

Leeds City Council

Children and Families Services



‘Doing simple things well and building better outcomes’

Practice Guidance for Working with Children at Risk of Forced Marriage and Associated Honour Based Abuse

October 2024

About the Document	
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1. The Purpose of this Document

1.1 Introduction

Forced Marriage is found in every region of the globe, the origins of which are multidimensional. This guidance aims to assist practitioners, working with children to: understand, identify, respond to, manage, and assess cases of child forced marriage and associated honour-based abuse. **It does not replace** *The Right to Choose: Multi-agency statutory guidance for dealing with forced marriage and multi-agency practice guidelines: Handling cases of forced marriage*¹.

Honour Based Abused, Forced and Child Marriage cases are complex and challenging for professionals. They require practitioners to, initially, adapt to a way of working with young people and their families that conflicts with their professional training in respect of transparency, working in partnership with children and families and the principles of restorative practice.

Section 4 of this document contains a workflow to set out how practitioners should practice in line with forced marriage and associated honour based abuse.

There is a wealth of information within this guidance and at the end of many Sections, there are useful summary boxes. In addition, in Section 9 there are case studies which show activity and thinking at referral stage and following the strategy discussion.

2. The Context

2.1 Meaning of 'Child'

The United Kingdom played a leading role in drafting the UN Convention on the Rights of the Child and the UK Government ratified the Convention in December 1991. The Convention came into force in the UK in 1992. "For the purpose of the Convention, a child means every human being below the age of 18 years unless under the law applicable to the child, majority is attained earlier" (The Office of the High Commissioner for Human Rights (UN Human Rights), 1990)².

2.2 Legally recognised Marriages in England and Wales

On the 27 February 2023, the Marriage, and Civil Partnership (Minimum Age) Act 2022 came into force raising the legal age of marriage and civil partnership to 18 in England and Wales. This means that 16 and 17-year-olds are no longer able to marry or enter a civil partnership under any circumstances, including with parental or judicial consent. In Scotland, the minimum age of marriage is 16 and does not require parental consent and that is extended to non-residents who go to Scotland to marry. (Government UK, 2019).³

¹ [Multi-agency statutory guidance for dealing with forced marriage & multi-agency practice guidelines: - GOV.UK](#)

² [Convention on the Rights of the Child](#)

³ <https://www.gov.uk/marriages-civil-partnerships>

3. Where to get help and advice

3.1 The Right to Choose

[The right to choose: government guidance on forced marriage - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/guidance/government-guidance-on-forced-marriage) : This is multi-agency statutory guidance for dealing with forced marriage and multi-agency practice guidelines: Handling cases of forced marriage provides a list of National support agencies.

Whilst it also highlights that there are excellent regional organisations that can help victims of forced marriage details for many of which can be found on the FMU website: www.gov.uk/forced-marriage

3.2 The Forced Marriage Unit

If a child is abroad and they are a British National or are habitually resident in the UK workers should contact the Forced Marriage Unit (FMU) for advice.

The FMU is a joint Foreign and Commonwealth Office and Home Office unit which leads on the government's forced marriage policy, outreach, and casework. It operates both inside the UK (where support is provided to any individual) and overseas (where consular assistance is provided to British nationals, including dual nationals).

If a child is abroad professionals will need the support/assistance of the FMU in respect of their repatriation/return to the UK.

Contact

- Telephone: 020 7008 0151
- Email: fmfco@fco.gov.uk
- Website: <https://www.gov.uk/guidance/forced-marriage>

NB: Ask for the advice you are given to be confirmed by email

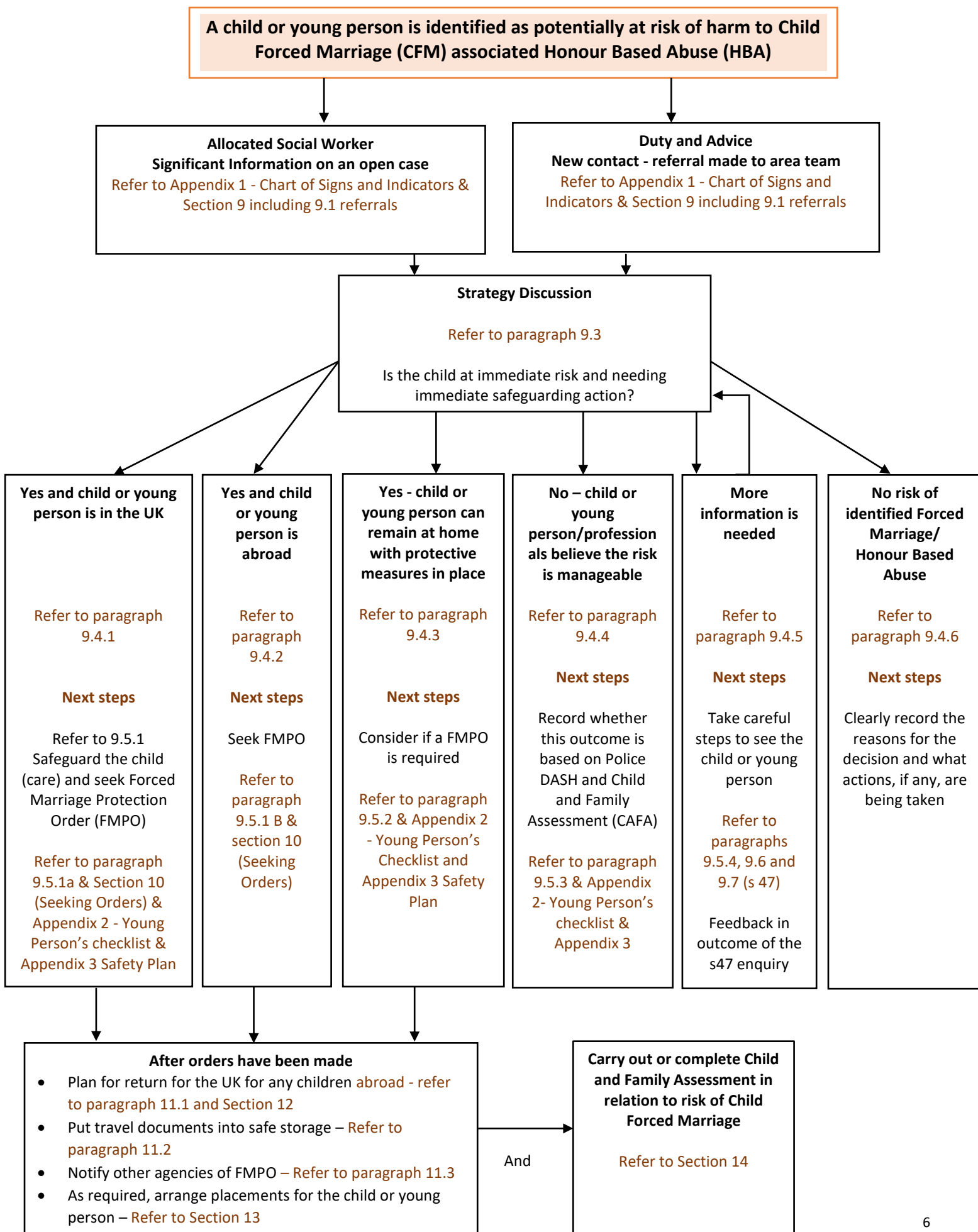
3.3 Karma Nirvana

Karma Nirvana is a charity, based in Leeds, and provides advice and support to victims, potential victims, and professionals in respect of Forced Marriage. Karma Nirvana will, where possible, attend strategy meetings and have an outreach worker.

Contact

- Telephone: 0800 5999 247
- Website: <https://karmanirvana.org.uk/>

4.Workflow



5. Forced marriage, Child marriage and Honour-based Abuse

5.1 Arranged Marriage

An arranged marriage is the union of two people where both families are involved in the arrangements for the marriage, and it is with the **agreement of both** spouses. Arranged marriages are perfectly lawful, within the legal age of consent to marry, and are a conventional concept in many societies.

An arranged marriage can, however become a forced marriage if the bride or groom change their mind and are forced into getting married even if that is on the day of the wedding.

5.2 Child marriage

Child marriage is defined by UNICEF as, “a formal marriage or informal union before the age of 18” (UNICEF, 2018)⁴. On the 27 February 2023, the Marriage, and Civil Partnership (Minimum Age) Act 2022 came into force raising the legal age of marriage and civil partnership to 18 in England and Wales and made the marriage of a child a criminal offence.

Child marriage is, however, a practice that continues in many countries and to British nationals. It is addressed in a number of international conventions and agreements for example: the right to protection from child marriage is covered in The Convention on the Elimination of All Forms of Discrimination against Women in Article 16(2) which states, “The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.” (The Office of the High Commissioner for Human Rights (UN Human Rights), Entry into force 3 September 1981, in accordance with article 27(1)).⁵

The Universal Declaration of Human Rights, Article 16, recognizes the right to ‘free and full’ consent to marriage (United Nations, 2008 - 2019), while recognition is given that consent cannot not, be ‘free and full’ when one of the parties involved is not sufficiently mature to make an informed decision about a life partner. The Convention on the Rights of the Child does not directly mention child marriage, however protection from child marriage is linked to other rights such as the ‘right to freedom of expression’, ‘the right to protection from all forms of abuse’, and in Article 24 (3) it states, “Parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children” (Convention of the Rights of the Child)⁶.

The overwhelming majority of child marriages, both formal and informal, involve girls, although at times their spouses are also under 18 years of age. Marriages that take place before the age of 15 are often referred to as ‘very early’ marriages. Some children may report a desire to marry at a young age however, “a child marriage is considered to be a form of forced marriage, given that one and/or both parties have not expressed full, free, and informed consent.” (The Office of the High Commissioner for Human Rights (UN Human Rights), OHCHR 1996-2019)⁷.

Child marriage is closely linked to ‘female genital mutilation’ (FGM) – the partial or full cutting of a girl’s clitoris and labia for non-medical reasons – which is considered essential for marriage in many communities, particularly in sub-Saharan Africa (ActionAid, 2019)⁸.

5.3 Forced marriage

“A forced marriage is where one or both people do not (or in cases of people with learning disabilities or reduced capacity, cannot) consent to the marriage and they are pressurised, or abuse is used, to force them to do so. It is recognised in the UK as a form of domestic or child abuse and a serious abuse of human rights.

⁴ <https://www.unicef.org/protection/child-marriage>

⁵ [Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages | OHCHR](#)

⁶ [Convention on the Rights of the Child | OHCHR](#)

⁷ <https://www.ohchr.org/EN/Issues/Women/WRGS/Pages/ChildMarriage.aspx>

⁸ <https://www.actionaid.org.uk/about-us/what-we-do/violence-against-women-and-girls/child-marriage>

The pressure put on people to marry against their will may be:

- physical – for example, threats, physical violence, or sexual violence
- emotional and psychological – for example, making someone feel like they are bringing ‘shame’ on their family

Financial abuse, for example taking someone’s wages, may also be a factor” (Government UK, 2019)⁹.

“When it comes to the marriage of a child, the distinction between a forced marriage and an arranged marriage does not exist. Following the legislation which came into force on 27 February 2023, it is an offence to engage in any conduct for the purpose of causing a child to marry before their eighteenth birthday, even if violence, threats, or another form of coercion are not used. Such a marriage is deemed a forced marriage. (The same legislation also provides that the minimum age at which one can legally marry or enter a civil partnership in England and Wales is 18.)”¹⁰

5.4 Case examples of child marriage and forced marriage

- A boy aged 13 was sent to Bangladesh, where he had never previously lived, due to his parents’ perception that he was misbehaving in the UK. His parents retained his passport and refused to allow him to return to England, where they lived, despite his request to do so. At the age of 17 he was told that he was to marry and that if he agreed to do so he would be allowed to return to the UK.
- A 15 year old girl who identified herself as being Gypsy Roma was brought to England from Romania by her 35 year old husband. She reported that in her ‘culture’ it is expected that girls marry around this age, and she had wanted to do so. The girl stated that it was good to marry an older man as he could teach her what to do and he was the richest man in her village. Therefore, she said that she was lucky to have married him.

As can be seen from these examples some children may believe that they are freely choosing to marry but lack the capacity to consent due to their age, whilst others are coerced/forced to marry and there is a consequence to not doing so.

5.5 Honour based abuse and violence

“Honour-based violence (HBV) is the term used to refer to a collection of practices used predominantly to control the behaviour of women and girls within families or other social groups to protect supposed cultural and religious beliefs, values, and social norms in the name of ‘honour.’

HBV incidents and crimes include specific types of offence, such as forced marriage (FM) and female genital mutilation (FGM), and acts which have long been criminalised, such as assault, rape, and murder. HBV refers to the full range of incidents and crimes which perpetrators carry out under the guise of maintaining or protecting perceived ‘honour.’

HBV is being suffered daily by blameless citizens throughout Britain. The cultural context of these practices, and the immense practical as well as emotional difficulty victims have in reporting the incidents and crimes they have suffered, mean that victims are acutely and continually vulnerable. They are assaulted and betrayed by the people closest to them, their family and community, from whom they have the right to expect love and protection” (Her Majesty's Inspectorate of Constabulary, 2015)¹¹.

⁹ <https://www.gov.uk/guidance/forced-marriage#recognise-a-forced-marriage>

¹⁰ [Multi-agency statutory guidance for dealing with forced marriage and multi-agency practice guidelines: Handling cases of forced marriage \(accessible version\) - GOV.UK \(www.gov.uk\)](#)

¹¹ <https://www.justiceinspectorates.gov.uk/hmicfrs/wp-content/uploads/the-depths-of-dishonour.pdf>

Punishment for bringing dishonor/shame can be emotional and/or physical abuse, lead to being disowned by the family and in some cases to murder.

The government recognises forced marriage, female genital mutilation and honour based abuse/violence as forms of domestic violence and abuse. The Domestic Abuse Act 2021 creates a statutory definition of domestic abuse, as follows:

“Definition of “domestic abuse”

- (1) This section defines “domestic abuse” for the purposes of this Act.
- (2) Behaviour of a person (“A”) towards another person (“B”) is “domestic abuse” if—
 - (a) A and B are each aged 16 or over and are “personally connected” to each other, and
 - (b) the behaviour is abusive.
- (3) Behaviour is “abusive” if it consists of any of the following—
 - (a) physical or sexual abuse;
 - (b) violent or threatening behaviour;
 - (c) controlling or coercive behaviour;
 - (d) economic abuse (see subsection (4));
 - (e) psychological, emotional, or other abuse; and it does not matter whether the behaviour consists of a single incident or a course of conduct”¹²

The Act in Section 3 relates to, “Children as victims of domestic abuse”

- (1) This section applies where behaviour of a person (“A”) towards another person (“B”) is domestic abuse.
- (2) Any reference in this Act to a victim of domestic abuse includes a reference to a child who –
 - (a) sees or hears, or experiences the effect of, the abuse, and
 - (b) is related to A or B.
- (3) A child is related to a person for the purposes of subsection (2) if –
 - (a) the person is a parent of, or has parental responsibility for, the child, or
 - (b) the child and the person are relatives.
- (4) In this section – “child” means person under the age of 18 years; “parental responsibility” has the same meaning as in the Children Act 1989 (see section 3 of that Act); “relative” has the meaning given by section 63(1) of the Family Law Act 1996”.¹³

Summary

Arranged marriages: both families are involved and the marriage is with the agreement of both spouses. They are lawful taking into account the legal age of marriage.

