

Understanding Protection and Prevention Responses to Forced Marriage in England and Wales

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CONTRIBUTION

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EXECUTIVE SUMMARY

A forced marriage is a marriage that lacks the consent of one or both parties, which is legally recognised as a form of domestic violence that primarily affects women and girls in the UK. Forced Marriage Protections Orders (FMPOs) are civil injunctions designed to prevent forced marriages and protect the victims/survivors. Although approximately 200-250 FMPOs have been granted annually in England & Wales since 2014, little is known about their use and potential impact on the victims/survivors. The aims of this first-ever study of FMPOs is to understand the workings of FMPOs and generate recommendations for improving preventative and protective responses to forced marriages.

A mixed methods approach was utilised drawing on quantitative data on FMPO applications in England & Wales and data from five police forces on FMPOs obtained between 2014 and 2019, and qualitative data from reported judgements on FMPOs (n=37), police case files from five force areas (n=70), life-history interviews with survivors (n=11) and interviews with practitioners (n=42).

Research findings

There is no reliable source of data on the prevalence of forced marriage; the Ministry of Justice data gives an overview of FMPOs but only disaggregates it by age (minors and adults). In relation to the police records, there is an urgent need to improve data recording practices to tag forced marriage and honour-based violence (HBV) more broadly and in relation to FMPOs in particular.

The vast majority of forced marriages took place in the context of childhood histories of neglect and abuse. Gendered control over female sexuality through restrictions on behaviour and mobility was commonplace. The father was commonly, although not always, the primary perpetrator or controller of these gendered household regimes, and domestic abuse perpetrated against the mother commonly co-occurred with abuse against the children. In this context, mothers were often made responsible by the fathers for ‘disciplining’ the children and managing daughters’ sexuality. In a few cases, mothers were the primary perpetrators of the abuse against their daughters.

The dominant patriarchal norms within the family and community, including gendered notions of honour and shame, created a common context for forced marriage. A relationship or association with a boy/man (real, imagined or rumoured) often triggered a forced marriage for women and girls. For men and boys, forced marriage was commonly a punishment for a wayward or westernised lifestyle, rather than a means of controlling their sexuality. Dominant norms regarding binary genders and heteronormativity led to the punishment of ‘deviant’ sexuality through HBV or forced marriage. In relation to disability, which affects individuals’ capacity to give their consent, parents’ desire to secure a carer for their disabled child may motivate such marriages. Parents’ desire to strengthen transnational family relationships through ensuring that their child marries a cousin, to facilitate the migration of a relative, and/or to secure their own status through their child’s marriage to a member of the community were also factors behind forced marriage. Threats of being taken outside the UK in order to be forced into a marriage were common; in a minority of cases, the victims/survivors were taken abroad for the purpose of marriage or were, in fact, married. Another specific and hitherto less documented dimension of transnational forced marriage relating to Somali victims/survivors was institutional incarceration and violence in detention centres in Somalia.

School closures and inaccessibility of services reduced the routes to help-seeking during the pandemic, at a time when the lockdown imposed prolonged, enforced contact with multiple perpetrators of forced marriage within the home. There remains a need to be alert to the needs of those who were aged 17-18-years old during the pandemic and missed school.

Physical violence, including HBV, was common in the cases in our sample. It was the form of coercion that was most intelligible to the practitioners, particularly the police, who would seek within the victims/survivors' accounts evidence of such violence and direct threats of it, in an attempt to establish the extent to which the victims'/survivors' fear of harm was 'reasonable'. There was also a recognition of emotional or financial pressure, where this was directly applied by parents, for example, by invoking the dishonour brought upon the family or threatening to withdraw support to attend university. However, what was common but not always acknowledged as coercive was the force of gendered social expectations and the fear of community reaction/gossip which shaped family dynamics and created a coercive burden in the absence of directly articulated threats.

In the face of these coercive pressures, victims/survivors often made disclosures to their friends, boy/girlfriends, select family members and co-workers, who encouraged them to contact services, or informed the services themselves where the victims/survivors were unable to do so (due to being held against their will either in or outside the UK). For those who directly contacted the services, schools (for the under-18s) and the police were the most common point of contact, often in a moment of crisis. For those who were trapped overseas, the Forced Marriage Unit was a conduit to other services and repatriation.

Responding to forced marriage entails a complex process of engaging simultaneously with risk management, safeguarding, support service referrals and making decisions regarding FMPOs and possible prosecution. Where multi-agency working was effective, it created a space within which those subjected to forced marriage could recover a sense of agency. However, the gatekeeping performed by services facing financial constraints, higher thresholds for intervention or support and a lack of (the effective sharing of) knowledge and skills often impeded effective, sustained multi-agency working. Specialist 'by and for' domestic violence services were often central to offering expertise and advocacy especially where statutory services were reluctant to support victims, for example those whose immigration status was insecure or could not be verified.

In most cases, the application for an FMPO was made with the consent of the subject; nevertheless, there were a few cases where the application was made based on the available evidence and an assessment of the risk, against the wishes of the person for whom protection was sought. FMPOs were most effective in preventing a forced marriage at an early stage particularly when the victim/survivor was still in the UK. FMPOs were also effective in facilitating repatriation in many (but not all) cases in the context of a threat of, or a completed forced marriage. Nevertheless, FMPOs were also associated with an increased risk of HBV and other forms of violence and abuse.

A minority of the victims/survivors chose to leave the family home either prior to or shortly after the FMPO was served and their safeguarding was co-ordinated between different agencies, commonly the police, social services and/or the domestic abuse services. However, in the majority of the cases, victims/survivors changed their mind and returned home in the days and weeks after leaving. In such contexts, violence, abuse or some form of emotional pressure seldom ceased. Where the agencies were able to provide a co-ordinated safeguarding response through conducting regular welfare checks, sharing information to monitor and manage the risk and striving to retain

the confidence of the victim/survivor, they provided effective protection. However, there were cases where FMPOs and undertakings seemed to be regarded by agencies as the end of the process; meanwhile the violence escalated and the victim/survivor felt abandoned by the services, which eroded their trust.

The withdrawal of support for criminal investigation or indeed for an FMPO and/or the changing of an earlier statement, were all too common occurrences. This was particularly the case where victims/survivors were living in the family home, were subjected to pressure and misinformation about the implications of the FMPO, feared that the police or social services' involvement would bring shame upon the family or get their parents into trouble, or the parents were being investigated by the police for a criminal offence. Despite the retraction, where the services seemed to understand the complex pressures that the victims/survivors were negotiating and made active efforts to foster trust, they elicited further disclosures if the threat escalated again. None of the 102 cases supported a criminal prosecution of the perpetrators, predominantly the subjects' parents, but almost always availed the protective powers offered by FMPOs, which indicates a respect for the wishes of the victims/survivors but may also indicate gaps in criminal justice responses to forced marriage and breaches of FMPOs.

Breaches of FMPOs most commonly occurred through ongoing harassment, coercion and continued pressure to marry and pressure on a victim/survivor to return to the family home and in some cases, physical violence, (attempted) abduction where they had already left the family home, being taken abroad by their parents for marriage or their parents refusing to return the subjects to the UK, despite the FMPO. Mostly perpetrated by parents, there were also cases where siblings (predominantly brothers) and other family members were involved in breaches.

The reported judgements documented the complex, intersecting inequality faced by disabled people who experienced forced marriage, and their struggle to present themselves as consistent, credible witnesses in court proceedings. This was also the case with young or vulnerable witnesses, who may have changed their statements under immense emotional pressure or were unable to provide clear, detailed narratives of sexual violence. While the judges seemed to understand the continuum between arranged and forced marriages, recognising coercion seemed to require evidence of a directly articulated threat or emotional pressure; the coercive pressure created by the socio-cultural norms and intersecting disadvantages created by age or disability did not always seem to be taken into account.

The medium- to longer-term outcomes for those who sought protection through FMPOs were only possible to discern in a minority of police case files and in the narratives of all of the interviewees. A majority of these victims/survivors had left their family home and had gone on to complete their studies, were engaged in paid work and had subsequently married, but the impact of the abuse they had experienced and their fractured relationships with their families cast a long shadow over their lives.

Conclusion

Childhood contexts and the victims/survivors' location within the social relations of power based on their gender, sexuality, disability and other types of vulnerability are crucial for understanding the 'total coercive burden' that can vitiate consent to a marriage. FMPOs represent an important remedy that can prevent a forced marriage, protect potential victims and assist those who have already been forced into a marriage. However, FMPOs can also simultaneously increase the risk of HBV and other forms of abuse being committed by the parents and wider family against those

seeking its protection.

Factors such as a lack of knowledge about the complex coercive pressures on the victims/survivors, fissures between the agencies, missteps in multi-agency working and the gatekeeping of services due to financial constraints often impeded the provision of effective support. Where the agencies worked together and practitioners understood the complex lived realities of the victims/survivors, the risks associated with FMPOs were minimised. Where FMPOs were accompanied by a package of support provided by the agencies, this empowered the victims/survivors and enhanced their safety. Our research found that the injunctive remedy offered by FMPOs has great potential, but there remains much work to be done in order to realise this potential fully.

