime or mistake. The MPO would have protected me to great lengths and given me sense of freedom/independency, even if I had decided to stay on with my parents. Obviously, the amount of criminal history I've had wouldn't be there and wouldn't have had a great impact on my life, as well as oncoming effects to my sons.

Q:

Would it have helped with your situation?

A:

It would have helped me to live my life with utmost dignity, as a human and not forced to live a lifestyle that was not my making. Please do not misunderstand me, my children are my pride and soul, I wouldn't want a cycle repeat on them either, I have fought very hard to maintain their lives to the best level possible. It's about protecting the future generations of victims and survivors of Forced Marriages. Sadly its' the perpetrators who are free...

Q:

Would there have been consequences had I agreed – both good and bad?

A:

Consequences in terms of being with my family would have been bad. Any relation with parents/siblings would have been diminished immediately, especially from the back ground I come from. However, my parents have eased off and allowed both my sisters to marry whom they wish, which is a good consequence regardless of the FMPO...Some families change and some don't. Consequences in terms of my independency would have been good. I would have followed my ambitions and been somebody else other than just scarred...

Resources for Advocates in the US:

- ABA Commission on Domestic Violence

- Summary charts on Civil Protection Orders: Domestic Violence and Stalking/Harassment (among others).

http://www.americanbar.org/groups/domestic_violence/resources/statutory_summary_charts.html

- WomensLaw.org

- Search Restraining Order Laws by state.

http://www.womenslaw.org/laws_state_type.php?statelaw_name=Restraining%20Orders&state_code=GE



TAHIRI
JUSTICE
CENTER®

Protecting Immigrant Women and Girls Fleeing Violence

For information on upcoming webinars, and monthly newsletters about forced marriage in the United States, please join the:

National Network to Prevent Forced Marriage

&

Forced Marriage Listserve

To learn more and sign up, please visit Tahirih's website:

**[www.tahirih.org/advocacy/policy-areas/
forced-marriage-initiative/](http://www.tahirih.org/advocacy/policy-areas/forced-marriage-initiative/)**

Or contact: **FMI@tahirih.org**



**TAHIRIH
JUSTICE
CENTER®**

Protecting Immigrant Women and Girls Fleeing Violence