Child marriage: a marriage when one or both spouses are under the age of 18.

Victims of forced marriage can be male and female

If freely given consent and agreement to marry is absent and/or there is a real or perceived consequences to saying ‘no’ it is **forced marriage**. Child marriage is considered to be a form of forced marriage given that one and or both parties cannot express full, free and informed consent. **Marriage under the age of 18 of British citizens and children under the age of 18 who are habitually resident in England and Wales is ‘forced marriage’ and against the law.**

Honour based abuse/violence includes forced marriage and FGM and refers to the full range of incidents and crimes perpetrators carry out under the guise of maintaining or protecting perceived ‘honour’.

¹² [Domestic Abuse Act 2021 \(legislation.gov.uk\)](https://legislation.gov.uk)

¹³ [Domestic Abuse Statutory Guidance \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

6. The legal context

6.1 Civil

The Forced Marriage (Civil Protection) Act 2007 is an “Act to make provision for protecting individuals against being forced to enter into marriage without their free and full consent and for protecting individuals who have been forced to enter into marriage without such consent; and for connected purposes” (Government UK, 2007)¹⁴. The Act forms part of the, amended, Family Law Act 1996 and came into force in November 2008.

Forced Marriage Protection Orders (FMPO)

- (1) “The court may make an order for the purposes of protecting—
 - (a) a person from being forced into a marriage or from any attempt to be forced into a marriage; or
 - (b) a person who has been forced into a marriage.
- (2) In deciding whether to exercise its powers under this section and, if so, in what manner, the court must have regard to all the circumstances including the need to secure the health, safety and well-being of the person to be protected.
- (3) In ascertaining that person's well-being, the court must, in particular, have such regard to the person's wishes and feelings (as far as they are reasonably ascertainable) as the court considers appropriate in the light of the person's age and understanding.
- (4) For the purposes of this Part a person (“A”) is forced into a marriage if another person (“B”) forces A to enter into a marriage (whether with B or another person) without A's free and full consent.
- (5) For the purposes of subsection (4) it does not matter whether the conduct of B which forces A to enter into a marriage is directed against A, B, or another person” (Government UK, 2007)¹⁵.

In cases involving children an application for a Forced Marriage Protection Order is made to the Family Court. Anyone, a victim, friend, or local authority, can ask a court to implement a ‘Forced Marriage Protection Order.’ This can stop a person being married against their will and prevent them from being taken abroad. A Forced Marriage Protection Order can also demand that perpetrators stop any intimidation, reveal the victim's location and hand over passports otherwise they could face imprisonment (Government UK, 2007)¹⁶

6.2 Honour based abuse/violence

Civil remedies in respect of honour-based abuse can include a Forced Marriage Protection Order, Female Genital Mutilation Order, Care Order and Wardship. There is no stand-alone order in respect of honour-based abuse.

6.3 Criminal

The Anti-social behaviour, Crime and Policing Act 2014, under Section 121 defines, “Marriage” to mean, “any religious or civil ceremony of marriage (whether or not legally binding)”¹⁷ and **made it a criminal offence in England, Wales, and Scotland to force someone to marry.**

¹⁴ [Forced marriage - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

¹⁵ [Forced Marriage \(Civil Protection\) Act 2007 \(legislation.gov.uk\)](https://legislation.gov.uk)

¹⁶ [Forced Marriage \(Civil Protection\) Act 2007 \(legislation.gov.uk\)](https://legislation.gov.uk)

¹⁷ [Anti-social Behaviour, Crime and Policing Act 2014 \(legislation.gov.uk\)](https://legislation.gov.uk)

The Act states that in England and Wales a person commits an offence under the law if he or she:

“(a) uses violence, threats, or any other form of coercion for the purpose of causing another person to enter into a marriage, and (b) believes, or ought reasonably to believe, that the conduct may cause the other person to enter into the marriage without free and full consent”¹⁸.

This includes taking someone overseas to force them to marry (whether or not the forced marriage takes place) and marrying someone who lacks the mental capacity to consent to the marriage (whether they are pressured to or not).

Since 27 February 2023 the Act has been amended to include, “a person commits an offence under the law of England and Wales if he or she carries out any conduct for the purpose of causing a child to enter into a marriage before the child’s eighteenth birthday (whether or not the conduct amounts to violence, threats, any other form of coercion or deception, and whether or not it is carried out in England and Wales)”¹⁹.

It is important to highlight that in communities, such as Gypsy, Roma and Traveller, cohabitation can be referred to by members of the community as a ‘marriage.’ In such cases, “it is the substance, rather than the wording, of marriage, which is important. Professionals are advised to probe whether there is indeed a marriage in such cases, or whether it is just language denoting cohabitation. Cohabitation arrangements should not, though, - in any community - be regarded as a way of evading the law and may give rise to separate safeguarding concerns which professionals need to be aware of”.²⁰

If a person is found guilty on indictment, of forced marriage, the maximum penalty is seven years’ imprisonment. The Act also makes it an offence to lure someone overseas for the purpose of forced marriage. The Anti-social Behaviour, Crime and Policing Act 2014 amended the 1996 Family Law Act introducing the offence of breach of a Forced Marriage Protection Order, with maximum penalty of five years’ imprisonment (Home Office, 2016)²¹.

To date there have been very few convictions for forced marriage in the United Kingdom, they include:

June 2015	First criminal conviction in the United Kingdom was of a male, living in Wales, who secretly filmed a devout Muslim woman taking a shower to blackmail her into becoming his second wife. He faced multiple charges; including rape, bigamy, voyeurism and forced marriage for which he was convicted and sentence to 16 years.
May 2018	First criminal conviction in England of a mother in Birmingham who forced her daughter to marry. The mother was sentenced to 4 ½ years.
May 2018	Second criminal conviction in England of a mother and father in Leeds who attempted to force their daughter to marry. Mother was sentenced to 3 ½ years and the father 4 ½ years

The publication of any information that would be likely to lead to the identification of a person against whom a forced marriage offence is alleged to have been committed is prohibited in England and Wales.

6.4 Honour based abuse/violence

There is no statutory definition of so-called Honour Based Abuse (SCHBA) (or “Honour” Based Abuse). The Crown Prosecution Service adopts the following definition of Honour Based Abuse: “an incident or crime involving violence, threats of violence, intimidation coercion or abuse (including psychological, physical, sexual, financial or emotional

¹⁸ [Legislation.gov.uk](https://legislation.gov.uk)

¹⁹ [HM Government Multi-agency practice guidelines: Handling cases of Forced Marriage \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/674441/HM-Government-Multi-agency-practice-guidelines-Handling-cases-of-Forced-Marriage.pdf)

²⁰ [HM Government Multi-agency practice guidelines: Handling cases of Forced Marriage \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/674441/HM-Government-Multi-agency-practice-guidelines-Handling-cases-of-Forced-Marriage.pdf)

²¹ [Anti-social Behaviour, Crime and Policing Bill \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/674441/HM-Government-Multi-agency-practice-guidelines-Handling-cases-of-Forced-Marriage.pdf)

abuse) which has or may have been committed to protect or defend the honour of an individual, family and/ or community for alleged or perceived breaches of the family and/or community's code of behaviour"²².

"There is no specific offence of SCHBA. It is an umbrella term used to encompass various offences that are covered by existing legislation, such as physical abuse (kicking and beating); psychological pressure (strict monitoring, humiliation, threats); forced marriage; abandonment (leaving someone in their country of origin or sending them back there); forced suicide; "honour" killing (murder). This list is not exhaustive. SCHBA can be described as a collection of practices, which are used to control behaviour within families or other social groups to protect perceived cultural and religious beliefs and/or "honour." Such violence can occur when perpetrators perceive that a relative has shamed the family and/or community by breaking their code of "honour."

One form of SCHBA is FM. This is a marriage conducted without the true consent of one or both parties, either because violence, threats or coercion is a factor, or because the victim cannot consent to be married, or because they are not of legal age to be married, or they have been deceived. Other forms of SCHBA include practices performed by perpetrators on victims for cultural or socio-conventional motives which have harmful consequences. Some of these practices include (this list should not, however, be considered as exhaustive): FGM; Breast flattening; and dowry abuse". (The Crown Prosecution Service, 2019)²³.

SUMMARY

Forced Marriage is a criminal offence and can result in a prison sentence of up to 7 years.

A **Forced Marriage Protection Order** is a 'civil order' that can protect victims and potential victims of forced marriage and honour-based abuse.

Breaching a Forced Marriage Protection Order is a criminal offence and carries a prison sentence of up to 5 years. "A person who without reasonable excuse does anything that the person is prohibited from doing by a forced marriage protection order is guilty of an offence" (Government UK, 2014)²⁴

There is no singular civil order or criminal offence for **Honour Based Abuse** the offences that it encompasses are covered by existing legislation.

7. Recognising the Motives and Risks Associated with Forced Marriage and Honour Based Abuse

Forced marriage cases present themselves in many guises. In some instances, a child may report that they are at risk, or a professional or friend may raise concerns. However, it is not uncommon for a child to first come to professionals' attention in respect of other concerns such as physical or emotional abuse and for concerns relating to forced marriage only emerging during exploration of those issues.

Research has found that both males and females can be and are subject to Forced Marriages. However, evidencing that there is an intended Forced Marriage is difficult because the intended bride/groom are often unaware of the plans. Therefore, whilst there is more likely to be a tangible piece of evidence when a Forced Marriage has taken place it can be more difficult to evidence an intended marriage. Accordingly, it is more likely that a potential Forced Marriage is prevented due to professional intervention after a victim raises concerns or an individual recognises someone is at risk rather than there being evidence that a marriage was planned.

²² [So-Called Honour-Based Abuse and Forced Marriage: Guidance on Identifying and Flagging cases | The Crown Prosecution Service \(cps.gov.uk\)](#)

²³ [So-Called Honour-Based Abuse | The Crown Prosecution Service \(cps.gov.uk\)](#)

²⁴ [Anti-social Behaviour, Crime and Policing Act 2014 \(legislation.gov.uk\)](#)

7.1 Some of the key motives that have been identified in respect of Forced Marriage:

- Controlling unwanted sexuality (including perceived promiscuity, or being lesbian, gay, bisexual, or transgender) - particularly the behaviour and sexuality of women.
- Controlling unwanted behaviour, for example, alcohol and drug use, wearing make-up or behaving in, what is perceived to be, a “westernised manner.”
- Preventing “unsuitable” relationships, e.g. outside the ethnic, cultural, religious or caste group.
- Protecting “family honour” or “izzat.”
- Responding to peer group or family pressure.
- Attempting to strengthen family links.
- Achieving financial gain.
- Ensuring land, property and wealth remain within the family.
- Protecting perceived cultural ideals.
- Protecting perceived religious ideals which are misguided.
- Ensuring care for a child or adult with special needs when parents or existing carers are unable to fulfil that role.
- Assisting claims for UK residence and citizenship.
- Long-standing family commitments²⁵ (Foreign, Commonwealth and Development Office, Home Office, Updated 13 April 2023)

7.2 Additional risks

There is evidence to suggest that factors that increase the risk of someone being forced into marriage include:

- Bereavement within the family: “occasionally, when a parent dies, especially the father, the remaining parent or wider family members may feel there is more of an urgency to ensure that the children are married. A similar situation may arise within single parent households or when a stepparent moves in with the family.
- Women and girls may also have an increased risk of forced marriage if they have disclosed sexual abuse. Families may feel that this has brought shame on her and ensuring she is married may be the only way to restore ‘honour’ to the family. They may also feel that marriage will put a stop to the abuse.
- A person may be at greater risk if they are lesbian, gay, bisexual, or transgender (LGBT), as their wider family may feel that by forcing the individual into marriage neither their sexuality or gender identity will be questioned. Parents may also do so out of a mistaken belief that this will “cure” their son or daughter of what they perceive to be abnormal sexual practices”²⁶ (Foreign, Commonwealth & Development Office and Home Office, Updated 13 April 2023).
- When an older child (particularly a daughter) refuses to marry, younger female siblings can be forced to marry to protect the family honour or to fulfil the original contract.

7.3 Potential warning signs/indicators of forced marriage/child marriage include:

Siblings forced to marry or the early marriage of siblings

- Self-harming/attempted suicide or suicide of a sibling
- Eating disorders, depression, isolation, substance misuse
- Female genital mutilation
- Unwanted pregnancy
- Family disputes
- Death of a parent

²⁵ [Multi-agency statutory guidance for dealing with forced marriage and multi-agency practice guidelines: Handling cases of forced marriage \(accessible version\) - GOV.UK \(www.gov.uk\)](#)

²⁶ [Multi-agency statutory guidance for dealing with forced marriage and multi-agency practice guidelines: Handling cases of forced marriage \(accessible version\) - GOV.UK \(www.gov.uk\)](#)

- Having limited or no freedom of movement e.g.: taken to and from school; monitored between lessons by siblings' cousins
- The victim discloses concerns about marriage;
- Out of character behaviour – going missing, good attendance at school dipping, academic performance dipping;
- Emotional and/or physical abuse at home/threats to kill
- Reports of other offences
- Removed from school/college/university/work at short notice;
- Last minute overseas visit to 'sick' relative (normally grandparent).
- Failure to return following a visit to Country of origin.

The statutory guidance provides a chart of potential warning signs or indicators associated with Forced Marriage although as it highlights that it is not an exhaustive list (Appendix 1).

Forced marriage should not be assumed on the basis of one or more warning signs/indicators being present. It is important that practitioners consider all the information available case by case as it may be that the identification of warning signs/indicators is indicative of another type of abuse.

7.4 Barriers to seeking help

Victims of Honour Based Abuse and Forced Marriage, “are required to live within the honour-based value system and comply with strict unwritten ‘honour’ codes from birth which effectively place restrictions on their lives and freedom, especially those of women and girls. These codes are often ingrained and are considered as normal, regardless of the abuse or violence a victim may be suffering. Victims are often made to feel personally responsible for the maintenance and protection of that honour. As such, if the victims go against these codes, even by seeking help, they may feel guilty and ashamed and may internalise these feelings, effectively being made to feel like the perpetrators rather than the victims that they are” (HMIC, 2015)²⁷.

Some of the barriers to victims of child marriage, forced marriage and honour-based abuse seeking help are:

- The fear of being disowned by the family and ostracised by the community
- Loyalty to family, faith, community
- Lack of awareness and information about Forced Marriage/Child Marriage
- Mistrust of authorities due to cultural knowledge and or experiences
- Fear of racism and the criminal justice system
- Fear of being found out
- Lack of knowledge of services and appropriate services
- A hope the situation will improve
- Fear of starting a life independently of their family
- Social isolation
- Fear of the consequences of reporting on siblings
- Living in fear of or actual threats of being killed if they seek help or try to get away.