General recommendations

1. Develop training to enable professionals to better recognise the nature and forms of coercion, including indirect forms of coercion.
2. Provide regular research-informed training to help practitioners understand any changes in the forms of coercion, such as institutional incarceration.
3. Develop protocols for taking statements to develop trust with victims/survivors and obtain relevant information for effective safeguarding and prosecution measures.
4. Clearly justify any decision to obtain an undertaking rather than an FMPO, in light of the lower threshold of protection this measure offers.
5. Offer safeguarding training on forced marriage risk management, multi-agency protocols, and inter-agency collaboration and collaborative case management.
6. Develop strong relationships with ‘by and for’ domestic violence services, which have specialist knowledge of forced marriage and the skills to meet the needs of its victims/survivors.
7. Strengthen professionals’ understanding of the complex contexts shaping victim retraction, thus enabling delivery of effective protection and prevention responses to forced marriage.
8. Respond to dual victim needs of protection and prosecution.
9. Develop protocols to effectively manage victim risk when obtaining and serving FMPOs and thereafter.
10. Develop mechanisms to flag up the expiry of an FMPO.
11. Improve data recording practices currently in place within the criminal justice system, such as recording age, gender and ethnicity for forced marriage victims.
12. Improve support from all relevant professionals (i.e., services, police, etc.) for vulnerable witnesses.

Recommendations on risk assessment and information sharing among agencies

- Forced marriage cases cannot be dealt with uniformly—rather, they must be addressed on a case-by-case basis. This means that cases must be reported across multiple agencies, allowing staff to exercise their professional judgement about the presence of a significant risk of harm and appropriate safeguarding responses.

- Recognising that domestic violence, forced marriage, HBV and child abuse in the context of family violence frequently co-exist, together with recognising the harmful effects of exposure to such intersecting forms of family violence on children, requires an urgent need for improved collaboration between statutory safeguarding services and specialist VAWG services.
- The police and other criminal justice bodies need to work with specialist ‘by and for’ services to determine the right service and response.

Recommendations for criminal justice agencies

- Police and legal professionals must gather evidence with the dual aims of both protecting the victim via an FMPO and imposing criminal justice sanctions on the perpetrator(s), as victim protection is a crucial aspect of policing—and from the perspective of victims/survivors, it may often be the key aim of reporting.
- Criminal justice professionals must continue to consider victim preferences, the evidence available, the prospect of conviction and the public interest when deciding whether to prosecute. However, they should also be prepared to respond accordingly, even if the victim preferences change quite late in the process.
- There is a need to monitor reasons on the part of CJS professionals behind decisions not to prosecute so that any differences in attrition rates can be analysed to determine if these rates vary depending on the type of VAWG perpetrated.
- Criminal justice professionals must be apprised of the health consequences of forced marriage, female genital mutilation and HBV. This knowledge must be passed on to relevant services and is critical to recognising the impact of trauma when gathering statements.

Recommendations for health services

- Invest in follow-up services for vulnerable adults (e.g., intergenerational trauma, PTSD counselling).
- Understand the effects of violence in the context of complex and multiple traumas that have long-lasting emotional and psychological consequences, including post-traumatic stress disorder, depression and substance misuse, and offering the appropriate advocacy, support and referral to health services in light of this knowledge.
- Professionals must probe for abuse, including forced marriage, when a young person presents with mental health issues.
- Safety planning should address both internal and external circumstances—for example, the state of a victim’s mental health and the psychological burden of the coercion. Holistic responses, such as body therapy and group work, should be provided to address the effects of trauma on the body.
- The needs of gendered violence survivors are best met via services that are survivor-centred, gender-specific and trauma-informed and that give victims decision-making autonomy. A trauma-informed perspective means practitioners are alert to the power dynamics of the nexus between forced marriage and family abuse in a particular relationship and context, the impact this has on victims and those victims may have coped with it.

Recommendations for ‘by and for’ domestic violence services

- Ensure that victims who have disclosed forced marriage can make informed decisions about reporting this form of abuse to the police and that they receive ongoing specialist support to improve their experience of disclosure and help-seeking.
- Offer independent support through qualified and specialist case workers. This is critical to improving survivors' awareness of their rights and options, increasing their confidence in the criminal justice system and criminal justice processes (including the role of statutory agencies), improving their immediate and long-term safety, and ensuring that they are given the means to access all the support they require.

Recommendations for domestic violence, children and adult social services teams and teachers

- Raise awareness of the dynamics of forced marriage and effects of this violence.
- Identify and remove barriers to forced marriage-specific service provision, including lack of funding; lack of training and awareness by service providers; lack of appropriate support to meet the needs of young people experiencing coercive control in relation to forced marriage.
- Offer training about accessing appropriate resources for victims.
- Implement more robust investigation of older siblings' previous forced marriage experiences and whether an FMPO was secured in these instances, given the clear patterns of repeat victimisation and low reporting rates
- Improve practitioner vigilance, particularly over the coming two years, to enable disclosures of forced marriage and to support victims (especially those who were aged 16-18 during the pandemic) who have been deprived of their usual routes to disclosure and help-seeking through their schools.

1. INTRODUCTION

This is the first-ever study of Forced Marriage Protection Orders (FMPOs) in the UK. The need for this study arose from a realisation that despite the steady numbers of FMPOs being issued in England and Wales since 2007, there was no research which could help us understand the lived experiences of seeking injunctive relief for forced marriage, the barriers victims/survivors may face in seeking support and their experience of receiving such support. We also knew little about the challenges and opportunities created by FMPOs in the preventing forced marriage and protecting victims/survivors. The aim of this study is to assess the nature and extent of such ‘protection gaps’, generate valuable knowledge about what constitutes good practice around FMPO and produce practical and positive outcomes for victims/survivors.

Forced marriage can be defined in various ways; these definitions complicate people’s understanding of forced marriage and/or lead to complexities in the prevention and prosecution of such marriages. Forced marriage and arranged marriage are often conflated in popular discourse, but the Forced Marriage Unit guidance makes a clear distinction between the two: ‘A forced marriage is where one or both people do not or cannot consent to the marriage, and pressure or abuse is used to force them into marriage’ while in an arranged marriage, ‘the families take a leading role in choosing the marriage partner, but both individuals are free to choose whether they want to enter into the marriage’ (FCO & Simmonds 2013: 4-5). Nonetheless, academic scholarship has critiqued the idea of drawing such a clear dichotomy between forced and arranged marriages, viewing consent and coercion on a continuum, rather than as binary oppositions (Anitha and Gill 2009).

According to Article 16 of the Universal Declaration of Human Rights, “marriage shall be entered into only with the free and full consent of the intending spouses” (UN General Assembly 1948). The term ‘marriage’ can apply to both civil ceremonies and religious or non-state regulated ceremonies. These definitions place emphasis on force which is taken to mean physically coercing someone into marriage. In more recent UK legislation, including the Forced Marriage (Civil Protection) Act 2007, the definition of ‘force’ has been broadened to include other forms of coercion, including emotional pressure. Marriages involving children and some people with severe disabilities are also defined as forced, because age- or disability-related lack of understanding of the rights and responsibilities involved in the institution of marriage means that they cannot give the free and full consent to the marriage. Since 27 February 2023, when the Marriage and Civil Partnership (Minimum Age) Act 2022 raised the minimum age of marriage and civil partnership to 18 in England & Wales, any conduct undertaken to cause a child to marry is forced marriage even if coercion is not used.

We do not have reliable statistics on the prevalence or reporting rates of forced marriage in the UK. The UK’s Forced Marriage Unit (FMU) provides annual data on the support it provides and this shows a steady rise over the past decade, although this may reflect increased awareness of legislative changes related to forced marriage rather than an actual rise in prevalence (FMU 2017, 2018, 2019 and 2020). From 2012 to 2019, the FMU recorded an annual average of 1,359 cases of forced marriage. These numbers dropped to 759 cases in 2020, a 44% decrease in the average number of cases (1,359) recorded annually between 2011 and 2019. This is thought to be largely

attributable to the coronavirus pandemic and its attendant restrictions on weddings and overseas travel, which had been in place to varying degrees between March 2020 and the end of 2022. While 10-15% of forced marriage cases most years involve men as the victims/coerced parties (17% of cases in 2018), this crime is highly gendered, with most cases involving young women as the victims/coerced parties (75% in 2018). Around 5% of cases each year (5.3% in 2018) involve people with disabilities. Victims are generally young, with the highest numbers in the under-15 age group in 2018 (17.7%) and the 18-21 age group (17.4%), although these numbers have varied from year to year. But all these figures are almost certainly underestimates, as many people forced into marriage do not contact the FMU.

In 2005, legislation was proposed that would criminalise forced marriage. However, there were concerns on the part of both lawmakers and the ‘by and for’ specialist sector that this hastily composed Bill would not adequately address the issue, that the criminal burden of proof would be too high and that victims would be reluctant to report their family members (Gill and Anitha 2009). Activists and advocates from communities potentially affected by forced marriage strongly recommended civil forms of protection rather than criminal prosecution—they argued that as many would be reluctant to see their families prosecuted, this might result in less people seeking help, especially if the police could press charges without the agreement of the person to be protected.

These recommendations helped lead to the introduction of Forced Marriage Protection Orders (FMPOs). In 2006, the UK Government decided not to pursue the criminalisation avenue further, and a Private Members’ Bill introduced a draft civil law instead. This would allow for victims, rather than the state, to initiate proceedings (Gill and Anitha 2009). However, activists still had objections to some aspects of the bill, particularly as it framed forced marriage as purely ‘a cultural issue’, potentially demonising ethnic communities in the UK in which forced marriage was more prevalent. In 2007, a critique of the bill was submitted by non-government organisations. It suggested that the Bill be incorporated into the Family Law Act as a civil response (Gill and Anitha 2009); this version was ultimately drafted into the final bill that became the Forced Marriage (Civil Protection) Act 2007 (Part 4 of the Family Law Act 1996).

FMPOs—civil remedies designed to offer a protective injunction—were first introduced into legislation in 2007 with this Act. There had been no prior specific forced marriage legislation, although forced marriage was indirectly addressed in other acts (Gill and Anitha 2009). For example, the Domestic Violence, Crime and Victims Act 2004 addressed the kinds of violence that often accompany forced marriage; the Marriage Act 1949 and the Matrimonial Causes Act 1973 state that a marriage is not valid if ‘either party to the marriage did not validly consent to it, whether in consequence of duress, mistake, unsoundness of mind, or otherwise’ (Gill and Anitha 2009: 258); and Article 12 of the European Convention on Human Rights required ‘free and full consent’ to marriage.

Unlike in criminal proceedings, in civil proceedings such as those in which FMPOs may be granted, the evidence is based on the balance of probabilities. Forms of evidence such as hearsay are more acceptable in this context than in criminal proceedings. The applicants need to demonstrate that, based on the balance of probabilities, a person is in need of protection. As the respondent/s are not subject to criminal sanction within civil proceedings, the applicant or person on behalf of whom the applicant is applying can be protected with a more limited impact on the

respondent, and without criminalising them. However, FMPOs can include restrictions on overseas travel and use of passports for both the applicants and respondents, and court charges may have to be met by the respondent.

In 2014, after it was argued that the FMPOs might not be entirely effective due to regular breaches, a criminal offence of forced marriage was introduced in section 121 of the Anti-Social Behaviour, Crime and Policing Act. However, as Hitchings (2005) argues, in relation to non-molestation orders, occupation orders and Anti-Social Behaviour Orders, the included power of arrest for breaches attached to the order places FMPOs, in practice, in between civil and criminal remedies. In some cases, family members were arrested for breaching orders. Within our sample of 37 judgments, the judges noted three forced marriage cases involving breaches of orders, with two arrests for contempt of court prior to 2014 and four cases involving arrests for breaches of an FMPO between 2014-2020, a civil-criminal hybridisation of protection orders that has been noted in relation to domestic abuse more broadly (Bates and Hester 2020)

Between 2014-2020, only four forced marriage cases were successfully prosecuted. Gill & Gould (2019) describe their work on one such case, *Regina V. RB*, in which a 13-year-old girl was taken to Pakistan by her mother and took part in a nikaah marriage ceremony to a 29-year-old man. Her mother later deceived her into returning to Pakistan, claiming it was for ‘a holiday’ when in fact it was to finalise the marriage that had been informally undertaken five years earlier. This case was successfully prosecuted due to expert witnesses, “strategic use of evidence” (Gill and Gould 2019) and the development of a strong police-victim relationship. During this same period, there have been a number of breaches of FMPOs which have also been prosecuted which may contribute to what we know (or don’t know) about how effective FMPOs actually are, and our understanding of what we still need to learn in order to maximise their effectiveness.

FMPOs have been increasingly used since 2014, with 200-250 issued each year in England & Wales. However, we still know little about the nature, patterns, impact and effectiveness of these injunctions. Currently, there is only one other study on FMPOs, and this was conducted in Scotland, where only 12 FMPOs had been issued at the time of the research (Chantler et al. 2017). Concerns about the inadequacy of responses to forced marriage led to the drafting of multi-agency practice guidelines (Stobart 2009) for practitioners such as police, domestic abuse service providers and social workers. However, practitioners have raised concerns about the effectiveness of the guidelines—for example, the risk of further harm, such as honour-based violence (HBV), when parents are issued an FMPO (Tickle 2015). In response, this timely study examines the nature of service responses to forced marriage through FMPOs and any ‘protection gaps’ in order to generate valuable knowledge about what constitutes good practice around FMPOs and to produce practical and positive outcomes for victims/survivors.

The research questions included:

1. What does the available data on forced marriage tell us about the reporting of forced marriage and responses to it through FMPOs?
2. What are victims’/survivors’ experiences of coercion in cases of forced marriages?
3. How do family courts conceptualise coercion, and what range of preventative and protective measures have they put in place through FMPOs?

4. How are FMPOs being utilised by practitioners to protect victims/survivors of forced marriage and prevent forced marriage?
5. What challenges, opportunities and/ or ‘protection gaps’ have FMPOs created?
6. What are victims’/survivors’ experiences of and perceptions about the process of seeking FMPOs?
7. In what ways do FMPOs protect victims/survivors from harm, and does their implementation pose any risks to victims/survivors?

This report first presents data relevant to forced marriage and FMPOs to gain some insight into the problem and on the use of FMPOs. It then thematically examines the issue of forced marriage—and FMPOs in particular—by drawing on a range of data sources, as outlined below.

2. RESEARCH METHODS

This interdisciplinary study draws upon a range of qualitative and quantitative methods to gather statistical evidence, rich data on organisational practice, and victim/survivor and practitioner perspectives. These sources enable us to generate a holistic understanding of forced marriage and the effectiveness of current solutions to it, thus filling a key knowledge gap. Triangulation is achieved through multiple data sources, multiple data collection methods and the involvement of two investigators in data analysis (Denzin 2009), thereby enhancing the reliability of the results. Ethical approval was obtained from University of Lincoln Human Ethics Committee (approval no. 2020-2184).

The data sources that this report draws upon include:

Quantitative data derived from two sources:

1. Statistics on the number of FMPO applications in England & Wales from the Family Court Statistics Quarterly Series (England & Wales). We collate and analyse this data to map patterns in the use of FMPOs over time and examine them alongside publicly available data on reporting of forced marriages to the FMU.
2. Police reports where an FMPO was obtained between 2014-2019. We analyse this data to understand the overall trends and patterns of victimisation in five police force areas.

Qualitative data obtained from four sources:

1. Reported Judgements of FMPO court cases in England and Wales (n=37) between 2014-2020, which are published decisions of the courts and represent a selection of the adjudicated cases based on their precedent value or significance. In our collation and analysis of these data, specific themes explored include the triggers for forced marriage and the patterns and features of coercion and its impact. Examining court judgements also elucidates how courts conceptualise and respond to particular forms and manifestations of coercion—for instance, those related to age and/or disability, and the range of protective measures attached to FMPOs. We also analyse judicial conceptualisations of coercion and responses to it alongside victims'/survivors' and practitioners' experiences in a thematic presentation of the research findings.
2. Police case files in England & Wales between 2014-2019 where an FMPO has been sought (n=70). We sought a sample of the total cases from each police force, with cases selected from across the sampling period and representing a diverse sample with particular attention to ethnicity, age, gender, disability and sexuality (which was seldom recorded). We analyse these to understand the nature, patterns and features of forced marriage, help-seeking and referral routes, the nature of service provision and policing response, the challenges and opportunities presented by FMPOs in protecting potential victims/survivors, and any FMPO breaches and case outcomes. The names of the five police forces are kept anonymous, but they represent both urban and rural areas and include parts of England & Wales with a high prevalence of forced marriage (FMU 2017: 8, and 2018: 9) and police forces in areas with a high percentage of residents of South Asian,

Middle Eastern and Somali origin.

3. Semi-structured interviews with a purposive sample of professionals in England & Wales (n=42) who have led/supported applications for FMPOs, including staff at domestic abuse services, the police, child protection services, adult safeguarding services, teachers, and prosecution and defence lawyers. These interviews explored themes including service responses to forced marriage, challenges and opportunities presented by the use of FMPOs, examples of good practice and practice gaps, and the impact of the Covid-19 pandemic on victims/survivors of domestic abuse and forced marriage and on service provision.
4. Life-history interviews with 11 victims/survivors from various age groups (including those for whom an FMPO was sought when they were under 18). Themes explored in these interviews include participants' childhood and family relationships, the (threat of) forced marriage, their experiences of help-seeking and services, the impact of FMPOs, and the specific benefits and/or risks posed by the FMPOs and their outcomes.

We analysed quantitative data through SPSS-generated descriptive statistics on the overall number of FMPO cases and trends, and we also analysed data from police forces on the overall number of cases they recorded as 'forced marriage' and the main characteristics of victims/survivors. To analyse the qualitative data, we use NVivo to manage and assist the inductive coding and analysis of different types of qualitative data. This enabled us to facilitate the content and thematic analysis of case law, thematic analysis of police case files and practitioner interviews, and narrative and thematic analysis of the life-history interviews.

Data analysis was completed for each stage of the research process. Following this, the data were synthesised thematically.

2.1 Background and information on the sample characteristics

We briefly outline the characteristics of our sample for each of the four sources of qualitative data that this report draws upon: 37 reported judgements, 42 practitioner interviews, 11 life history interviews with victims/survivors and 70 police case files.

Reported judgements

We analysed 37 reported judgements on FMPOs from England & Wales. As many cases ended up in the High Court of Justice Family Division after the original proceedings had been heard in lower courts, it was difficult to ascertain the regions from which the cases originated. However, the spread of judgements was broadly representative of the FMU data, with the greatest number of cases concentrated in London, and high numbers of cases in the North-West, West Midlands, and Yorkshire and the Humber.