8. Forced marriage and child protection

Working together to safeguard children (2018) states:

“Nothing is more important than children’s welfare. Children who need help and protection deserve high quality and effective support as soon as a need is identified... The Children Acts of 1989 and 2004 set out specific duties: section 17 of the Children Act 1989 puts a duty on the local authority to provide services to children in need in their area, regardless of where they are found; section 47 of the same Act requires local authorities to undertake enquiries if they believe a child has suffered or is likely to suffer significant harm ...

²⁷ [the-depths-of-dishonour.pdf \(justiceinspectorates.gov.uk\)](https://www.justiceinspectorates.gov.uk/the-depths-of-dishonour.pdf)

Safeguarding and promoting the welfare of children is defined for the purposes of this guidance as:

- protecting children from maltreatment
- preventing impairment of children's health or development
- ensuring that children grow up in circumstances consistent with the provision of safe and effective care
- taking action to enable all children to have the best outcomes" (HM Government, 2024, p. 161)²⁸.

The Children Act 1989 introduced the concept of significant harm "as the threshold that justifies compulsory intervention in family life in the best interests of children" (legislation.gov.uk, 2024)²⁹, and gives local authorities a duty to make enquiries to decide whether they should take action to safeguard or promote the welfare of a child who is suffering, or likely to suffer, significant harm.

Working Together to Safeguard Children 2023 makes clear that within the strategy discussion a decision is made about, "what information should be shared with the child and family (on the basis that information is not shared if this may jeopardise a police investigation or place the child at risk of harm" (HM Government, 2024, p. 87).³⁰ Accordingly, discussions with family and the family's agreement to refer to Local Authority Children's Social Care **should only be done where such discussion and agreement-seeking will not place a child at increased risk of significant harm.**

In cases of Forced Marriage and honour-based violence/abuse the multiagency practice guidelines: Handling cases of Forced Marriage states explicitly that you:

DO NOT

Approach the family or those with influence within the community, without the expressed consent of the person, as this may place them in danger...³¹ (Foreign, Commonwealth & Development Office and Home Office, Updated 13 April 2023)

The Right to Choose: Multi-agency statutory guidance for dealing with forced marriage cases highlights: the danger of involving the family and the community; that the family may deny that the child is being forced to marry and they could expedite any travel arrangements and bring forward the marriage if they are alerted to professional involvement. Therefore, the guidance warns against discussions with the family or any involvement with them due to the risk of placing the victim/potential victim at risk of greater harm (Foreign, Commonwealth and Development Office, Home Office, Updated 13 April 2023)³²

Accordingly, practitioners need to be mindful that restorative practice, which is based on recognising the strengths within families, developing effective relationships and aims to improve and repair the relationships between people is not, in its entirety, an appropriate approach when the concerns relate to forced marriage and honour-based abuse.

8.1 The Risk of and Significant Harm caused by Forced Marriage, Child Marriage, and Honour Based Abuse

Forced marriage, of children, endangers their life trajectories in multiple ways and imposes an adult lifestyle onto them for which many are not physically or mentally prepared.

The Right to Choose Multi-agency statutory guidance for dealing with forced marriage highlights that, "people forced to marry, or those who fear they may be forced to marry are frequently not in or withdrawn from education, restricting their educational and personal development. They may feel unable to go against the wishes of their

²⁸ [Working together to safeguard children 2023: statutory guidance \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/121212/Working_together_to_safeguard_children_2023_statutory_guidance.pdf)

²⁹ [Children Act 1989 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/1989/24/section/11)

³⁰ [Working together to safeguard children 2023: statutory guidance \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/121212/Working_together_to_safeguard_children_2023_statutory_guidance.pdf)

³¹ [Multi-agency statutory guidance for dealing with forced marriage and multi-agency practice guidelines: Handling cases of forced marriage \(accessible version\) - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/121212/Multi-agency_statutory_guidance_for_dealing_with_forced_marriage_and_multi-agency_practice_guidelines_Handling_cases_of_forced_marriage_accessible_version.pdf)

³² [Multi-agency statutory guidance for dealing with forced marriage and multi-agency practice guidelines: Handling cases of forced marriage \(accessible version\) - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/121212/Multi-agency_statutory_guidance_for_dealing_with_forced_marriage_and_multi-agency_practice_guidelines_Handling_cases_of_forced_marriage_accessible_version.pdf)

parents or wider family members and be threatened with disownment if they do – consequently they may suffer emotionally often leading to depression and self-harm. All these factors can ultimately contribute to impaired social development, limited career and educational opportunities, financial dependence, and lifestyle restrictions”³³ (Foreign, Commonwealth and Development Office, Home Office, Updated 13 April 2023).

“Victims may be taken abroad to be forced into marriage; they may be blackmailed or deceived by their own family for that purpose and left there for extended periods. They may be subjected to physical and emotional abuse to force them into the marriage in the UK or in other countries. Once forced into marriage, victims may be subjected to repeated serious sexual assaults and ongoing domestic abuse including from extended family members”³⁴ (HMIC, 2015).

Child brides are at greater risk of experiencing a range of poor health outcomes, having children at younger ages, having more children over their lifetime, dropping out of school, earning less over their lifetimes, and living in poverty than their peers who marry at later ages. Child brides may also be more likely to experience intimate partner violence, have restricted physical mobility, and limited decision-making ability. Most fundamentally, these girls may be disempowered in ways that deprive them of their basic rights to health, education, equality, non-discrimination, and to live free from violence and exploitation, which continue to affect them into adulthood. These dynamics affect not only the girls themselves, but their children, households, communities, and societies, limiting their ability to reach their full social and economic potential”.³⁵ (International Centre for Research on Women (ICRW), 2017).

“The terms “honour crime” or “honour-based violence” or “izzat” embrace a variety of crimes of violence (mainly but not exclusively against women), including assault, imprisonment, and murder where the person is being punished by their family or their community. They are being punished for actually, or allegedly, undermining what the family or community believes to be the correct code of behaviour.

In transgressing this correct code of behaviour, the person shows that they have not been properly controlled to conform by their family and this is to the “shame” or “dishonour” of the family. It can be distinguished from other forms of abuse, as it is often committed with some degree of approval and/or collusion from family and/ community members. Victims will have multiple perpetrators not only in the UK; HBV can be a trigger for a forced marriage”³⁶ (Foreign, Commonwealth and Development Office, Home Office, Updated 13 April 2023).

A victim of honour based violence/abuse is likely to be extremely isolated and distressed, they may not feel that they are able to trust anyone to talk to about what their family is doing to them. The victim may have limited English skills to seek support from agencies which are external from the victim’s own community. They may be living in fear of family and community; feeling controlled; watched; monitored by the family; mistrustful of everyone; feeling isolated; lonely and powerless; losing their sense of self; feeling ashamed and guilty; providing false reports of assaults to cover up for the family; experiencing a wide range of physical and psychological/emotional symptoms. Accordingly, victims of honour based abuse/violence are at risk of physical, emotional, and psychological harm.

SUMMARY

Working Together to Safeguard Children is explicit that family are only informed of safeguarding concerns where it will not increase the risk to the child.

The statutory guidance for Forced Marriage cases is clear that you must **NOT** go directly to family, friends or those with influence in the community as this may place the child at further danger

A child who is being forced into a marriage and or is the subject of honour based violence is at risk of significant physical, sexual and emotional harm and neglect of their needs.

³³ [Multi-agency statutory guidance for dealing with forced marriage and multi-agency practice guidelines: Handling cases of forced marriage \(accessible version\) - GOV.UK \(www.gov.uk\)](#)

³⁴ [the-depths-of-dishonour.pdf \(justiceinspectors.gov.uk\)](#)

³⁵ [ICRW_Brief_WomensDecisionMaking.pdf](#)

³⁶ [Multi-agency statutory guidance for dealing with forced marriage and multi-agency practice guidelines: Handling cases of forced marriage \(accessible version\) - GOV.UK \(www.gov.uk\)](#)

9. How to respond to victims and potential victims of forced marriage and honour-based abuse

One chance rule

“All professionals working with suspected or actual victims of forced marriage and/or honor based violence need to be aware of the “one chance rule.” That is, they may only have one opportunity to speak to victims or potential victims and may possibly only have one chance to save a life.” As a result, all professionals working within statutory agencies need to be aware of their responsibilities and obligations when they are faced with forced marriage cases. If the victim is allowed to leave without the appropriate support and advice being offered, that one chance might be wasted”³⁷ (Foreign, Commonwealth & Development Office and Home Office, Updated 13 April 2023)

When concerns relating to forced marriage and or honour based violence are raised you should: **Always take the issue seriously and recognise the potential risk of very significant harm to the victim**: many professionals find it hard to believe the lengths that families go to force a marriage or uphold perceived honour. Families do kill in the name of honour it is therefore imperative that you,

DO NOT

- Send the victim away or dismiss the allegation of forced marriage;
- Inform the victim’s family, friends, or members of the community that the victim has sought help;
- Attempt to “initiate, encourage or facilitate family counselling, mediation, arbitration, or reconciliation. There have been cases of individuals being murdered by their families during mediation. Mediation can also place the individual at risk of further emotional and physical abuse³⁸ (Foreign, Commonwealth and Development Office, Home Office, Updated 13 April 2023) .
- Persuade or send the victim back to their family where the victim has expressly said he/she cannot return.
- Assume there is someone in the family who will protect the victim, even if the victim has indicated there is such a person.
- Assume that it is a ‘cultural issue’.

9.1 Referrals

When a referral indicates that there may be or is a risk of forced marriage, child marriage or honour based abuse a strategy discussion or strategy meeting with the police should **always** take place. Where strategy meetings should be multiagency and include education and health professionals.

The discussion/meeting should consider the information in the referral, share information held by each agency and determine what needs to happen next.

The risk to the child should be considered based on all the information available. If there is a risk of forced marriage, child marriage or honour based abuse it should **always** be responded to as a S47 Child Protection investigation.

When referrals have information that may suggest there is a risk but does not clearly point to forced marriage, child marriage or honour based abuse they should be treated as S47 Child Protection investigation until there is evidence to the contrary.

³⁷ [Multi-agency statutory guidance for dealing with forced marriage and multi-agency practice guidelines: Handling cases of forced marriage \(accessible version\) - GOV.UK \(www.gov.uk\)](#)

³⁸ [Multi-agency statutory guidance for dealing with forced marriage and multi-agency practice guidelines: Handling cases of forced marriage \(accessible version\) - GOV.UK \(www.gov.uk\)](#)

The child's electronic **MOSAIC record should contain a warning 'at risk' of 'forced marriage,' 'child marriage' and/or 'honour based abuse'** and a note added **'no information to be shared with family.'**

9.2 Referral case studies

The following case examples are useful to demonstrate potential situations practitioners may encounter and how to assess the presenting risk:

Case study 1: Amina

- Amina, 18 year old female, has a secret boyfriend who is not from her community.
- She was taken on a last minute holiday overseas to visit her grandmother who was reported to be ill.
- Once there she was told that she was getting married and would not return to the UK until she was pregnant.
- Amina refused to get married, her phone was taken from her and her father threatened to kill her.
- Amina has been rescued and is on her way back to the UK.
- She has younger female siblings who are still overseas.

What does the referral tell us?

If we look at the information that is available a **key motive** for forced marriage can be, "preventing "unsuitable" relationships, e.g. outside the ethnic, cultural, religious or caste group "controlling unwanted behaviour." Whilst **potential warning signs/indicators of Forced Marriage include:** Last minute overseas visit to 'sick' relative (normally grandparent); phone removed or no access to a 'phone; the family finding out about a boyfriend/girlfriend.

Having considered the motives and potential warning signs/indicators and Amina's report that she has been told she is to marry there is a clear risk to her.

Amina is, however 18 years old is there a role for Children's Social Work Services?

Potential warning signs/indicators of Forced Marriage include the early/forced marriage of a sibling. Additional risks include, **when an older child (particularly a daughter) refuses to marry, younger female siblings may be forced to marry to protect the family honour or to fulfil the original contract.** In the absence of Amina, the family potentially has an unmet obligation and an outstanding debt to the groom and his family.

Accordingly, there is a risk that a younger sibling may be married in Amina's place. In this case there is also evidence to suggest Amina's siblings are likely to have suffered significant emotional harm due to their exposure/awareness of Amina's experiences.

Case Study 2: Yezda

- Referral from school: 15 year old Yezda has told a member of staff that she is in a same sex relationship. She is Kurdish and has reported that this is against her religion.
- Over the weekend her sibling told their mother about her relationship. Her mother was appalled and told her that this was not possible and sent her to the mosque to pray and repent.
- Yezda is very upset as she has a great respect for her mother and is very worried that her father and brother may find out. The family name is important, and she would not want to bring that into disrepute.
- Yezda has disclosed that she believes that other girls in her community have disappeared. This has raised concerns that she will be forced into marriage and taken out of the country.
- School has asked for advice in respect of Yezda before the end of the school day.

What does the referral tell us?

A key motive for forced marriage is controlling unwanted sexuality whilst a potential warning sign/indicator can be the family finding out about a boyfriend/girlfriend. Yezda has reported that her sexual orientation is against her

religion.

Yezda's mother's response to her is concerning, however there is no information regarding the potential 'consequences' of her brother/father finding out.

Therefore, although Yezda has raised a number of issues that could lead to Honour Based Abuse and/or Forced Marriage the risk to her at this time is not clear.

Case Study 3: Sara

- School referral.
- Sara is a 15 year old female, who identifies as being Gypsy Roma. She has not returned to school after the summer holiday.
- Her sisters have returned to school and when they were asked where Sara was, one sister reported that she had married and was not coming back. Another sister said she has a boyfriend, is not married, has begun school in Romania but wants to come back to England.
- The education welfare officer visited the home address and spoken to Sara's mother about her absence from school. Sara's mother said that Sara is staying in Romania permanently as her grandmother is ill.

In this case we do not have any information relating to key motives associated with forced marriage. There are, however, **potential indicators/warning signs such as**; Sarah has been withdrawn from education, failed to return from her country of origin after a holiday and the reason for not returning is linked to a sick grandparent. One of her siblings has reported that Sara is married, and the family are providing inconsistent accounts of why Sara has not returned to school.

Therefore, although there is reason to be concerned about forced marriage there is a lack of clarity regarding Sara's situation at this time.

9.3 Initial Strategy Meeting/Discussion

- An initial strategy discussion/meeting should take place on the day the referral is received. It is important to gather as much information as possible therefore the following issues should be considered:

Children's Social Work Services:

- What information is in the referral, where did it come from and why are there concerns?
- Has there been any previous involvement with the family? Always check mosaic records, search under date of birth, address, and name in case there is an entry with a different spelling of the name. Checks should also include older and younger siblings.
- Have there been any previous concerns regarding domestic abuse, physical abuse, early/forced marriage, sham marriages or honour based abuse?
- What if anything is known about the extended family (always check linked records)?
- If the child has been seen or spoken to: what have they said, what do they feel the risk is and from who, what do they want to happen?
- If the child is not in the country: where are they, how long have they been gone, did any other agency know they were going?