The following table presents the demographic information related to the persons to be protected in the 37 judgements.

Judgments	Sex	Disability	Ethnic Background	Religion	Age
2010_1_1	F	N	Pakistani	Not Stated	Adult
2011_2_1	M	N	Nigerian	Not Stated	Minor

2011_3_2	M	Y	Indian	Sikh	Not stated
2011_4_3	F	Y	Bangladeshi	Islam	Adult
2012_5_1	F	N	Bangladeshi	Islam	Adults and minors
2012_6_2	F	Y	Bangladeshi	Islam	Adult
2013_7_1	F	N	Pakistani	Islam	Minor
2013_8_2	F	Y	Not Stated	Sikh/Islam	Adult
2014_9_1	Mixed	N	Afghani	Not Stated	Minor
2015_10_1	M	Y	Bangladeshi	Not Stated	Adult
2015_11_2	M	Y	Pakistani	Islam	Adult
2015_12_3	Mixed	N	Afghani	Not Stated	Minor
2016_13_1	M	Y	Bangladeshi	Not Stated	Adult
2016_14_2	F	N	Saudi	Islam	Adult
2016_15_3	F	N	Kuwaiti	Religious	Minor
2016_16_4	M	N	Not Stated	Not Stated	Adult
2016_17_5	Mixed	N	Pakistani	Religious	Minor
2018_18_1	F	Y	Somali	Islam	Adult
2018_19_2	Mixed	N	Pakistani	Islam	Minor
2018_20_3	Mixed	Y	Pakistani	Islam	Minor
2018_21_4	Mixed	N	Somali	Not Stated	Adults and minors
2018_22_5	Mixed	Y	North African	Islam	Minor
2019_23_1	F	N	Somali	Not Stated	Minor
2019_24_2	F	N	Somali	Not Stated	Minor
2019_25_3	F	Y	Somali	Islam	Adult
2019_26_4	F	N	Emirati/Jordanian	Islam	Minor
2020_27_1	F	Y	Kenyan/Somali	Islam	Adults and minors
2020_28_2	F	N	Pakistani	Not Stated	Adult
2020_29_3	F	N	British/Algerian	Not Stated	Minor
2020_30_4	F	N	Emirati/Jordanian	Islam	Minor
Asylum2017_1_1	F	N	Pakistani	Not Stated	Adult
Asylum2018_2_1	F	N	Pakistani	Not Stated	Adult
Asylum2019_3_1	F	Y	Pakistani	Not Stated	Adult
Asylum2019_4_2	M	N	Pakistani	Not Stated	Adult
NorthernIreland2010_1_1	F	N	Pakistani	Not Stated	Minor
NorthernIreland2011_2-1	F	N	Pakistani	Not Stated	Minor
Scotland2015_1_1	F	N	Pakistani	Islam	Minor

Table 1: Demographic Data from Judgments

Many of the judgments (14 of the 37) involved people of Pakistani ethnic backgrounds. The FMU data show that, in around 40% of the cases, Pakistan is the focus country. There were also

judgments involving people of Bangladeshi (five cases, with three married in Bangladesh) and Indian backgrounds (one case, married in India). However, the cases that were written up as judgments involved many more people from African and Middle Eastern countries than would be expected in a representative sample based on FMU data, including six cases involving people with Somali background. The FMU (2019, p.15) maintains that Somalia cases involved a higher level of risk, as many people contacted the FMU after they had already left the UK. It was also difficult in some cases for people to travel to an embassy, in the absence of reliable transport options, or to bring their children to the UK Embassy when ordered to by the court. This was particularly the case with Somaliland, a breakaway region of Somalia, and self-declared independent country, where the nearest British embassy for people living in Somaliland and northern Somalia is in Ethiopia. Similarly, in the cases involving Nigeria, Algeria and Saudi Arabia, the people to be protected had already been removed from the country.

The distribution between adults and children to be protected are even unlike the MoJ data, which could be because the number of adults is bolstered in the reported judgements by people with disabilities who may be overrepresented here because of the complexity of their cases. Out of a total of 37 judgements, 13 relate to people with disabilities which is far greater than to be expected based on the FMU data.

Practitioners

Interviews were conducted with a total of 42 practitioners which comprised: 26 interviews with practitioners working in 'by and for' services that support victims of forced marriage; 7 interviews with police officers, 7 interviews with legal practitioners (1 x Judge, 1 CPS prosecutor and 5 lawyers); 1 social worker and 1 teacher.

Victims/survivors

Life history interviews were conducted with eleven victims/survivors who had experienced forced marriage and sought FMPOs. The sample comprises of 5 women of Pakistani background, 3 women of Bangladeshi background, while 2 women were of Indian background and one woman was of Turkish background. Their ages ranged from 19 to 37 and none of them were currently facing a threat of a forced marriage. All the women we interviewed had left the family home and had been rehoused following a stay in a refuge for victims/survivors of domestic abuse. All interviewees were heterosexual and none of them had disabilities which effected their capacity to consent to a marriage, though one had physical disabilities which developed after she left the threat of forced marriage.

Police case files

Police case files were from five police forces in England & Wales, originally compiled between 2014 and 2019, where an FMPO was sought (n=70). These 70 case files pertain to a total of 93 cases, as some cases related to multiple siblings.

The majority (81%) of the victims/survivors in the police case files were women and girls (76 out of 93, with men and boys representing a small minority (10, 11%), and the gender of a further 7 was unknown, predominantly because they were siblings who were discussed in the police case files and for whom an FMPO was also obtained.

In relation to the ethnicity, the three largest categories of victims/survivors were Afghanis (19), Pakistanis (16) and Somalis (16), followed by Bangladeshis (7), Indians (7) and Turkish (5), while the ethnicity of 7 victims/survivors was not known. Among the remaining cases, there were between 1-4 cases from each ethnicity, which we have grouped together by region: 9 were from the Middle Eastern background, 2 each were from African and Asian background and 3 were White (Roma).

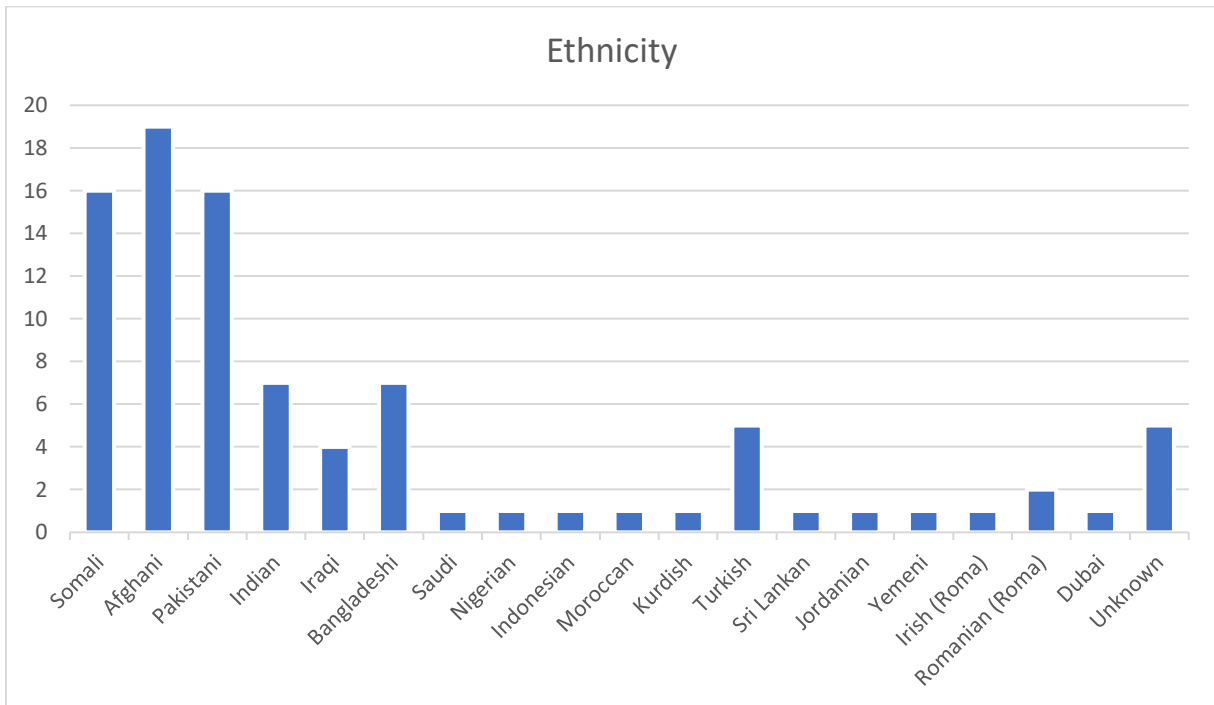


Figure 1: Ethnicity in police case files

The highest numbers of victims/survivors were aged 18-21 (25, 27%), the next highest were aged 16-17 (22, 24%) and the third highest were those aged 15 and under (21, 23%). Eight people were in the age categories of 22-24 and 25-34 (9% each), while the ages of 9 people were not known (10%). Compared to the FMU statistics from 2019 where 49% were aged under 21, 74% of victims/survivors were under 21 in the police case files we analysed. This is partly because we had a smaller percentage of people whose age was unknown; it is probably also because those contacting the FMU for help may have a different profile from those for whom police support had been sought to obtain an FMPO. In particular, this may be because of the higher rates of those under 18 in whose cases there was social service intervention.

In relation to sexuality, there was one case where the forced marriage was because of a person's sexuality, in this case because a woman was lesbian. There may have been other cases where sexuality may have been a factor, but this did not come up in the text of the police case files.

There were 4 cases out of 93 (4.3%) in which the person had a mental disability that effected their capacity to consent to a marriage, hence making it a forced marriage. We did not set out to document the extent of mental health issues and vulnerabilities among the cases represented in

police case files, as this was not always enquired about but there were several cases where victims/survivors disclosed prior mental health issues or that the forced marriage had an adverse impact on their mental health.

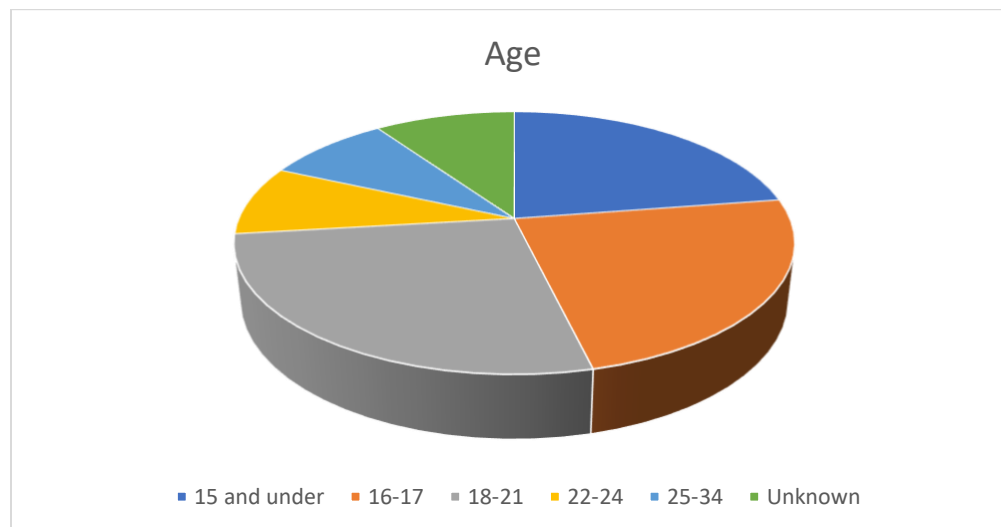


Figure 2: Age in police case files

2.2 Limitations

Though efforts were made to access a diverse range of victims/survivors for the life history interviews, achieving this diverse sample presented a number of difficulties. The pandemic disrupted routine ways of working and placed enormous pressures on service providers, thus leaving them with few resources to support research. However, our networks within South Asian and Middle Eastern communities enabled us to draw upon long-standing connections with ‘by and for’ services to access victims/survivors in these communities, but this proved harder in the case of statutory services such as social services and teachers who were working under immense pressure during the pandemic. As a result, our interviewee sample reflects heterosexual and able-bodied women and girls these communities, which together comprise between 58-65% of victims who contact the FMU (FMU 2017, 2018, 2019 and 2020). However, the police case files represent victims/survivors from a diverse background in terms of ethnicity and also reflect the experience of less researched categories of victims/survivors including men and boys, sexual minorities and people who are disabled. Together, these two data sources have helped us capture a diverse range of experiences of forced marriage and FMPOs.

Another limitation relates to the nature of the police case files, which represent narrative accounts of each victim’s/survivor’s story as written by police officers (Yin, 2003, p. 87). This authorship means that the case files may be influenced by the individual officer’s assessment of the evidence and case features and may not reflect ‘what actually happened’ but instead needs to be treated as the officer’s assessment of what they think happened. Furthermore, as noted by McPhee et al. (2022), it must be accepted that it will not always be possible for the police to ascertain certain case features or victim attributes, such as the presence of a mental health issue, which may remain undisclosed to officers, particularly in cases that fall away quickly through retraction or withdrawal where officers have less contact with the parties involved. Such limitations are a feature of all work

that rely on the analysis of data originating in police recording systems and should be kept in mind when interpreting the data. However, they offer a uniquely contemporaneous account of a case as it unfolds, capturing small details and conveying a sense of immediacy and the uneven trajectory of the case that can often be ironed out in historic accounts that are reliant on memory and recall.

A note on how the various sources are cited

Case files have been accorded a code (eg., Case file 1) and the reference to a case file is also sometimes used as a shorthand for the person whose case the file records. No pseudonyms have been used for these, as we do not know the victims'/survivors' original names and did not want to inadvertently allocate a pseudonym to a case file which might be their real name.

Interviews with victim/survivors have been allocated a pseudonym in accordance with the naming conventions in the region/community the person belongs to.

In both police case files and for interviewees, where known, we indicate their age and ethnicity rather than nationality which was not recorded. We do not use British census categories as it differentiates in the case of some Asian populations (eg., Pakistani, Indian and Bangladeshi), but utilises a homogenous category of Black African or Middle Eastern. We utilise the ethnic categories that people ascribe themselves to, which almost always overlapped with the 'focus country' where a transnational forced marriage was being planned.

The practitioners are identified by the nature of the service they represent, eg., a practitioner from a 'by and for' domestic violence service or a police officer.

Judgements are identified by their citation where relevant, and some information (eg., gender, age, ethnicity) on the subject of the case is also included.

3. PREVALENCE OF FORCED MARRIAGE AND FMPO APPLICATIONS: EXISTING DATA-SETS AND POLICE RECORDS

Data on forced marriage are collected by two sources, the Ministry of Justice (MoJ) data on Forced Marriage Protection Orders, and the Forced Marriage Unit (FMU) data, which records the cases taken on by the FMU, which operates a helpline where victims/survivors can obtain advice or support. In this report, data from these institutions are used to provide necessary background information on the prevalence and contexts of forced marriage. We also present the very limited data we have gathered on police reports that record an FMPO in the five police areas we have examined. Given the gaps in information on ethnicity, the differing recording practices on age and the lack of recording of sexuality and disability, our analysis can only generate recommendations for data recording, rather than offer any sustained picture of the reporting of forced marriage or the FMPOs issued in particular police force areas.

3.1 Forced Marriage Unit Data

Statistics from the FMU have been collected since 2011, with 2019 being the most recent year for which detailed data is presented in this report. The following year, 2020, was an unusual year because of the pandemic and the FMU made some changes to recording practices in 2020 and 2021, which means comparisons cannot be made with previous years.

The FMU collects data on a wide range of caller characteristics, including age, sex, reporting month, disability status, region in England, and focus country the caller is concerned with. However, this is only one source of data and is likely to be an underestimate of the true prevalence of forced marriage in the UK, as many victims may not seek support. Nevertheless, it provides some insight into trends in forced marriage and changes over time.

In the section below, the data from the FMU will be explored. While the MoJ data which we have discussed below provides an insight into the number of cases that come into contact with the judicial system, the FMU data gives greater insight into cases in the general community as it records a large number of variables on each case. It therefore provides a more detailed picture of the victims, and their locations and some specific features of the risk of forced marriage.

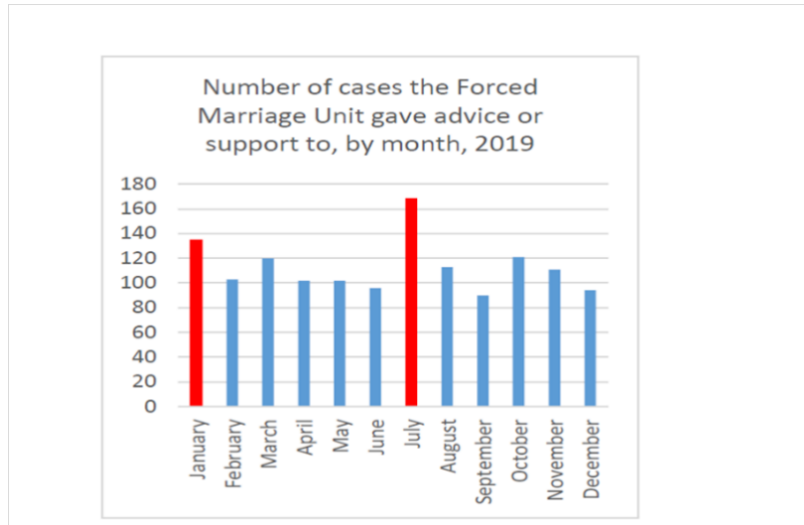


Figure 3: Number of Cases the Forced Marriage Unit gave advice or support to by month, 2019. Source: FMU 2020.

For example, figure 3 (above) shows that the Forced Marriage Unit caseload is not consistent throughout the year. It appears to peak in July and January. This pattern has been relatively consistent since the breakdown by month first started being reported in the 2018 statistics. This could reflect the heightened risk of forced marriage during the UK school holiday periods. People to be protected may also be spending more time with families around this time and being potentially exposed to threats of forced marriage.

The average number of cases that the FMU supported between 2012-2019 was just over 1350, with the numbers showing small fluctuations but no clear change of trajectory over the years.