Police:

- Is the family already known to the police?
- Is the child already known to the police for unrelated matters?
- Is there any intelligence or are there previous offences relating to the adults in respect of:
 - Violence/domestic violence
 - Human trafficking
 - Sham, early/child or forced marriages.
 - Are any family members linked to other relatives where there are or have been related concerns.

Education:

- When did they start attending their current school?
- Have any requests for holidays been made, if so, are there copies of flight information and the requests?
- Do school have copies of passports: if so, where were they issued, when were they issued, what nationality is the child, does the child have dual nationality?
- What's the child's attendance like?
- Does the child socialise outside of school/attend extra-curricular activities?
- Do they have a boyfriend/girlfriend, is their sexual orientation known?
- Have there been any concerns about their emotional wellbeing or self-harming?
- Has the child's behaviour changed?
- Has the child shared any concerns or have their friends raised any concerns?
- What involvement have the parents had with the school?
- Do any siblings attend the school and are there any concerns relating to them
- Do any other family members e.g. cousins attend the school?

Health:

- Has the child/members of the family had any immunisations for travel?
- When was the child last seen by health, are their health needs being met?
- Have there been any concerns regarding the child's health/presentation/mental health?
- Have they been seen alone?

Other agencies

- What is their involvement?
- When were the family last seen?
- What information do they have regarding the family and extended family?

Specialist agencies

- Where there is information that indicates a risk of child marriage, forced marriage and honour based abuse professionals can, and should, seek advice from specialist agencies such as the Forced Marriage Unit, Karma Nirvana, Iranian and Kurdish Women's Rights Organisation.

NB: Legal Services should always be invited to strategy meetings if there is a concern relating to child marriage, forced marriage and honour based violence.

9.4 Outcomes from the strategy meeting/discussion

- Immediate safeguarding is required that necessitates the child being placed in alternative care.
- The child is abroad and requires immediate safeguarding.
- The child needs to be safeguarded but they want to remain at home.
- The child feels the risks are manageable. Professionals agree that the risk is not of a level where legal protective measures are required at this time.
- Further information is required. A decision is made in respect of a joint investigation by police/Children's Social Work Services or single agency response.
- The information suggests there is not a risk of forced marriage/honour based violence: Consideration should be given to whether there is a role for any agency. **Clearly record the reasons for the decision and what actions, if any, are being taken.**

When making decisions professionals must:

- "Recognise the importance and relevance of immediate protection where there is an identified risk
- Recognise the risk to other siblings in the household who might also be threatened with, or already be in, a forced marriage

- Understand that under no circumstances is it sufficient to protect a child by removing the alleged perpetrator from the household (as in the significant majority of cases the extended family and wider community are also involved)
- Recognise that placing the child with a family member or member of the same community may place them at risk of significant harm from other family members or individuals acting on the family's behalf³⁹ (Foreign, Commonwealth and Development Office, Home Office, Updated 13 April 2023)

NB: Legal Services provide advice regarding the threshold for protective measures to be taken by the Local Authority. The decision for the police to use their Power of Protection or for Children's Social Work Services to seek legal orders is **always** made by the appropriate senior manager.

If the child is missing: Prior to any public appeal/press coverage, senior management in CSWS and the police should jointly consider any potential increased risk to the child and agree that publicity is proportionate and necessary.

9.5 Next Steps

9.5.1 Immediate safeguarding and alternative care is required

A. If the child is in the UK:

1. A child can ask the Local Authority to accommodate them under S20 Children Act 1989, if they are of an age to do so (16). The necessary protective orders can be acquired as soon as possible thereafter (see section 10 of this guidance Seeking Orders).
2. The police can use their Powers of Protection to place the child in a place of safety. The need for protective orders to be obtained within 72 hours must be considered. Refer to section 10 of this guidance Seeking Orders).
3. If time allows Children's Social Work Services can go to Court seek the necessary, order(s) to safeguard the child and secure their placement (see section 10 of this guidance Seeking Orders).
4. If a child needs protection, and is of an age to consent to s20, but wishes to stay with a friend a Risk assessment and Safety Plan (Appendix 3) is required. The necessary protective order(s) should be sought as soon as possible - Refer to Section 10 of this guidance: Seeking Orders.

B. If the child is abroad:

1. Refer to Section 10 of this guidance: Seeking Orders', Forced Marriage Protection Orders and Wardship.

9.5.2 When a child is assessed as able to remain at home with a Forced Marriage Protection Order in place

An application for a Forced Marriage Protection Order should be made taking into account: the whereabouts of the child when the respondents are being served and what support is available to the child after service of the orders. For example, the child would not have access to professionals over a weekend if the parents were served on a Friday. However, if there was a flight risk then serving parents on the Friday may be imperative to secure the child's safety.

³⁹ [Multi-agency statutory guidance for dealing with forced marriage and multi-agency practice guidelines: Handling cases of forced marriage \(accessible version\) - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/guidance/multi-agency-statutory-guidance-for-dealing-with-forced-marriage-and-multi-agency-practice-guidelines-handling-cases-of-forced-marriage-accessible-version)

9.5.3 Risks are identified; however, they are not at a level that meet the threshold for legal protective measures to be sought

If this decision is made at the strategy meeting/discussion it should be carefully recorded and include whether the assessment of risk is based on the police Domestic abuse, stalking and 'honour'-based violence assessment 'DASH', Children's Social Work Services assessment or other information/evidence.

The police have a specific version of the DASH risk checklist for use in cases of forced marriage/honour based abuse and that is used by most police forces in England and Wales. There is, however a 'DASH risk checklist' ⁴⁰ (SafeLives, 2015 updated 2019) primarily for the use of professionals working in mainstream services and specialist domestic violence workers. The DASH risk checklist aims to provide a uniform understanding of risk across professions and can be a useful tool to use.

9.5.4 If the decision of the strategy discussion is that a visit to the child is undertaken:

- Only see the child on their own in a private place where the conversation cannot be overheard;
- If you are visiting a child in their school consider the risk of surveillance for example by siblings, cousins etc and make necessary steps to ensure the meeting with you is not detected.
- **Do not** see the child in the family home.
- **Do not** use someone from the community, friends, or family members to interpret for the child. If an interpreter is required use language line or an out of area interpreter.
- Gather as much information as possible about the child– it may be the only opportunity you have.

9.5.5 Joint visits by Children's Social Work Services and the police

The basic principles of achieving best evidence should be applied when meeting with a potential victim: listen to what is said; do not stop them if they are freely recalling significant events; where it is necessary to ask questions, they should, as far as possible in the circumstances, be open not leading, closed questions, choice, leading and multiple questions should not be used (Ministry of Justice , 2010)⁴¹. A verbatim note of what is said and the questions that are asked should be made. The time, date, who was present and where the meeting took place together with observations of the child's demeanour and any other relevant information should be recorded.

When it is appropriate to do so, the police officer should complete a 'DASH' assessment.

9.6 Single Agency visit by Children's Social Work Services

As with joint visits the principles of achieving best evidence should be applied. If appropriate a DASH checklist should be undertaken. If a DASH is not completed the checklist, Appendix 2, for gathering information can be used as a guide to obtaining key information.

Practitioners need to be alert to the fact that the risk to a child can go up and down and a child may regularly reassess the level of risk they believe they face.

For children who speak out about their concerns the prospect of their parents being told that they have done so can be very frightening for a multitude of reasons: including being disowned, bringing shame on the family, increasing the risks to them, consequences for their siblings.

If a child retracts previously reported concerns, denies that they reported a concern, reports the risks have been misunderstood and or reduced, every effort should be made to ensure that they are not being coerced into making false reports.

⁴⁰ [Resources for identifying the risk victims face | Safelives](#)

⁴¹ [Achieving Best Evidence in Criminal Proceedings \(publishing.service.gov.uk\)](#)

It is important that the assessment of risk to the child is based on all the available information and is not wholly reliant on the child's self-assessment or their changing perception of the risk to them.

Following a joint agency/single agency visit to a child a further strategy meeting/discussion should take place to consider the information that has been obtained and re-assess the risk and actions required.

9.7 After the initial strategy meeting – case studies

Using the previous case studies let us consider what happened as a result of the information shared at the initial strategy discussion/meeting.

Case study 1: Amina

We previously identified that Amina's siblings, who are overseas, are at risk of 'significant harm' based on the information in the referral. The children are all British nationals.

The Forced Marriage Unit has been contacted for advice and they have confirmed that in their opinion the children are at risk. They advised Children's Social Work Services that Forced Marriage Protection Orders need to be sought together with Court Wardship. The advice is confirmed by the Forced Marriage Unit in an email (the contact details can be found on page 5). **NB always ask the specialist agency you seek advice from if they can confirm their advice in an email.**

At the strategy meeting one of the children's schools reported that they had declined a written request by the parents to take one of Amina's siblings out of school on an urgent trip abroad to visit a grandparent who had suddenly become gravely ill. The school of another sibling had, however, agreed to the holiday and taken copies of the flight tickets. The flight tickets showed the trip had been booked months in advance of the request to take the children out of school.

Health professionals confirmed that the family had recently had their immunizations to travel. Children's Social Work Services records contained information relating to previous parental domestic violence and concerns relating to forced marriage in the wider family.

The legal advice was that Children's Social Work Services sought the orders recommended by the Forced Marriage Unit.

Case study 2: Yezda

We previously identified that Yezda aged 15 may be at risk of forced marriage/honour based abuse due to her sexuality and the response from her mother to that information.

During a joint police and Children's Social Work Services visit to Yezda she confirmed what had happened and reported that she felt the risks were manageable in the absence of her father and brother finding out about her sexuality. A safety plan was put in place. Three days later, Yezda reported to school that her mother had told her father and brother and that she had been assaulted by her brother. A joint visit to her at school was undertaken by Children's Social Work Services and the Police. The police officer completed a DASH assessment which placed Yezda at high risk. Due to the immediate risk of significant harm to Yezda, the police used their Powers of Protection and Yezda was placed in foster care. The consequent legal advice was that the threshold for an Interim Care Order and Forced Marriage Protection Order were met.

Case study 3: Sara

The information in the referral regarding Sara going to Romania and not returning to the UK had potential indicators/warning signs of forced marriage but the information from the family conflicted.

When the strategy meeting was held it had been agreed that the safer school's officer would undertake further enquiries of the family with respect to Sara's absence from education.

However, following the strategy meeting Children's Social Work Services files were reviewed. The records showed that there had been previous involvement with the family and that Sara's parents and older siblings had all been married between the ages of 13 and 15: **which is a recognized potential warning sign or indicator of forced marriage**. There had also been previous concerns about physical chastisement and forced marriage in respect of another of her siblings **which is another potential warning sign or indicator**.

That information met the threshold to seek a Forced Marriage Protection order and Wardship to include Sara's return to the UK and a Forced Marriage Protection Order for her younger siblings who were already in the UK.

Summary

- Assess the referral information and always check agency records to ascertain if there is any other information is available.
- Potential forced marriage/HBA cases should **ALWAYS** be treated as S47 investigations.
- A strategy meeting/discussion should take place on the day the referral is received.
- When a strategy meeting is held, Legal Services should be asked to attend.
- If the recommendation of a strategy meeting is seeking protective Orders, accommodating a child or the police using their powers of protection approval by the appropriate senior manager **must** be obtained prior to the recommendation being implemented.
- If there is an opportunity to see the child, taking into account, risks, urgency and timeframes, arrangements for a joint visit by Children's Social Work Services and the Police to the child in a safe place should be undertaken.
- The principles of achieving best evidence **must** be applied when meeting with children/young people. Verbatim notes of what is said including any questions should be recorded.
- The child's MOSAIC record **must** be clearly marked to ensure no information is shared with the family.
- **No contact** should be made with the family or members of the community until a risk assessment has been undertaken and appropriate safeguarding measures are in place.

10. Seeking protective orders

10.1 Forced marriage/child marriage

When a child has been identified as being at risk, and a decision by Senior Management has been made to seek a Legal Order(s), the following process should be followed:

1. Legal prepare an application: An Ex-parte application is made when the safety of a child has not yet been secured. This means the family are not given notice of or invited to the first Court hearing. Orders that are made without notice must be time limited, include a date to return to Court and give the provision that the 'respondent(s) has the right to apply to the Court for the terms of the order to be varied or revoked.'
2. With notice applications should only be made if the child is in a safe place. For example, the police may have used their power of protection, the child may be at school, staying with a friend or be accommodated under Section 20 Children Act 1989.
3. Applications for Forced Marriage Orders and a Public Law Order (e.g., a s31 application for a care or supervision order) can be lodged at the same time. A Public Law Order cannot be sought with Wardship.

10.2 Social Workers Affidavit

With respect to Forced Marriage Protection Orders: All applications are supported by an affidavit and the court makes its decision on the civil burden of proof, on the balance of probability.

1. An Affidavit is a sworn statement. It should be prepared by the Social Worker/legal officer and is required to support the application for a Forced Marriage Protection Order. The Affidavit is sworn (signed) in the presence of Court Staff or in some cases a solicitor therefore you **do not pre-sign the affidavit**.
2. The Affidavit should include: a brief history of any previous involvement with the child/their family; details of the concerns; analysis of the evidence [motives/warnings signs]; identification of the risk of harm and how the child, and their siblings where appropriate, need safeguarding.
 - Include any previous CSWS involvement, pertinent points such as previous concerns relating to forced/child marriage, early/child marriage in the family/extended family, domestic violence, the child self-harming, previous reports of physical abuse etc.
 - Outline what has led to the current concerns, e.g. Children's Social Work Services received a referral from School reporting the following concerns etc.
 - Explain what leads you to believe there is a risk, one way of doing this is to draw on the information available and link it to the 'motives' and 'potential warning signs/indicators of forced marriage. If the Forced Marriage Unit or other specialist agencies have been consulted with include their opinion/advice.
 - Where appropriate acknowledge that there is no tangible evidence to support the application. For example: Evidencing an intention to force a marriage can be difficult as in many cases the bride and or groom is unaware of the plans. Therefore, unless a tangible piece of evidence such as a wedding invitation shows intent it is more likely that a potential Forced Marriage is prevented by professional intervention; after a victim raises concerns, or an individual reports that someone is at risk rather than there being clear evidence that a forced marriage is planned.
 - Explain what the risks of harm to the child is, e.g. The forced marriage, of children, endangers their life trajectories in multiple ways and imposes an adult lifestyle onto them for which many are not physically or mentally prepared. The Local Authority believes [child's name] is at risk of Forced/Child marriage for the reasons outlined in this affidavit and is at risk of/has suffered emotional, sexual, and physical harm. Accordingly, on the evidence available at this time there is reason to believe that [child] is at immediate risk of [further] significant harm.
 - Inform the court why you have not spoken to the parents/family about the concerns: The Multi-agency practice guidelines: Handling cases of Forced Marriage highlights the increased risk to victims if professionals talk to their families and alerting them to the concerns before appropriate safeguarding measures are in place. It is the Local Authority position that there is reason to believe that the child is at significant risk of harm based on the information available. Further assessment of her/his situation and any associated risks to their siblings cannot safely be undertaken whilst they are [abroad; in parents' care; until a Forced Marriage Protection Order is in place to safeguard them].
 - Make it clear why siblings may also be at risk if you are asking for orders in respect of them. For example: The Multi Agency Practice guidance on Handling Cases of Forced Marriage is explicit that professionals should 'always consider,' "the risk to any other siblings, now and in the future. Younger siblings might be at risk of being forced to marry when they reach a similar age"⁴² (Foreign, Commonwealth & Development Office and Home Office, Updated 13 April 2023). Additionally, where appropriate highlight that when a marriage is prevented in the absence of the intended bride/groom the family has an unmet obligation and an outstanding debt to the other family which could heighten the risk to a sibling. If applicable include that there is a history of child/forced marriage in the family.
 - Where a child is abroad and Wardship and their return to the jurisdiction is required be clear about why: The Local Authority believes that the child is at significant risk of immediate harm. Due to the issue of

⁴² [Multi-agency statutory guidance for dealing with forced marriage and multi-agency practice guidelines: Handling cases of forced marriage \(accessible version\) - GOV.UK \(www.gov.uk\)](#)

jurisdiction and the immediate need for protection the Local Authority has lodged an application for Wardship in respect of the child.