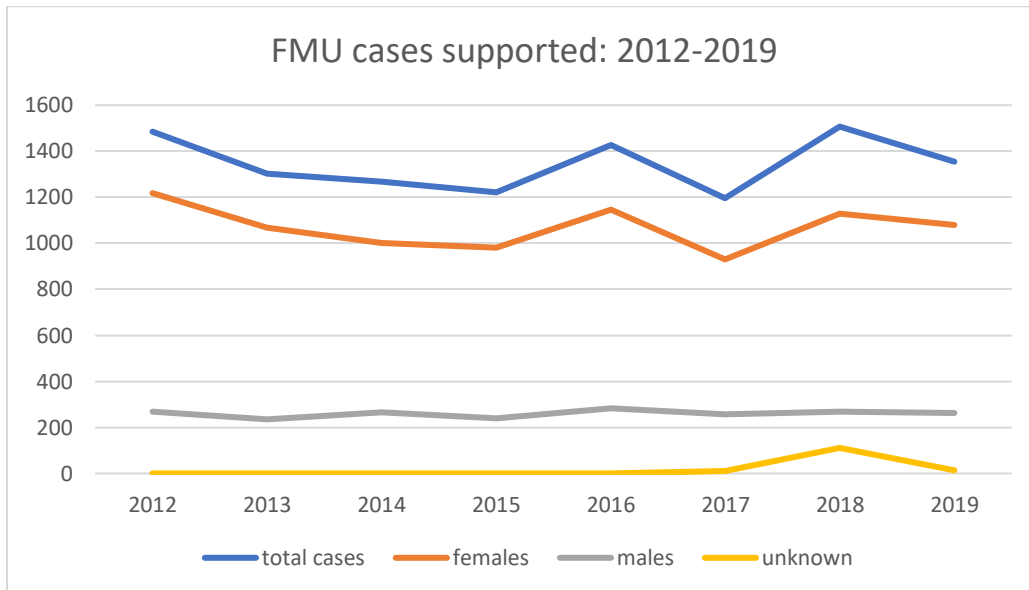


Figure 4: FMU cases 2012-2019 (Source FMU)

Gender, sexuality and disability in FMU cases of forced marriage

FMU data confirms the gendered prevalence of forced marriage. Many more women (80% in 2019) than men (19% in 2019) contacted the FMU, and this pattern of gender asymmetry remains a consistent feature of the FMU data from 2012-2019.

Between 1-2% of cases (between 10-30 per year) involved victims who identified themselves as lesbian, gay, bisexual or transgender (LGBT+) from 2012-2019. These statistics are based on the information that is volunteered to the FMU at first contact; victims were not routinely asked to disclose their sexual orientation.

Between 5-11% each year had some form of learning disability and the figures remained relatively steady from 2012-2019. However, this represents victims whose mental capacity to consent to marriage was in doubt and may not represent cases where other disabilities created a vulnerability that exacerbated risk.

In relation to the intersection of gender and disability or gender and sexuality, it is interesting that there is greater gender symmetry in forced marriage cases when it relates to people with disabilities or for victims who are sexual minorities. For example, FMU (2021) notes, 'Men are particularly represented in cases where the victim is LGBTQ+ (63% male), or where the victim has mental capacity concerns (55% male).'

This also implies that for heterosexual, able-bodied victims of forced marriage, there is a greater gender asymmetry than first suggested by the overall prevalence data. However, UK government definitions of forced marriage, and domestic abuse more broadly, utilise a gender-neutral language in their emphasis that 'it can happen to anyone' without signalling the higher gendered prevalence rates of the practice.

'Focus country' in FMU cases

The FMU also records the 'focus countries' relating to the enquiries, where a case entails a geographical connection to another country, which is commonly also the country of origin or heritage of the victim/survivor. Forced marriage was an issue in a wide range of countries; 66 focus countries, excluding cases based only in the United Kingdom, were identified in 2019. Pakistan was the most prominent focus country, with around 40% of cases each year being related to Pakistan. This was followed by Bangladesh (between 7-11% per year) the UK, India, Somalia, and Afghanistan. There has been a steady decline in UK only cases since 2012 (23 % of cases) to 2019 (5% of cases). However, according to the FMU (2019) 'there has been a broad increase in the proportion of cases being reported whilst the victim is in the UK and before the marriage has taken place'. These cases will not necessarily be recorded as UK-only cases, as they may be linked to a particular focus country, but this does demonstrate that the FMU is being contacted earlier, which will allow them to intervene more effectively (FMU 2019).

FMU does not record the ethnicity of the person who they support; however, in a majority of the cases, the ethnicity may be the same as the focus country as a forced marriage is highly likely to be planned/carried out to someone from the same ethnicity as the victim/survivor. However, this cannot always be assumed to be the case as this cannot be known for those with mixed ethnicities and the ethnicity of those whose 'focus country' is deemed to be the UK (forced marriage to UK-based resident) is not recorded.

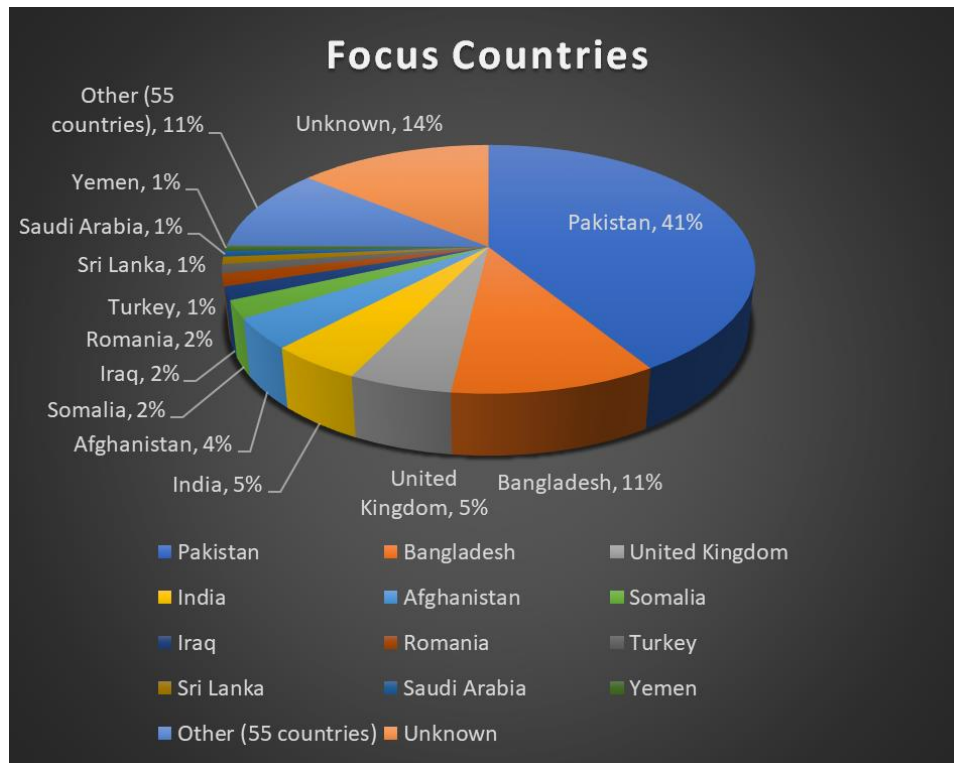


Figure 5: Forced Marriage Unit Data, 2019 Focus Countries by Percentage of Overall Cases

Of the total cases where the focus country was known, 62% were from South Asia. Overseas marriages, both arranged marriages and ‘love matches’, are common in South Asian (Pakistani, Bangladeshi and Indian) communities, as a way to keep ties with communities of origin and broader social and cultural networks, and to uphold culture and traditions (Pande 2014; Charsley 2007). This broader trend of overseas marriage may also extend to forced marriages being contracted overseas. In some communities (Charsley 2007) there are also perceptions that children from the same ethnic group raised in the UK may not have the same work ethic, values or religious commitment as people raised in the country of origin. It has been argued (Gangoli et al. 2009) that transnational marriages should be viewed in the context of the diasporic experience, where experiences of culture are viewed through the relationship to the country of origin and tradition (even if practices have changed in that country since migration).

Cases related to Bangladesh have consistently formed 7-11% of cases since 2012, and the percentage of cases related to India has demonstrated a general downward trend with the highest percentage of cases being 10.9% in 2013 and the lowest 5% in 2019. However, the number of cases related to India has fluctuated slightly rather than demonstrating a downward trend, indicating that while the number of cases have not declined, India’s proportion of the total cases has decreased. The countries with the next highest levels of prevalence, Somalia and Afghanistan, each formed 1-4% of cases in most years. There was an increase in 2017, when rates of forced marriages related to Somalia more than doubled in 2017, making up 7.6 per cent of all cases. Newspaper articles that referenced this large increase were published in both The Times and The Guardian (Parveen, 2018; The Times, 2019; Swerling, 2018; Busby and Perraudin, 2019) and reflected on potential causal factors, including a large cohort of Somali youth in the UK currently reaching marriageable age. The authors also opined that marriage was being used to police

behaviour as ‘problem’ youth were often sent to boarding schools in Somalia to be disciplined and brought into line with cultural ideals. From these schools, they were then forced into marriages. However, this putative increase was not borne out in the following year’s data, which had returned to a rate of 2.6% in 2018, and 2% in 2019, in keeping with previous years. As data only exists from 2012, there is a possibility that the articles’ hypothesis may be borne out in future years. The FMU (2020) noted that cases related to Somalia had a higher element of risk as 58% of cases contacted the FMU when already outside of the country. This contrasts with cases linked to Pakistan, for example, where 84% of potential victims were able to get in contact with the FMU before leaving the country.