- If there is information that has the potential to increase the risk to the child, consider whether it needs to be withheld.
 - (4) The court may direct the withholding of any submissions made, or any evidence adduced, for or at the hearing—
 - (a) in order to protect the person who is the subject of the proceedings or any other person, or
 - (b) for any other good reason⁴³ (Legislation.Gov.UK, 2008).
- Therefore, Legal Officers and the Social Worker need to consider if there is information within the application for a Forced Marriage Protection Order and or the Social Workers affidavit that needs to be withheld. If there is consideration should be given as to whether there is:

A need for the information to be permanently withheld? For example; If the parents are unaware that the child is in a same sex relationship and sharing that information with them will further increase the risk to them, it may need to be permanently withheld.

A need to temporarily withhold information? For example; The child is abroad with their parents and disclosing the information could: increase the risk to them; provide opportunity for them to be coerced into providing a false account or lead to parents failing to return them to the UK. **When a child is abroad, permission from the court should be sought to delay the service of the Local Authority application and Social Work Affidavit from the respondents until the child has returned to the jurisdiction.**

- Forced Marriage Protection Orders should be sought in respect of a child's parents and/or any other person. The Court can only exercise its powers in respect of a breach of the Orders/Failure to comply in respect of an individual who is in the UK. Therefore, when seeking Forced Marriage Protection Orders careful consideration should be given as to who the respondents of the Orders need to be. For example, if a child is abroad with their parents and there is an adult sibling, uncle, grandparent, or other close relative in the UK it may be appropriate to seek a Forced Marriage Protection Order in respect of those relatives in addition to the parents. Doing so can serve as a means of contacting the family abroad and also motivate those in the UK to assist in expediting a child's return to the UK. If you are seeking orders in respect of family members explain the reason for doing so and, if known, the degree of their involvement with the child.
- **Child's wishes and feelings.** The Protection Act 2007 (Part 4A Forced Marriage) says, "(2) In deciding whether to exercise its powers under this section and, if so, in what manner, the court must have regard to all the circumstances including the need to secure the health, safety and well-being of the person to be protected"⁴⁴ Forced Marriage (Civil Protection) Act 2007 and "(3) In ascertaining that person's well-being, the court must, in particular, have such regard to the person's wishes and feelings (so far as they are reasonably ascertainable) as the court considers appropriate in the light of the person's age and understanding" (Forced Marriage (Civil Protection) Act 2007⁴⁵.
- Including a child's wishes and feelings may not be possible at the time of the application, however it is essential during the course of the consequent proceedings to do so. Sir Nicholas Wall, in the case of A Chief Constable v A and others [2010] EWHC (Fam) 2438 in his judgement identified that in case of forced marriage, "nobody should underestimate the pressures which may, in certain circumstances, be placed

⁴³ legislation.gov.uk/ukxi/2008/2446/article/7/made/data.xht?wrap=true Rule 3.33 (4)e

⁴⁴ [Forced Marriage \(Civil Protection\) Act 2007 \(c. 20\) \(legislation.gov.uk\)](https://legislation.gov.uk/ukxi/2007/2446/article/20/made/data.xht?wrap=true)

⁴⁵ [Forced Marriage \(Civil Protection\) Act 2007 \(legislation.gov.uk\)](https://legislation.gov.uk/ukxi/2007/2446/article/20/made/data.xht?wrap=true)

upon such a person”⁴⁶ (Casemine, 2010) and it is, “essential that if the court is to make a realistic assessment pursuant to section 63A (2) that the person to be protected is to be seen by someone who is aware of those pressures and is, in short, an expert in the field.”⁴⁷ (Casemine, 2010). It is, however recognised that, “in some cases, the State’s duty to protect an individual will override that individual’s stated wishes and feelings. In lay terms, the court, therefore, has jurisdiction, in a particular case, to protect a person from themselves”⁴⁸ (Decisions England and Wales Court of Appeal (Civil Division), 2020).

10.3 Contested Forced Marriage Protection Orders

Where the making of a Forced Marriage Protection Order is contested at an on notice hearing the judgement in *Re K* (Forced Marriage: Passport order) sets out a “route map”⁴⁹ in four stages to be followed when the court is considering making a Forced Marriage Protection Order in any particular case.

It is important to acknowledge that at a first on notice hearing the court can exercise its power to make an interim order without a detailed analysis of the underlying facts, as the primary role of the Court is protective. It is, however, necessary for the court to determine any relevant factual issues when making an Order.

10.4 Drafting Forced Marriage Protection Orders

In December 2018, the President of the Family Division drew attention to the need to amend the previous Orders following it being identified that they should contain a warning notice that breach may amount to a criminal offence and a “Note to Arresting Officer” as follows:

Under section 63CA of the Family Law Act 1996, breach of a Forced Marriage Protection Order is a criminal offence punishable by up to five years’ imprisonment. It is an arrestable offence, and it is not necessary to obtain a warrant.

“A person who without reasonable excuse does anything that the person is prohibited from doing by a forced marriage protection order is guilty of an offence.” Family Law Act 1996, section 63CA (1)⁵⁰.

In terms of the way in which Forced Marriage Protection Orders are drafted for the Court although the use of the Draft Orders is ‘strongly encouraged’ it is not mandatory and may be varied by the Court or a party: “if the variation is required by the circumstances of a particular case” (Courts and Tribunals Judiciary Update to Compendium of Standard Orders, 2018) and if doing so will not prevent the order from being valid or binding ...” (Courts and Tribunals Judiciary Update to Compendium of Standard Orders, 2018)⁵¹.

The draft Orders differ in respect of whether a child is abroad and needs to be returned to the UK, if they need to be presented at an Embassy etc. It is therefore important that the appropriate draft Forced Marriage Protection Order is used as a basis on which to draft the Order sought. The draft Orders can be downloaded at:

<https://www.judiciary.uk/publications/practice-guidance-standard-children-and-other-orders/>

- Forced Marriage Protection Orders are emergency orders; however, consideration needs to be given to the practicalities and timing of serving them to avoid increasing the risk to a child. For example. If a child is abroad and they need to be seen at an Embassy which is closed Friday to Monday, serving a Forced Marriage Protection Order Friday afternoon could increase the risk to the child. As there will be a lengthy period before the child can be offered an appointment at the Embassy and in the interim, they could be moved to

⁴⁶ *A Chief Constable & Anor v YK & Ors* | [2010] EWHC 3282 (Fam) | England and Wales High Court (Family Division) | Judgment | Law | CaseMine

⁴⁷ *A Chief Constable & Anor v YK & Ors* | [2010] EWHC 3282 (Fam) | England and Wales High Court (Family Division) | Judgment | Law | CaseMine

⁴⁸ *K (Forced Marriage: Passport Order) (Rev 2)* [2020] EWCA Civ 190 (21 February 2020) (bailii.org)

⁴⁹ *K (Forced Marriage: Passport Order) (Rev 2)* [2020] EWCA Civ 190 (21 February 2020) (bailii.org)

⁵⁰ Family Law Act 1996 (legislation.gov.uk)

⁵¹ Update to Compendium of Standard Orders - Courts and Tribunals Judiciary/

another location, the plans for marriage bought forward and/or the child subjected to further harm. In such circumstances delayed service may be necessary. **Permission from the court to delay service and the reasons for the request must be sought when the application is heard and included in the Order.**

- Consider how service of an order is to be executed. In some cases, it is appropriate to ask the Court's permission for orders to be served by a Process Server via a social media platform, such as WhatsApp or Facebook where a 'read receipt' evidences service on the respondent. This can be permitted under Courts Procedure Rules Part 6, 6.19 (1)⁵²
- If the child is abroad, a realistic date by which they need to return to the UK **must be included in the forced marriage protection order**. As should a time by which parents have to notify the Local Authority of the child's travel details and, if required, when the child should be presented to the Embassy.
- When a Forced Marriage Protection Order is made without notice to the respondents, a further hearing should be timetabled considering where the child and parents are. If they are abroad, ensuring that time is allowed for them to return to the UK.
- A Forced Marriage Protection Order can include the surrender of any passport, travel and identification documents for the child who is protected.
- A Forced Marriage Protection Order is a civil order and unlike in public law cases the respondents do not automatically qualify for legal aid. Therefore, if an interpreter is required for the parent(s) the provision for a Court interpreter should be included in the Order which is drawn at the ex-parte hearing.

10.5 Wardship

Where there is an international element, the Court can use its inherent jurisdiction in respect of the child. Under its inherent jurisdiction it is the duty of the court to ensure, "that a child who is the subject of proceedings is protected and properly taken care of.

The court may, in exercising its inherent jurisdiction, make any order or determine any issue in respect of a child unless limited by case law or statute. The court may under its inherent jurisdiction, in addition to all the orders that can be made in family proceedings, make a wide range of injunctions for the child's protection of which the following are the most common:

- a) orders to restrain publicity;
- b) orders to prevent an undesirable association;
- c) orders relating to medical treatment;
- d) orders to protect abducted children, or children where the case has another substantial foreign element; and
- e) orders for the return of children to and from another state"⁵³ (Ministry of Justice, 2018).

"The court's wardship jurisdiction is part of and not separate from the court's inherent jurisdiction. The distinguishing characteristics of wardship are that:

- a) custody of a child who is a ward is vested in the court; and

⁵² [PART 6 - SERVICE \(justice.gov.uk\)](#)

⁵³ [PRACTICE DIRECTION 12D - INHERENT JURISDICTION \(INCLUDING WARDSHIP\) PROCEEDINGS \(justice.gov.uk\)](#)

- b) although day to day care and control of the ward is given to an individual or to a local authority, no important step can be taken in the child's life without the court's consent" (Ministry of Justice, 2018)⁵⁴.

Due to the immediate effect of Wardship, it is particularly useful in situations where forced marriage/child marriage is anticipated or has taken place: as the child becomes a Ward of the court immediately and is provided with immediate protection. Wardship Orders can include the return of a child from abroad and prevent a child who is a ward of the court from being removed from England and Wales without the Court's permission. Where permission has not been given the police can assist to prevent their removal.

NB: Wardship proceedings cannot be commenced if the issues concerning the child can be resolved under the Children Act 1989.

10.6 General Jurisdiction

The primary rule of jurisdiction, as set out in Article 5 of the 1996 Hague Convention, is that measures of protection in relation to children should be taken by the judicial/administrative authorities of the Contracting State of the habitual residence of the child. Habitual residence is not defined in the 1996 Hague Convention, and under UK law is a question of fact. The basic proposition, as set out in the case law, is that habitual residence is established based on the place which reflects some degree of integration by the child in a social and family environment. This depends upon various factors such as:

- a) The duration and reasons for being in the country;
- b) The child's nationality;
- c) Whether or not the child is/attended school;
- d) The language spoken by the child;
- e) Family and social relationships in the country

10.7 When a child is not habitually resident

If the court determines that it does not have jurisdiction for a child but that protective measures are necessary, Article 11 of the 1996 Hague Convention gives jurisdiction to contracting states in urgent cases (this reflects the previous position of Article 20, Brussels IIa).

Article 11

1. "In all cases of urgency, the authorities of any Contracting State in whose territory the child or property belonging to the child is present have jurisdiction to take any necessary measures of protection.
2. The measures taken under the preceding paragraph with regard to a child habitually resident in a Contracting State shall lapse as soon as the authorities which have jurisdiction under Articles 5 to 10 have taken the measures required by the situation.
3. The measures taken under paragraph 1 with regard to a child who is habitually resident in a non-Contracting State shall lapse in each Contracting State as soon as measures required by the situation and taken by the authorities of another State are recognised in the Contracting State in question".⁵⁵

The measures that may be taken by the Court under Article 11 of the 1996 Hague Convention include the making of an interim care or interim supervision order; subject to a local authority thinking that the threshold criteria as set out in s31(2)(a) of the Children Act 1989 are met; as provided for by Regulation 5 of the The Parental Responsibility and Measures for the Protection of Children (International Obligations) (England and Wales and Northern Ireland) Regulations 2010 (SI 2010 No 1898)⁵⁶.

⁵⁴ [PRACTICE DIRECTION 12D - INHERENT JURISDICTION \(INCLUDING WARDSHIP\) PROCEEDINGS \(justice.gov.uk\)](https://www.justice.gov.uk/practice-directions/12d-inherent-jurisdiction-including-wardship-proceedings)

⁵⁵ [HCCH | #34 - Full text](#)

⁵⁶ [The Parental Responsibility and Measures for the Protection of Children \(International Obligations\) \(England and Wales and Northern Ireland\) Regulations 2010 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukdsi/2010/1898)

10.8 Where a child aged 17 years old or 16 years old and married, is made a Ward of the court

The court does not have the jurisdiction to make an interim or final care order for a child who is aged 17 years old. However, there may be cases when it is necessary for the court to vest a child's Care and Control in the Local Authority. For example, a 17-year-old girl, subject to Wardship Proceedings, returned to the UK accompanied by her mother. Professionals were concerned that she would not be able to express her true wishes and feelings or ask to be accommodated if that was necessary. The court vested Care and Control in the Local Authority allowing for the child to be placed foster care, with their agreement. Doing so provided the opportunity for the child's wishes and feelings to be ascertained by an expert in the field of forced marriage. The expert was also able to advise the court what the child's understanding of the risk to them was and offer a professional opinion on the actual risk.

If it is known that Care and Control under Wardship will be necessary when a child returns to the jurisdiction this should be requested at the first ex-parte hearing.