The most common ‘focus countries’ broadly align with countries with high levels of immigration to the UK. For example, according to the Migration Observatory at Oxford University (Vargas-Silva & Rienzo 2019) India was in second place with 8.9% of migrants, Pakistan in third place with 5.7% of migrants to the UK, and Bangladesh further down the list with 2.6% of migrants, in ninth place. Therefore the ‘focus countries’ with the highest numbers of cases represent a combination of countries with high immigration rates to the UK, and those where forced marriages are known to take place. It is also important to take into account previous waves of migration, which are reflected in UK Government ethnicity data. 2.5% of the population of England and Wales come from Indian ethnic backgrounds, with 2 per cent from Pakistani backgrounds and 0.8 % from Bangladeshi backgrounds (Race Disparity Unit, 2019). A further 1.8% of the population come from ‘Black African’ backgrounds, and 0.4% from Middle Eastern backgrounds (Race Disparity Unit, 2019).

Regional prevalence of forced marriage in FMU cases

The largest numbers of cases came from callers in regions of the UK with high populations, as well as large immigrant populations. The main UK regions for the data period of 2012-2019 were London (18-29% of cases), the North-West (8-14% of cases) the West Midlands (11-16% of cases) and the South-East (6-11%) and East (2-7%).

While the numbers and percentage of overall cases fluctuated in most regions, in the North-West there was a clear upward trend in cases as a percentage of the overall UK total (from 8% in 2012 to 14.4% in 2018, with a slight drop to 14% in 2019). According to the FMU (2020) a sizeable proportion of cases with Pakistan as a focus country were from the West Midlands, the North-West and Yorkshire and the Humber. The greatest number of cases with Bangladesh as a focus country (28% or 41 cases) were from London (FMU 2020). In 2018 (FMU 2019) the highest number of cases related to Bangladesh were from the boroughs of Newham and Tower Hamlets. Similarly, 23% of cases in 2019 linked to India took place in London and 89% of those cases were still in the UK at the time of contact (FMU 2020). London also accounted for 52% of Afghanistan-related cases in 2019 (FMU 2020) and 55% of Somalia-linked cases in 2018 (FMU 2019).

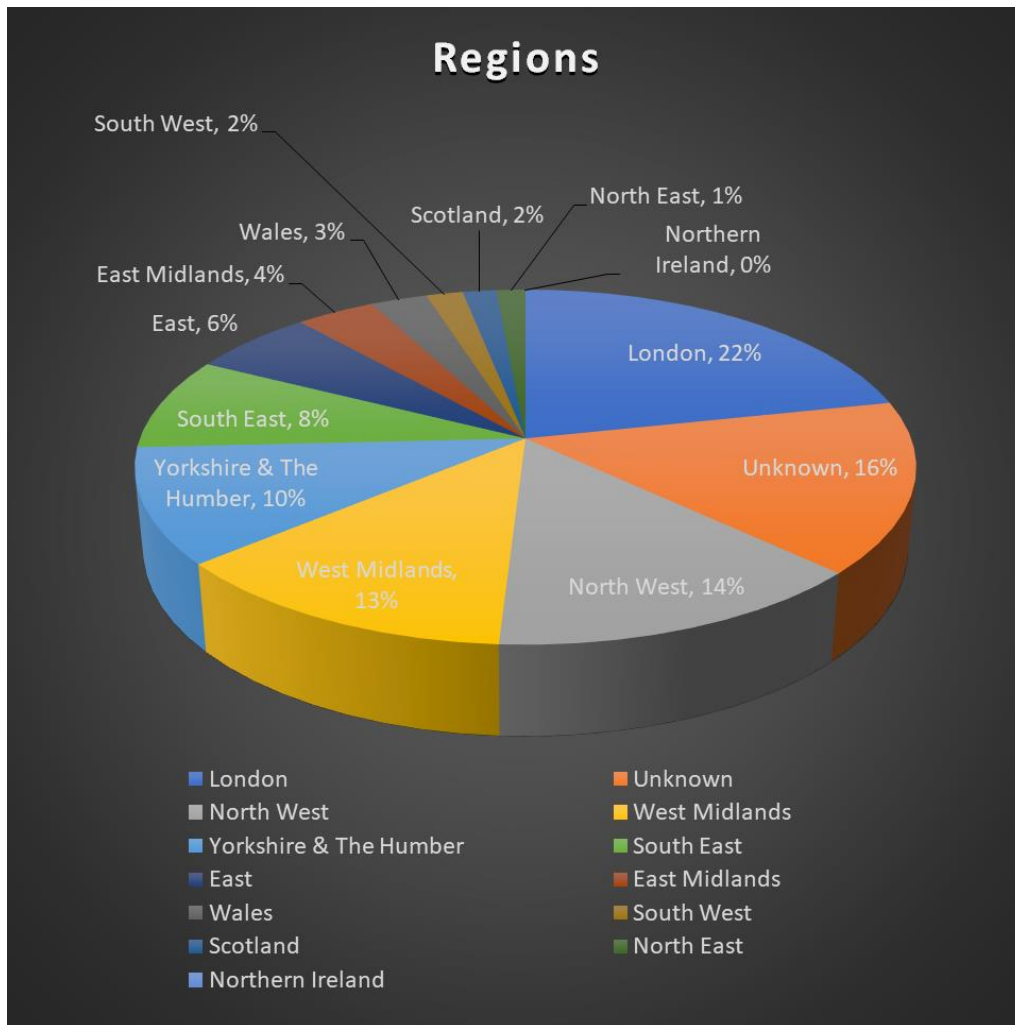


Figure 6: Percentage of Cases the Forced Marriage Unit Gave Advice or Support to by Region, 2019

These cases largely follow broader patterns of ethnic residential concentration across England. Some ethnic groups maintained large diasporic communities in certain locations. Black African (58%), Arab (52.5%) and Bangladeshi (49.7%) communities are all highly concentrated in London (ONS, 2019). After London, 8.8% of Black African people live in the South East and 7.1% in the East. 9.5% of people from Arab backgrounds live in the West Midlands, and 9.5% in the South East (ONS, 2019). 11.3 % of the Bangladeshi diaspora are based in the West Midlands, and 10.3% in the North West (ONS, 2019). Pakistani and Indian communities, on the other hand, are slightly more dispersed. 20.2% of people with a Pakistani ethnic background live in the West Midlands, 20.1 in Yorkshire and the Humber, 19.9 % in London and 16.8% in the North West (ONS, 2019). The Pakistani diaspora is therefore more centred towards the North of England. The Indian diaspora follows a different pattern, with somewhat greater concentration in London (38.4%) 15.5% in the West Midlands, 10.8% in the South East, and lower numbers in other regions (ONS, 2019).

On the whole, though FMU data almost certainly represents only a small minority of cases of forced marriage in the UK, it represents the most detailed data that is available on the categories of people who come forward to one organisation for help with forced marriage.

3.2 Ministry of Justice data on FMPOs

The Ministry of Justice data are published as part of the Family Court Statistics Quarterly, which captures data on a wide range of applications and orders made in the Family Court system. The most recent statistics that we present date from Oct to Dec 2019. The data pertaining to Forced Marriage Protection orders are represented in a table entitled ‘Applications and disposals of Forced Marriage Protection Orders made in the High Court and county courts, England and Wales.’ It covers the years from 2009-2019, with all years’ data collated in one table.

Year	Aged 17 & under	Aged over 17	Age unknown	FMPO application by self	Third party application	FMPO application by other	Total applications made	Total orders made
2009			96	-	-	-	96	101
2010	57	55	4	37	75	4	116	149
2011	65	50	8	38	85	-	123	157
2012	51	38	27	44	72	-	116	124
2013	112	57	4	72	101	-	173	108
2014	115	53	4	40	132	-	172	176
2015	165	76	20	51	210	-	261	217
2016	176	97	8	49	232	-	281	246
2017	189	84	5	33	244	1	278	247
2018	233	83	6	22	322	0	322	324
2019	262	89	1	24	328	0	352	596
2020	160	89	0	13	231	5	249	320
2021	141	61	1	11	191	1	203	324
2022	197	69	0	13	248	5	266	346

Table 2: FMPO statistics 2009-2022 (Source: MoJ 2023, Table 16)

The data includes the age of the person to be protected and applicant type—whether the application for FMPO is made by the person to be protected themselves or a relevant third-party applicant (e.g., local authority). The numbers of disposals, consisting of orders made are also displayed.

The pattern of both the increase in the number of FMPOs and the increasing number of orders made in relation to each application, which indicates the protection of multiple siblings upon identification of a forced marriage risk to one sibling is evident below.