10.9 Criminal investigations when a Child is a Ward of Court

In 2017 case law established that:

- There is no requirement for the police or any other agency carrying out statutory powers of investigation or enforcement to seek the permission of the court to interview a child who is a ward of court. The fact that a child is a ward of court does not affect the powers and duties of the police or other statutory agencies in relation to their investigations: Provided that the relevant statutory requirements are complied with, the police or other agencies are under no duty to take any special steps in carrying out their functions in relation to a child who is a ward of court.
- Where a child has been interviewed by the police in connection with contemplated criminal proceedings and the child is, or subsequently becomes, a ward of court, the permission of the court is not required for the child to be called as a witness in the criminal proceedings⁵⁷ (Ministry of Justice, 2018).

Summary

- A Social Worker affidavit (sworn statement) is prepared in support of applications for Forced Marriage Protection Orders and Wardship Cases.
- Applications should be ex-parte unless the child's safety has been secured by other means on an interim basis.
- Permission for a service agent to serve the Order(s) through a social media platform can be sought from the court where appropriate.
- The court's permission to withhold information should be considered if the information could increase the risk to the child.
- Permission to delay service of the application and supporting documents on the respondents must be sought at the time of the application if required.
- Parents are not automatically entitled to legal aid in Forced Marriage/Wardship cases. They may therefore be unrepresented. The provision of a court interpreter, if required, should be made to the court.

11. After orders have been made

11.1 Service of a Forced Marriage Protection Order

When a Forced Marriage Protection Order has been made, unless delayed service has been granted by the court,

⁵⁷[PRACTICE DIRECTION 12D - INHERENT JURISDICTION \(INCLUDING WARDSHIP\) PROCEEDINGS \(justice.gov.uk\)](https://www.justice.gov.uk/practice-directions/12d-inherent-jurisdiction-including-wardship-proceedings)

simultaneous service on all the respondents should take place as soon as possible. **The Powers of arrest attached to the orders do not become effective until the orders have been served on the respondents.**

The Forced Marriage Protection Orders are served on named agencies including the police, passport office and where appropriate Embassy/High Commissions. The Orders can only be served on those agencies after they have been served on the respondents. The police can, however, put ports/borders alerts on in advance of the Orders being served if there is a flight risk.

In all cases when the child is abroad and simultaneous service is 'not possible', the Forced Marriage Protection Order **MUST** be served on the respondents in the UK first. Service of the Order on the adults who are abroad should take place as soon as possible after the Orders are served in the UK: within hours not days. If the adults who are abroad are served first there is a risk of them alerting the adult(s) in the UK who may then flee thus delaying, if not prevent, the enforcement of the Order by the UK Court. Thereby potentially increasing the risk to the child who is abroad.

If the child is abroad and the Order(s) requires them to be seen at an Embassy a safe and well check will be undertaken when they attend. **Embassies do not serve Forced Marriage Protection Orders, however they will generally either give the order to the respondent and/or explain the content to them.**

11.2 Travel document

All passports, travel documents and ID cards ceased by the Local Authority under the terms of the Forced Marriage Protection Order should, unless directed otherwise by the Court, be taken to Civic Hall at the earliest opportunity.

Documents taken to Civic Hall will be placed in the safe until further order of the Court. To arrange for all passports, travel documents and ID cards to be safely stored at Civic Hall contact: **the Legal Records Management team on 0113 222 4444 or email LEG.Filing@leeds.gov.uk.**

11.3 Notifying other Agencies

Involved professionals including school, GP and school nursing must be notified that Orders are in place and asked to mark their records accordingly.

Summary

- Forced Marriage Protection Orders are **not** enforceable until they are served on the respondents.
- Orders **must** be served as soon as possible, unless the court has agreed to delayed service.
- Where there is an international element and simultaneous service on individuals in the UK and abroad is not possible the Orders should **always** be served on the individuals in the UK first and on the individual's abroad as soon after as possible.
- All travel and identification documents ceased by Children's Social Work Services under the auspice of a Forced Marriage Protection Order or Wardship **must** be stored at Civic Hall.
- Following service of the Forced Marriage Protection Orders, legal serve the Orders on named agencies.
- Social Workers are responsible for notifying involved professionals schools, GP's and school nursing **must** be notified.
- When a Forced Marriage Protection Order is made is must be recorded as an 'interim' Forced Marriage Protection Order in the 'legal status' on the child's mosaic record.

12. Planning for the return of a child who is abroad

A joint response by the police and Children's Social Work Services should **always** be coordinated when a child is returning from abroad.

A further strategy meeting may be required prior to or when a child becomes a ward of the court, and a Forced Marriage Protection Order(s) is made. This meeting should consider the services, safeguarding measures, criminal investigation, and plan for the child's return. **Attempts to contact the police or other agencies abroad to assist with the repatriation of children should not be made by Children's Social Work Services unless the Forced Marriage Unit advises to do so.**

- When children are abroad the Forced Marriage Unit should always be consulted. They are the agency who liaise with their counterparts abroad. If appropriate they will notify the Embassy in the Country in question and inform them of the child's situation and of any assistance required to aid their return to the UK. The role of the Embassy can vary on any given situation. For example, in some countries the political climate has prevented staff from leaving the security of the Embassy and from families attending appointments with them.
- It is recommended that for effective communication between professionals during the planning and recovery of the child abroad a group email is set up to include the allocated Social Worker, Social Worker's manager, Service Delivery Manager, legal officer, the allocated police officer, their sergeant/Inspector, and the Forced Marriage Unit if applicable. This not only ensures that professionals are not duplicating work but that everyone has the same information in a timely manner and that senior management are able to make decisions promptly when required. Previously the use of group emails has been particularly important in respect of the timings of service of Forced Marriage Protection Orders, feedback from an Embassy after a child has/has not been seen, travel and details and assessing changing risks to a child.
- A clear plan **must be** in place regarding, who is meeting the child on their arrival back in the UK. In all but exceptional circumstances Children's Social Work Services and the police need to attend.
- A clear plan must be in place regarding where the child is going to be placed when they arrive back in the country e.g. foster carer, with family, with a friend. The legal auspice for the placement must also be agreed in advance. For example, the police utilising their powers of protection, Wardship Care and Control or Section 20.

12.1 When a child returns from abroad

If the parents are returning from abroad with the child, it is important for there to be a clear plan in place regarding what will happen.

- If the parent(s) are going to be arrested: in addition to the police officers undertaking the arrest(s) a child protection police officer (ABE trained if possible or at a minimum aware of the principles of ABE) needs to be present with Children's Social Work Services to see the child on their return;
- Any questions/answers asked of/given by the child should be written 'verbatim' (and contemporaneously wherever possible). The time and date noted, and the written notes typed up as soon as possible. All handwritten notes **must be** retained.
- If an ABE video interview of the child is required, it should be arranged as quickly as possible after they return to the UK.
- It is likely that the child returning from abroad is a Ward of the Court. If the police are utilising their powers of protection to place them in foster care the court should be notified of that in advance or as soon as possible afterwards.
- Consideration to discharging the Court Wardship should be given at the first hearing following the child's return to the UK at which time the Local Authority can make an application for any alternative Order: in some cases, an application for an Interim Care Order with a care plan for the continuation of the child's placement in foster care is necessary. In other cases, the continuation of a child's placement in foster care

may not be necessary. Equally, upon their return to the UK, the child may have returned home or been placed with a family member (subject to a risk assessment/Court permission).

NB: If the investigation is not jointly undertaken by the police and Children's Social Work Services there are restrictions to information sharing. This can necessitate the police being required to make an Annex H application to obtain disclosure from the Court and can frustrate a criminal investigation. It is therefore important for there to be joint working from the onset of cases particularly where there is the potential for a criminal investigation.

13. Placements

13.1 Placement with parent(s)

When a Forced Marriage Protection Order has been obtained and parents/relatives become aware of the situation the child's relationship with professionals may alter. In some instances, the Order(s) may be sufficient for the child to feel safe and less in need of professional involvement. In other cases, they may be opposed to the Order and reticent in their engagement.

There are, however, occasions when children who have previously openly shared information and concerns may become more withdrawn, refuse to see professionals or report that the difficulties that they had voiced were exaggerated or misconstrued. They may refuse to see the worker outside of the family home. Although it is not always the case, professionals need to be alert to the fact that those behaviours could be reflective of pressure being placed on the child by the family. For example, there have been incidents of parents instructing children to stay in their bedroom and not to engage with professionals to prevent them sharing information about their situation.

It is therefore important that professionals continue to work to engage the child and provide support and advice on self-protection to them during their investigation and assessment irrespective of any resistance they encounter.

Visits to the child should be announced and unannounced at the family home. The child must be seen outside of the family home, for example at their educational provision. This will assist in building a relationship with them, obtaining a better assessment of their situation and increase professionals' ability to identify and implement any additional safeguards required are acted on in a timely manner.

It is, however, also essential that professionals consider the impact of their visits to the child and family on them. In some communities having professional involvement can bring shame to the family and draw unwanted attention to them from the community. Therefore, whilst visits are necessary consider the timing of visits, ensure that your ID badge is not visible to members of the public and be aware that in some cases visits have the potential to increase the risk to the child.

13.2 Placement in foster care

"If a decision is made to place a child or young person with a foster family, it may not be appropriate for them to live with a foster carer from the same community as their birth family. The current regulations make clear that, while children should be cared for in a way that recognises and respects their individual identity, their ethnicity, culture, religion, and linguistic background are only factors for consideration when identifying the best foster family for a child.

A child or young person coming into care may need, and want, to be placed out of their local authority area to ensure they feel safe and are protected from harm, especially where a risk of forced marriage has been identified. Such placements demand effective planning, engagement and information sharing between the placing local authority and the services local to the placement, including, for example, the local Virtual School Heads or Looked

After Children Education (LACE) coordinator, who can help to identify appropriate school provision”⁵⁸

Workers need to be aware that for some children a culturally matched placement can add to their difficulties and be a barrier to them sharing information and feeling safe. Whilst others may feel that having carers who are of the same faith as them or have similar cultural practices is a priority. Be mindful of the child’s wishes and what you know about them. For example, a child may prefer to be placed with a foster carer who can support their religious and cultural needs rather than with someone who someone of the same faith and cultural background.

The ethnicity of a carer can be of significance to a child. For example, in one case a Muslim child from Bangladesh was placed with Muslim, Pakistani foster carers. She refused to engage with the foster carers and isolated herself in the home. It emerged that this was due to the child’s parents having deep rooted prejudices about individuals from Pakistan. The child, at their request was moved to a white British foster carer who provided them with a halal diet and was supportive of their religious practices. They quickly settled, integrated into the placement, and built a trusting relationship with the foster carer which assisted in gaining a better understanding of their situation. In contrast, another child was clear their priority was to be placed with a Muslim carer, irrespective of their ethnicity, and to live outside the geographical area they originated from. Accordingly, it is important to consider the nature of the placement, how it will impact on the child’s safety, sense of safety, ability to settle and build a relationship with the foster carer.

An additional consideration for many children and or their families is whether the placement is likely to lead to people in their community becoming aware of the local authority being involved with them. In some cases, this can lead to shame and additional pressure from the community on the child and their family.

If a child remains living in the geographical area where they were previously living, careful consideration needs to be given as to whether it is safe/appropriate for them to continue to attend their educational provision. Children who continue to attend the same educational provision will invariably come into contact with extended family or members of the community in which they were living. In such circumstances, it is not unusual for messages to be passed to them and in some cases, pressure put on them to consider the impact of what they are doing/saying on their parents/family and at times the community.

13.3 Challenges for children

Children from minority communities who cannot remain in the care of their parents face multiple challenges. It is not unusual for family to be of the utmost importance to the child and for them to have previously had limited experiences of life outside of their family. They may not, therefore have developed the same level of independence, self-care, and self-protection skills as their peers of a similar age.

Separation from family can lead a child to experience immense feeling of isolation, a sense of responsibility for their situation, feelings of guilt for their parents and siblings’ and distress and worry about the response of their wider family and the community towards them and their family.

For children who are placed in foster care or outside of their family, when the reality of their situation hits home it is not unusual for them to experience mixed feelings and even alter what they have said or retract information they have given. The sense of loss of a child’s family relationships and feelings of isolation should not be underestimated. It may lead some children to feel unable to go against their parents and ask to go home, whilst in other cases the impact of having gone against their parents can lead to a deterioration in their mental health. Some children may begin or continue to self-harm, not eat, and express feelings of suicide. Foster carers should be alerted to the possibility of those issues at the commencement of the placement. Support from the GP and or where appropriate specialist mental health services should be sought as soon as there are any concerns relating to a deterioration in a child’s mental health.

If there is a decline in a child’s mental health or an escalation of previously identified mental health difficulties, they,

⁵⁸ [Multi-agency statutory guidance for dealing with forced marriage and multi-agency practice guidelines: Handling cases of forced marriage \(accessible version\) - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/multi-agency-statutory-guidance-for-dealing-with-forced-marriage)

the family and at times professionals, may identify it as being a direct response to the child being in foster care and representative of their desire to return home. It is important that professionals consider a child's situation fully before making a decision that they should be placed back at home due to their mental health difficulties and or expressed wishes. For example, one child who reported experiencing visual and auditory hallucinations and strongly advocated to go home later disclosed that it was the pressure of having to be untruthful, to support their parents, and avoid being disowned which had led to those issues. Their mental health issues immediately resolved when the pressure to give a false account stopped.

For children who are placed in foster care and cannot attend their previous educational provision, the sense of isolation is compounded. Professionals need to consider how to reduce the losses a child experiences and explore ways in which friendships can be safely maintained and if they want to see their family how that can be facilitated.

It is important to recognise that a child may say that they do not wish to see anyone in their family, however, may have a secret relationship with a trusted sibling or relative. These relationships have the potential to increase the risks to the child but equally to the person with whom they are in contact. Professionals should be mindful of exposing secret relationships and the potential consequences of doing so. In one case a child had maintained a secret relationship with her sister, who had been the victim of a forced marriage, and was the most important person to her. Sadly, when that relationship became known to professionals, and consequently her family, she had no option other than to sever all ties with her sister to preserve her own place in the family.

In other cases, siblings have been used by parents to put pressure on children to change their accounts, promise them gifts, apologise etc. In one case a child was reassured by her sibling that her parents would accept that she was in a same sex relationship if she returned home. However, after she returned home and her parents discovered she was still in a relationship she had to flee the family home again, permanently, for her safety.

13.4 Family time

Any meetings should take place in a safe location, supervised by a trained/specialist professional with an authorised accredited interpreter present, as families will sometimes threaten the person in their native language.

If someone has left the family home, allowing them to have unsupervised contact with their family may be extremely dangerous. Families may use the opportunity to subject the victim to extreme physical or mental duress or take them overseas regardless of any protective measures that may be in place⁵⁹. A risk assessment in respect of family time should always be undertaken and include:

- Does the child want family time and if so who with? Depending on the circumstances there may be a parent or sibling the child does or does not want contact with.
- Is it safe for the child to attend family time? Could family time lead to them being followed back to their placement and thereby increase the risk to them? Is there a risk of abduction/harm? Can this be managed?

There are occasions when varying the location for family time and transporting the child and parent separately to the venue reduce the aforementioned risks to a manageable level.

13.5 Family time contract of expectations

A contract of expectations detailing what is/is not permitted needs to be signed by parent(s) prior to family time taking place. The contract should include:

- The parent(s) agree to speak loudly enough for the supervisor to hear what is being said.
- If an interpreter is being used, the parent(s) and child agree to only speak the language used by the interpreter. The contract should be explicit that no colloquial dialect should be used, or other languages spoken. For example, if the family is Romanian Roma and a Romanian interpreter is booked the

⁵⁹ [Multi-agency statutory guidance for dealing with forced marriage and multi-agency practice guidelines: Handling cases of forced marriage \(accessible version\) - GOV.UK \(www.gov.uk\)](#)

agreement should explicitly say that it has been agreed that no Roma or language other than Romanian will be spoken during family time.

- Not blaming the child or discussing the issues before the Court should always be included in the contract. Parents often find it difficult not to challenge the child about what has been said or try to subtly or directly justify their actions.
- Consider who needs to leave the contact first particularly if the child's placement is confidential; which it needs to be.
- Family time can be difficult for parents and children. However, it is important to include that the parent will try to manage their emotions appropriately. They should be given advice and support in this regard.

NB: Meet with the interpreter before family time and advise them of any issues that 'cannot' be discussed. It is too late to intervene after it has been said, but if the interpreter knows when to intervene, they can do so.

13.6 Indirect contact

Social media and telephone communication is a way of life and of great importance to many children these days. Professionals need to be alert to the risks associated with social media and telephone communication as it could be a means of the family locating the child, monitoring their movements and at times engaging in coercive and controlling behaviour towards them.

Equally a child could inadvertently place themselves or others at risk through the use of social media. For example, by simply having an individual as a friend if the family disapproves, posting pictures of companions, identifying their location etc. There are therefore times when restricting mobile phone/social media use or overseeing its use is necessary. If a child has sufficient understanding of the risks and is cooperating with the professional's risk assessment, it is still important to provide guidance on its use and ensure restrictions on profiles/setting and location is given and acted on.

Consideration needs to be given to a child's access to a phone, computers etc on a case by case basis.

NB: If having a mobile phone is part of a child's safety plan the number should be given to the police (see safety plans).

13.7 Family Group Conferencing

"In care proceedings, local authorities are required to demonstrate to the court that they have considered family members and friends as potential carers at each stage of their decision-making. However, in cases of forced marriage, professionals should exercise extreme caution around how they evidence this, and consider carefully whether, for example, family group conferences are appropriate in these cases.

Ideally, family group conferences should not be used in cases where a child is at risk of forced marriage because of the physical danger and potential emotional manipulation they may experience during this type of session with their parents and other members of their family or community. There must not be any burden on the child or young person to agree to a family conference"⁶⁰ (Foreign, Commonwealth & Development Office and Home Office, Updated 13 April 2023).

14. Assessing cases of Forced Marriage

It is important to remember that when an application for a Forced Marriage Protection Order is granted it is only valid on an interim basis and can be challenged by parents and or the child who is protected. Accordingly, the Court will, in most cases, require an assessment of the child's situation to ascertain whether a final Order should be made.

For some children, a Forced Marriage Protection Order provides them with sufficient protection to remain living at home.

⁶⁰ [Multi-agency statutory guidance for dealing with forced marriage and multi-agency practice guidelines: Handling cases of forced marriage \(accessible version\) - GOV.UK \(www.gov.uk\)](#)

- In this situation the Court can be invited to Order the Local Authority to undertake a Section 37 Report whilst the Forced Marriage Protection Order remains in place
- Undertaking the Section 37 Report ensures that the risks to the child and any siblings are fully considered, whilst the Forced Marriage Protection Order(s) provides a level of protection to them whilst the necessary enquiries/assessment is undertaken.
- In some situations, the Court may vest 'care and control' of a child who is a Ward of the Court in the local authority allowing for their time limited placement in foster care to obtain a specialist assessment of their wishes, feelings and understanding or otherwise of any risk to them.

NB: A Forced Marriage Protection Order is a civil order therefore parents do NOT automatically have access to legal aid and may not be legally represented during the Court Proceedings.

- If the child is in the care of the Local Authority under the auspice of a Public Law Order Children's Social Work Services will be required to complete a Child and Family Assessment/Risk Assessment.

14.1 Undertaking assessments

When undertaking assessments, it is important to remember that the child has come to professional attention due to child protection concerns **not religious or cultural issues**.

Therefore, practitioners undertaking assessments in respect of forced marriage, child marriage and honour based abuse/violence do not need to have cultural expertise or be highly knowledgeable about a particular culture or religion. That is not to say that an individual's culture or religious beliefs should not be considered as it is important to do so. However, overly focusing on culture and religion can detract from the child protection issues and lead to people becoming entrapped by the general cultural and religious practices of a community or Country rather than the specific issues pertaining to the 'beliefs' and 'practices' of the family who are being assessed.

There may, however, be times when an expert report from a professional with cultural expertise is necessary to inform the child protection assessment. For example, in one case a child's parents were trying to persuade her to live in her country of origin, she had an unrealistic understanding of what living there would be like and the risks to her. After speaking to an expert in forced marriage who came from the country in question, the child identified that there were risks to them and reported that they did not want to return to the country in question.

14.2 Assessing Parents

The multi-agency practice guidance on managing cases of forced marriage highlights that the assessment framework on which social work assessments are based, "may not highlight any problems concerning children and young people facing forced marriage. They often come from very loving families where the parents' capacity to provide safety, emotional warmth and stability is excellent. The children are often high achievers at school, their health is good, they are well integrated into the local community and have good relations with the wider family – they may not necessarily exhibit the warning signs"⁶¹ (Foreign, Commonwealth and Development Office, Home Office, Updated 13 April 2023).

Practitioners will often only meet parents for the first time when a Forced Marriage Protection Order and or other legal Orders have been acquired. At times that first meeting may be when the Orders are served on parents or in the Court forum.

It is not unusual for practitioners to begin to question the validity of their concerns after meeting parents. Not least

⁶¹ [Multi-agency statutory guidance for dealing with forced marriage and multi-agency practice guidelines: Handling cases of forced marriage \(accessible version\) - GOV.UK \(www.gov.uk\)](#)

as parents are often polite, respectful, engaging, and appear genuinely abhorred by the suggestion that they would force their child to marry or harm them in any way.

Parents of children from some Eastern European communities may vehemently deny there has been a forced marriage and assert that it is the child's choice to marry. Thus, they do not associate child/early marriage with forced marriage and using the term forced marriage can be a barrier to exploration of the situation.

To understand and accurately assess the risk of forced marriage/child marriage/honour-based abuse it is necessary to be 'willing to learn about an individual's values, beliefs, traditional and cultural practices from them.'

Accordingly, in addition to assessing a family using the assessment framework it is important to explore areas that will assist in understanding the family practices, any influences on those, and their belief systems. The following areas are helpful ways of doing so:

- Explore the parent's account of the situation that has led to professional concerns relating to forced marriage/child marriage honour based violence with each parent separately. Wherever possible, what is said should be written down verbatim, as in cases where a marriage has been evidenced accounts given have often changed during the course of the assessment.
- With each parent complete a family tree going back to great grandparents:
 - i. Ascertain the ages of the individuals
 - ii. Ages at the time of marriage
 - iii. Ages of children
 - iv. Look at the pattern of marriages. Are the spouses' blood relatives?
 - v. Is there a pattern of one spouse living in the UK and the other in the country of origin at the time of marriage?
 - vi. When they married how was it arranged? Did they know each other prior to the marriage? Were they on holiday abroad at the time of marriage? Where did they live after they married?
 - vii. Where do the extended family members live?
 - viii. What does honour and shame mean to them?

When exploring the aforementioned issues with parents, do not make assumptions that you know what they mean.

For example, in one case a parent reported she had an arranged marriage, however during exploration of how that was arranged she disclosed that she had gone on holiday and been told she was to marry once there. She explained that she was obedient to her parents and therefore had not questioned their decision. Following her marriage, to a cousin she had not previously met, her parents returned to England leaving her in Bangladesh with her husband and his family. After she had fallen pregnant and was in the later stages of pregnancy, she was allowed to return to England where she obtained employment so that she could sponsor her husband to join her.

The mother replicated her experience with her own daughter, however the daughter refused to marry. The intended groom was a first cousin. The family tree showed that the parent and her brother had both married their cousins, as had their parents.

Motives for forced marriage can include, 'attempting to build family links, longstanding family commitments and assisting with claims for UK residence/citizenship

Understanding a parent's experience and views about their own marriage can provide useful insight into their expectations and approach to their children's marriages. For example, a Roma parent reported that she had been married at aged 13, which she said had not been very nice for her. She advised that in her religion and culture you cannot have sex before marriage as to do so brings shame. Therefore, her husband had been concerned that if he had not 'taken her' to be his wife at a young age someone else would. She reported that her daughters would not marry until the age of 18, in keeping with the law in the UK. However, during exploration of the family tree with her it became apparent that her older daughters had been aged 13 to 16 when they had had their children. When that was highlighted to the parent, she advised that in her 'culture' a boy can take a girl to be his 'wife' without the parents' permission. Furthermore, she advised that in her culture children want to marry young therefore she said

she had not stopped her own from doing so as, “it is their choice”. The Local Authority was involved with the family due to the 15-year-old daughter marrying while on holiday in Romania. She reported she had ‘wanted to.’

The marriage which was reported to be ‘traditional’ had been proceeded by the boy’s parents asking for the marriage prior to both families going on holiday to Romania. Once in Romania the traditional marriage, which did not require a ceremony, had been celebrated in a restaurant. The parent advised in their ‘culture’ a bride may or may not wear a wedding dress, an elder may say a few words of blessing and the marriage can take place in the bride’s home, after which there may be a celebration at the groom’s house. After the wedding, the bride lives with the groom and his family. Some girls have reported that as part of the marriage, sexual intercourse takes place to confirm they are a virgin, and the bloodied bedsheet is shown to the guests to evidence they were a virgin. Families from some Roma communities have shared that the celebration of marriage does not always take place. For example, if a girl is no longer a virgin or is pregnant the traditional marriage celebration does not take place, due to shame, however the couple’s marriage becomes known and is recognised by the community when the female begins to live with the male and his family.

It is, however important for professionals to “be aware that in some Roma communities it can sometimes be the case that a young couple will consummate their (hidden) relationship in order that their parents, wishing to avoid a situation in which pre-marital sexual relations occur, will organise an informal ceremony which confirms the relationship as a marriage in the eyes of the parents and the community. Professionals should consider these issues in deciding whether the offence of forced marriage has been committed”⁶².

It is important to recognise that in some communities’ traditional marriages take place and are viewed by children, their family and community to be of equal if not of greater importance than legally recognised marriages.

Explore what their parents’ expectations of them were when they were growing up and the roles of the adults and children in the household.

For example, were boys treated differently to girls, was education available and accessed? What was the role of the extended family, is there shared wealth in terms of properties abroad or in the UK?

Understanding these issues can assist in identifying the influence of the wider family and potential risk from them or protective factors. Whilst it can also help to understand a parents’ beliefs and attitudes to gender differences and the role they and their children have in the family.

- What were the family beliefs and practices in respect of having boyfriends/girlfriends when they were growing up? What are their views?

Do not simply accept a parent’s first response: For example, one father reported that there was no problem with his daughter having a boyfriend, however when that was explored with him, he stated if she had a boyfriend she would ‘have’ to marry him. He explained that this was due to his ‘culture and religion,’ as to have a boyfriend and not marry would bring ‘shame.’ Therefore, he said if his daughter had a boyfriend who she did not marry she would not be able to go to his home because of the shame.

Another parent reported that her marriage was arranged and that her daughters would also have arranged marriages. She explained her daughters could not have boyfriends and that as their mother it was her ‘right to choose’ her daughter’s husbands: “Muslim daughter grow up they get married, god say when grown up settle life, didn’t say it to me this is culture mum, dad, uncle arrange marriage.” Accordingly, she could not consider that her daughter had been unhappy with her choice of husband for her and advised that her daughter’s refusal to marry had been due to black magic.

It is not unusual for families to hold strong beliefs regarding marriage outside of their immediate community. For

⁶² [Multi-agency statutory guidance for dealing with forced marriage and multi-agency practice guidelines: Handling cases of forced marriage \(accessible version\)](https://www.gov.uk/guidance/multi-agency-statutory-guidance-for-dealing-with-forced-marriage-and-multi-agency-practice-guidelines-handling-cases-of-forced-marriage-accessible-version) - GOV.UK (www.gov.uk)

example, some Roma families have reported that it is not acceptable to marry outside their community and in many cases that is restricted to people from the area they originate from rather than the Roma community at large. One father explained that his children can only have one boyfriend, who must be from their community as to do otherwise would bring 'great shame.'

Discussions between parents and their children about sex and marriage is in many communities' taboos and seen as shameful. It is therefore not unusual for children and young people to report that their parents have not spoken to them about sex or marriage and for them to have a limited understanding of what is meant by it. Although sex education is part of the national curriculum, some families are opposed to their children having sex education at school and believe that it encourages them to become sexually active.

- Consider what role religion and beliefs play in a parent's childhood, has it changed in adulthood. Explore what they see as being religious practice and part of their culture.

Although you do not have to be an expert, ask questions, and do your research having a basic understanding of the religious practices and general beliefs/practices is important when exploring these issues with families.

Having beliefs is a very normal part of life and for some people may include beliefs in mystical powers such as, Black magic, evil eye, and Jinn's. An individual's beliefs should be respected, however when their beliefs are harmful to them or another person they need to be appropriately challenged. For example, one father reported that his daughter's refusal to marry was not due to her resisting a forced marriage but wholly due to black magic being done to him by people who were jealous of his family. Another family refused to access mental health services for their child due to a belief that the difficulties she was experiencing were due to her being possessed by a Jinn, however when she was assessed and given appropriate medication her difficulties reduced. Beliefs can also be used to control behaviour or evoke fear. For example, a child shared that she was concerned that the talisman (necklace) her mother insisted she wore could be harmful to her or her foster carer due to her mother practicing black magic.

Ensure you understand what a parent means when they speak about their religious and cultural practices, for example: one parent asserted they were not 'very religious', however later shared they prayed 5 times a day and had paid thousands of pounds for their children's religious education.

Similarly, another family who described themselves as 'westernised,' later clarified that they were only referring to their children wearing 'western clothing,' in respect of which they said the children had to cover their bodies to the same degree as they would if they wore traditional clothing.

- What are the expectations of their community? What role do they have in their community and vice versa?

It is important to establish who the family are referring to as their community. Do not make assumptions that they are referring to a particular ethnic or religious community.

Parents have at times reported that there has been pressure for them to remain in their own marriages due to the way they will be perceived and responded to by their community if they separate. Other people have identified that if they did separate it would have negative implications for who their children can marry.

Do not underestimate the influence of the community. Families will often report that they there is not any pressure or that they do not care what the community thinks. However, this is often found to be untrue. For example, an Eastern European girl who tried to resist marrying pre-16 but said she had later agreed as she loved her parents and did not want them to be shamed.

Other children have reported that members of their community monitor their whereabouts and behaviour and criticise their parents if they perceive there have been any misdemeanours. The degree of surveillance of children by their community can be significant. One child reported her mother had received phone calls berating her for allowing her daughter to cut her hair, however she had simply tucked her hair in her coat to keep it out of the way. Another was reported for walking home from school with a boy and putting make-up on after she left the home as a

result of which she was physically assaulted by her father.

In addition to the expectations of the community, the way in which the community involves itself with the family and the importance parents place on what the community or religious leaders think can be significant and have implications for the child. No more so than if the child is in a secret relationship or behaving in a way which is not accepted by the community.

14.3 Including Children in Assessments

Direct work sessions with children should explore the same areas as those explored with their parents and include:

- A family tree should be completed with each child in the family. At times, children have added siblings or other significant family members who have been omitted by their parents and or by other siblings. In some communities' people have a name they are known by at home and in their community and a birth name professionals know them by.
- Explore their understanding of the concerns.
- Have they raised concerns, or did someone else? If they acknowledge there is a risk, who do, they feel the risk is from? If they do not believe there is a risk, how do, they explain the concerns that have arisen?
- What is their understanding of marriage and how it takes place in their family?
- What is the child's understanding of their ability to choose who and when to marry?
- Explore the child's understanding of shame and honour and any perceived or real consequences to them or their family if someone brings shame/dishonour.
- Is the child integrated? Do they have friendships outside of school if so who with? Do they attend extra-curricular activities? With the exception of school attendance, children are often restricted to socialising within their family or immediate community. Accordingly, they are less visible to the outside world than many of their friends.
- Does the child have aspirations for the future, are there barriers to them achieving them due to family expectations? e.g. One child reported they would like to go into the police force, but it is their 'duty' to get married, therefore they could not do so. Another child reported that they wanted to be a minister in the church but did not think they could as they are expected to marry and 'have as many children as God gives' them.
- What are their parent's expectations and aspirations for them?
- Are they allowed relationships with the opposite sex, same sex relationships? How would their parents, siblings' wider family respond?
- Include protection work in the direct work you undertake with children.

14.4 Assessment Recommendations

In cases where there has not yet been a forced marriage and the making of a Forced Marriage Protection Order and or restrictions to travel are recommended, "the court will not be dealing with the certainty that future harm will take place but, rather, the assessment of the risk that it may do so. Where protective measures will necessarily limit the freedom of the protected person and others to enjoy other Convention rights, it will be necessary to evaluate, with a degree of precision, the extent of protection that is necessary in each individual case"⁶³ (Decisions England and Wales Court of Appeal (Civil Division), 2020). In contested matters the Court, "must explicitly consider whether or not the facts as found are sufficient to establish a real and immediate risk of the subject of the application suffering inhuman or degrading treatment sufficient to cross the ECHR, Article 3, threshold"⁶⁴ (Decisions England and Wales Court of Appeal (Civil Division), 2020).

It is essential that you pay attention to your analysis. If you are recommending that a Forced Marriage Protection Order and or any other order is required, be clear why. What is the evidence that has led you to that conclusion? Be

⁶³ [K \(Forced Marriage: Passport Order\) \(Rev 2\) \[2020\] EWCA Civ 190 \(21 February 2020\) \(bailii.org\)](#)

⁶⁴ [Guide on Article 3 - Prohibition of torture \(coe.int\)](#)

explicit about the risks and why the Order(s) is necessary to reduce/manage the risks. If you are recommending orders for the siblings of a child at risk of forced marriage/child marriage and or honour based abuse it is important that you are doing so 'based on the specific risk' to them. Analysis must be balanced and include strengths as well as risks and grey areas.

Similarly to the Forced Marriage Protection Order being for a specific period of time, other than in exceptional circumstances where it is open ended, the court can determine a time limit on restrictions relating to travel and where appropriate may list a hearing before a ban on travel expires. Consideration should be given as to whether restrictions to travel need to be in place and only recommended if it is justified. If it is your assessment that restrictions are necessary, it is important to be specific as to why it is necessary; how long the risk associated with travel is likely to continue for and if there are circumstances that would reduce the risks associated with travel. For example, it may be that specific work with the child or family has the potential to reduce future risk, or that once the individual is over a certain age the risk will be reduced. While equally the risk may increase when the order expires, for example, at the age of 18 when there is no longer a requirement for them to be in education, training or employment and they are less visible to professionals.

If you are recommending restrictions to travel rather than all travel being prohibited have a clear plan as to what the family need to do if they wish to travel, how Children's Social Work Services will respond to a request to travel, and the time timeframe for a decision. For example, consider the following questions and use the Travel Abroad Form in Appendix 5:

- What is the reason for travel
- Who is in the family and which family members will be travelling
- What are the planned travel and return dates
- How will they travel
- Who is the adult the child is travelling with
- Where are they staying

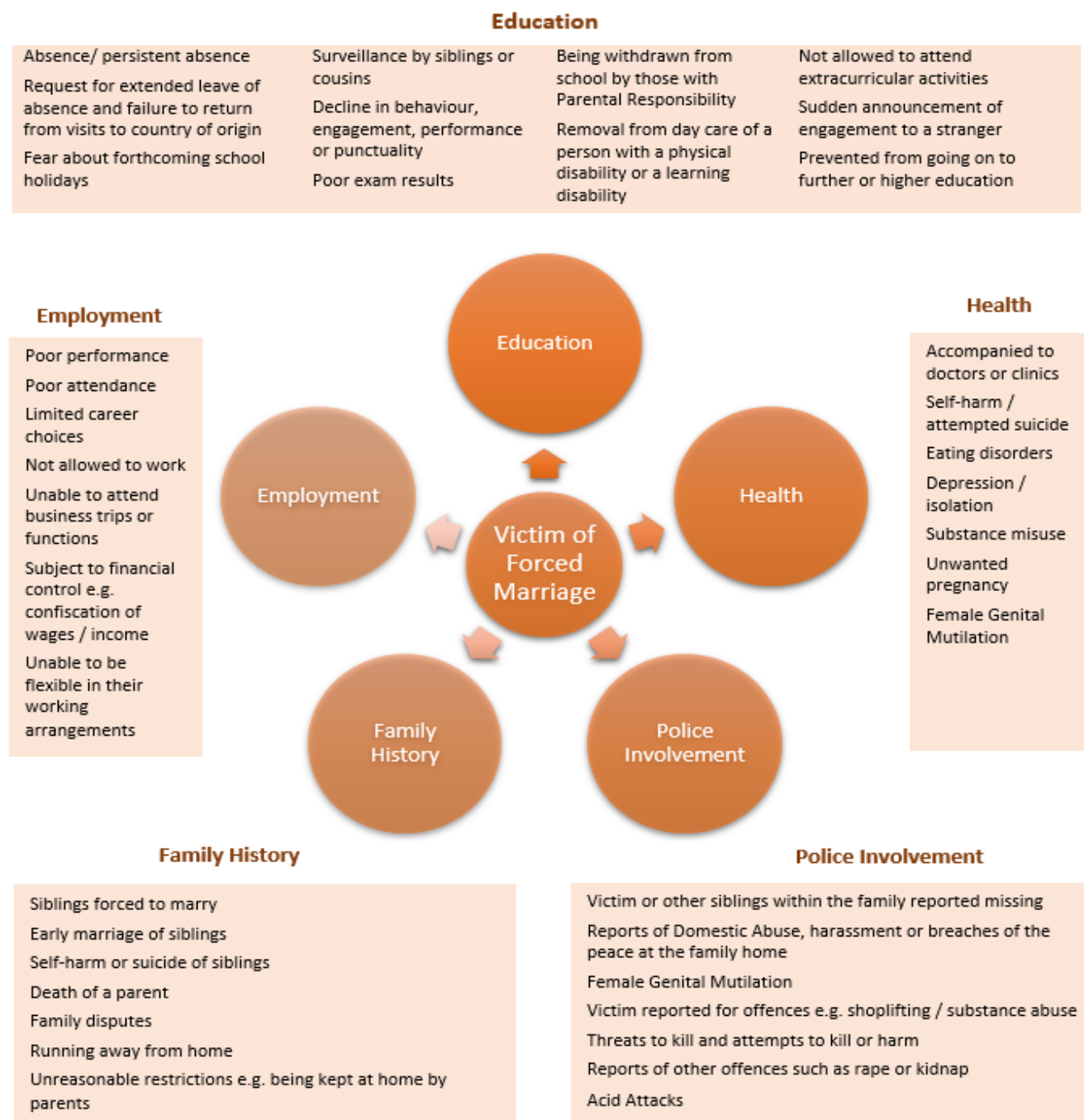
If the travel request is urgent also ask

- What is the urgency related to
- If it is related to the death or serious illness of a relative – who is the affected person

15. Appendices

Appendix 1 – Chart of potential warning signs or indicators

Potential Warning Signs or Indicators of Forced Marriage



Appendix 2 – Checklist

Checklist	
<p>Do not see the child in the family home. <i>(If an interpreter is required, use language line or an out of area interpreter. Do not use someone from the community, friends or family members when speaking to the child)</i></p>	
Name:	DOB:
What has led to the current concerns, what's been said/what's happened? (record exactly what is said in the child's words in each section)	
If the child is fearful, who do they identify as presenting the greatest threat to them and why?	
What does the child feel needs to happen to reduce their fear and increase their safety?	
If the child believes that the risks can be managed whilst they are at home, why and how do they think that can be achieved?	
How can you contact the child without putting them at risk?	
Devise a code word that the child can use to alert professionals to the need for immediate help	
Do a family tree if possible, going back to grandparents (The family tree will help you to understand the family dynamics and potential risks)	
Is there a history of cousin/relatives marrying?	Yes/No <i>(highlight on family tree)</i>
What age did family members marry? Is there a history of child/forced marriage?	Yes/No <i>(highlight on family tree)</i>
Did one individual typically reside in the UK and the other abroad at the time of marriage?	Yes/No <i>(highlight on family tree)</i>
Record as many addresses for family members in the UK and abroad as possible	
<p>Don't make assumptions about what someone means by marriage or arranged marriage. Failure to explore what people mean can lead to inaccurate assessments: what are the family practices, arranged (how is this arranged), love marriages etc. What happens is there a ceremony/party/does the boy/girl go to live with their partner's family.</p>	
Travelling abroad	
• When did the child last go abroad?	

<ul style="list-style-type: none"> Has there been a recent discussion regarding a holiday? 	
<ul style="list-style-type: none"> Does the child have a passport or EU ID card? (if possible, obtain the details) 	
<ul style="list-style-type: none"> How much contact do they/parents have with relatives abroad? 	
<ul style="list-style-type: none"> Do the family have a home abroad, where is it and who else stays in it? 	
<ul style="list-style-type: none"> Is there any reported illness/recent death of grandparents or close relatives abroad? 	
<ul style="list-style-type: none"> Are any relatives visiting from abroad 	
Relationships	
<ul style="list-style-type: none"> Is the child in a relationship/married/engaged? 	
<ul style="list-style-type: none"> Is the child in a relationship their parents would disapprove of and if so, why would they disapprove? E.g.: same sex relationship; different ethnic/cultural background 	
<ul style="list-style-type: none"> What are parent's expectations in respect of partners? E.g. are they allowed to have relationships prior to marriage 	
Child's details	
Who lives in the family home?	
Have there been any previous concerns in respect of this child?	
Have they got older/younger siblings – are there or have there been any concerns relating to them?	
What are parent's expectations of their children? EG: in terms of religious adherence, education, marriage.	
Are parents strict or relaxed? Have there been changes in this over recent month?	
If the family is described by the child as 'Westernised' what does that mean? E.g. does it go beyond wearing Western clothing	
Has there been any physical/ emotional abuse (<i>include historic</i>) include any threats of violence?	
Is there any domestic violence/abuse in the household?	
Does the child feel that they are treated differently to their siblings if so in what way?	

What's their school attendance like?
Is the child able to socialise outside of school, if so, with who?
Do school have any concerns/have school shared any concerns with parents?
Are there any other risks to the child e.g. CSE/Trafficked?
What does the child want to happen
If appropriate, explain and ascertain their views on protective measures, e.g. Police Powers, FMPO remaining at home/foster care

Appendix 3 - Safety Plan

SAFETY PLAN	NAME:	DATE:
Action		Date of Action
Has there been a strategy discussion?	YES/NO	
Have you or the police completed a DASH what is the level of risk?	Low, medium high FM and or HBA	
Has the child been offered a referral to Karma Nirvana?	If refused write what was said If accepted, have they been seen/spoken to	
*Does the child have access to a mobile phone?	Phone number	
Has the child been provided with the numbers for FMU, Karma Nirvana and if there's an international element Embassy in the country and UK?		
Is the child's file clearly marked stating information should not be shared with parents/family?		
What is the child afraid of/who do they believe presents the greatest risk to them and why? (record what they say in their words)		
Agreed code word/phrase for the child to alert professionals that help is required	What is the word/phrase	
Which professionals are aware of the secret word and this safety plan?	CSWS School Police GP	
Who can the child go to if they are in danger?	E.g. friend's house, police, teacher detail the plan	
Is there a risk of this child being taken overseas?		
Give safety advice		
Where is the child's passport/ID documentation? Do they know any details of the documents?		
Is there a photograph of the child on school/CSWS/police records?		

How will professionals monitor the child's safety?	E.g. School/college will alert CSWS if they do not attend The child will text SW to confirm that they are safe	
IF NO LONGER LIVING AT HOME		
Has the importance of keeping their whereabouts confidential been discussed with the child?	Is the child in agreement/what are their views	
Has social media safety been discussed with the child to ensure that family cannot locate/contact them?	Provide details	

NB: This is a draft template and should be added to if there are additional case specific areas to be covered.

* When mobile phones are used as part of a safety plan they should be registered with the police.

- When contacting the Police to register the phone, an alternative to ringing 101 is to ring the Police Safeguarding Team at the Front Door. You can contact the team on: 0113 3760293;
- If there is a change to the arrangement, i.e. the phone is no longer needed by someone, or a particular phone has been provided to someone else, it is important to update this information with the police. Again, this can be done via the Police Safeguarding Team; and
- If a phone has been provided that is a TecSOS phone, i.e. a Home office issued phone, this will already have been logged onto the Police system

Appendix 4 - Travel abroad form

Travel Abroad Form		
What is the reason for travel? (e.g. holiday)		
Who is in the family and who is travelling? (Full name and DOB)	Yes if travelling	No if not travelling
What are the dates of travel?	From: To:	
What is the means of travel? (e.g. flight)		
Name and DOB of the adult any child will be travelling with		
Full address of where the child/ren will be staying		
Name of person who the child will be staying with		
If the travel request is urgent, what is the reason for the urgency?		
If the urgency is related to someone with a serious illness or who has died – who is the affected person?		
What are the passport details of the person subject to the FMPO (include passport number, type of passport, date of issue and expiry and a copy of it).		

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