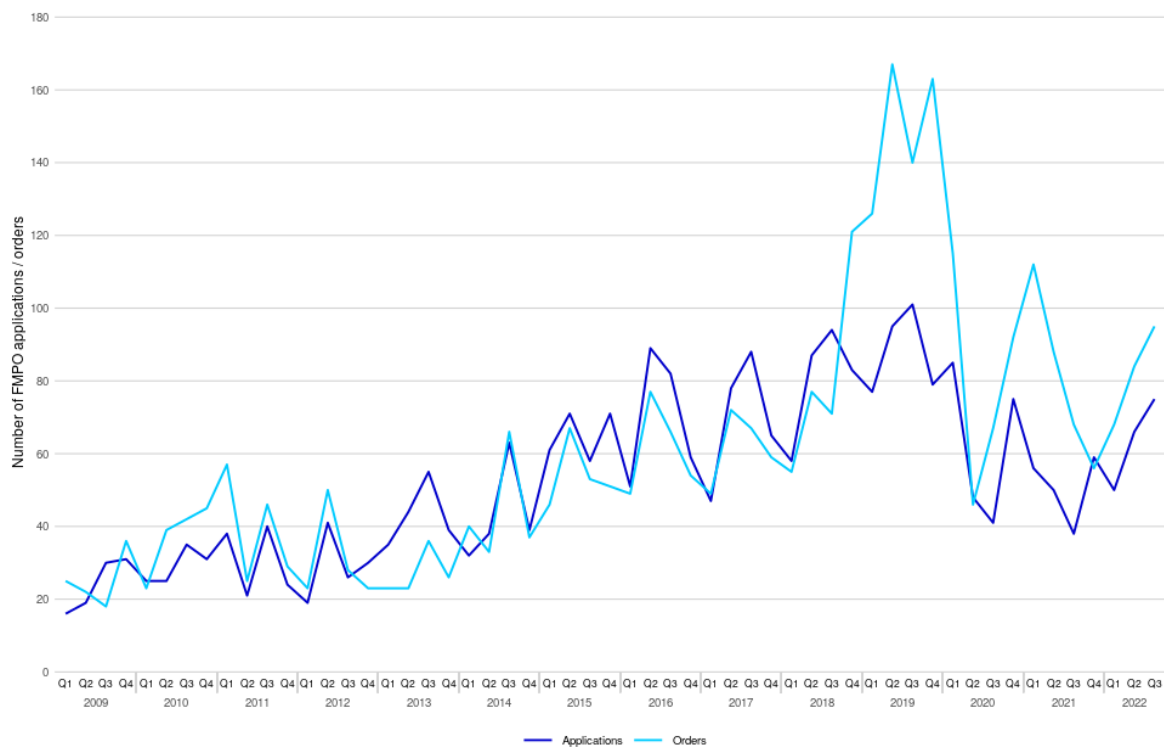


Figure 7: Applications and orders made for Forced Marriage Protection Orders, January to March 2009 to July to September 2022 (Source: MoJ 2022)

The numbers of FMPO applications made are far lower than the FMU data which represents a small proportion of victims/survivors who contact that one agency. Only a small proportion of victims/survivors of forced marriage apply for FMPOs, and very few seek criminal sanctions. In 2019, the most recent year with published data, for example, there were 352 FMPO applications made and 596 orders made. Often there are multiple orders granted per case, where one application covers more than one person, and an order is granted for each person covered in the application.

Applications have shown a steady increase since 2009, when only 96 applications were made. While applications made by or on behalf of minors formed approximately half of applications in earlier years, this increased rapidly with applications by or on behalf of minors more than doubling between 2012 and 2013 and increasing steadily thereafter. In 2019 there were almost three times as many applications for minors (262) as there were for adults. The greatest number of applications were made by the relevant third party, local authorities, followed by other third parties. According to the Family Court Tables (Ministry of Justice 2019, np) other third-party applicants included ‘those from the police, family, Official Solicitor/Next Friend/Guardian ad litem and voluntary sector’.

Only a small number of applicants (24 in 2019) made applications on their own behalf. This is most likely the case because the local authority is presented as the default advocate within the legislation. While police have frequently also acted as applicants, some judgments have significantly engaged with the question of whether police can legitimately perform the dual role of law enforcement and court applicant on behalf of the person to be protected.

The FMU data and the Ministry of Justice data are not directly comparable as they focus on collecting different information. This makes comparison between the data more complex, as only the number of applications or cases for FMPOs, and number of cases given advice or support by the FMU, and age, are directly comparable. In 2019, there were 1355 people given advice or support by the FMU, while MoJ data shows that 352 applied for FMPOs. In future, if the MoJ collected similar data as the FMU collects on gender, region, disability status, and main focus country concerning the applicant, the data could be more directly compared to see if there are certain categories of victims who are more or less likely to avail an FMPO.

The FMU data and the MoJ data both record the age of the cases. In 2012 far more people given advice or support by the FMU were adults, with 65% over 18. That trend has fluctuated over the years, with a high of 72% adults in 2016, and a low of 32% in 2018, although 16% of cases were recorded as 'age unknown' in that year. However, the MoJ data records show that a greater percentage of children are granted an FMPO, which may indicate greater concerns for children's safety than that of adults. Alternatively, more safeguarding may be in place for children as they come into contact with potential mandatory reporters such as schools or recreational programs, who may contact the local authority which then needs to decide whether to apply for an FMPO or other orders, such as care orders, on a child's behalf.

3.3 Mapping FMPOs in five police force areas

We set out to map the reporting of forced marriage in five police force areas between 2014-2019, but it soon became clear that the recording of forced marriage was very inconsistent, with cases being recorded under 'domestic violence/ abuse', 'honour based violence' or 'forced marriage' and additionally, this flagging seemed to be more inconsistent in the earlier years. This led us to seek cases where FMPOs had been sought, as this was a clearer category that would help us secure somewhat reliable data and meet the objectives of this research to understand the use of FMPOs.

We planned to map the age, gender, ethnicity and possibly sexuality and disability in relation to the 588 cases where FMPOs were obtained. There were several problems with the data that point to the need to improve recording systems. Recording systems are crucial to understand the take-up of services and provisions like the injunctive remedy of FMPOs, to identify any changes in patterns of utilisation which might alert us to new categories of the population that may be victimised and to understand patterns of under-utilisation of services or under-reporting in line with local demographics.

However, current recording practices make this all but impossible; there is almost no recording of sexuality or disability and the recording of ethnicity is extremely problematic. The majority of the data available had no information on ethnicity or is based on a visual presumption of ethnicity based on phenotype and facial characteristics. Examples of entries include 'dark looking European', 'Asian in appearance' or in some cases family names are used in place of markers of ethnicity such as 'Khan' which does not give us any relevant information. Given the gaps in this data and the unreliability of the categories currently in use, we were unable to map this information with any degree of reliability.

Information on gender and age was recorded in most cases. However, here too, there were problems with the categories used. For example, in one of the largest data sets, one of the categories for recording age included '16-24 years old'. In relation to forced marriage, this is the age within

which the vast majority of the victims fall, hence making any granular analysis of trends impossible. This categorisation may reflect the practice used in tagging domestic abuse cases since the extension of the cross-government definition of domestic abuse to include 16-year-olds in 2013. While forced marriage is a form of domestic abuse, it has its own inherent features and recording practices need to be alert to the nature and patterns of victimisation in relation to different forms of violence and abuse. Additionally, this categorisation incorporates adults and minors in one broad category which is also not helpful for analytical purposes.

We present the information on age that is available under current recording practices. Out of a total of 588 records, 323 (55%) were aged 16-24, 90 (15%) were aged 15 and under while 86 (15%) were aged 25-34. The age of a further 67 (11%) were not known. There were 16 people aged 35-44 (3%) for whom an FMPO was obtained and 6 (1%) were aged over 45.

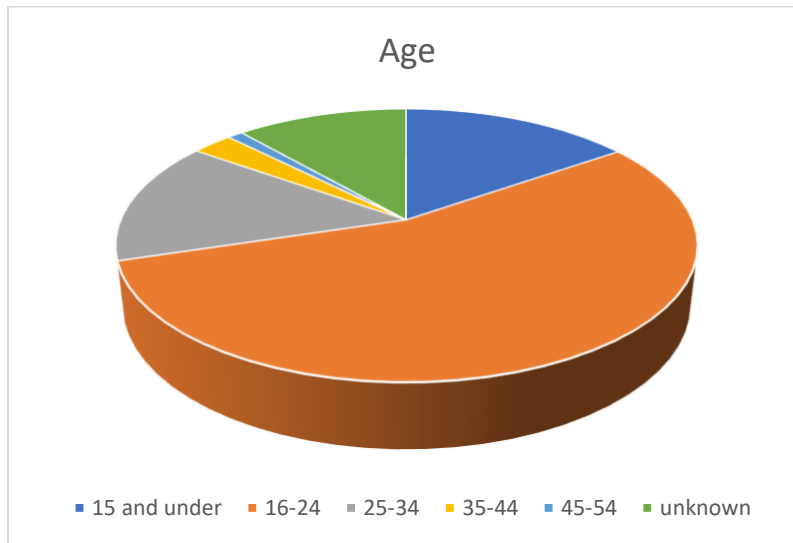


Figure 8: Age of victim/survivor in police reports re. an FMPO

The recording in relation to gender was somewhat better and this seems to be the one category that is routinely recorded, though there is no recording option other than the two genders and ‘unknown’ in a context where forced marriage may also be a response to the presentation of a non-binary gender identity. It is not evident if such cases were simply absent in the records or whether the absence of recording categories creates an impression that there were no such cases.

The data available indicates that 482 (82%) of the FMPOs were for women and girls and 61 (10%) were for men and boys, which the gender was unknown for 45 cases (8%). Women and girls represented 89% of all cases where the gender was known, while men and boys represented 11%.

Additionally, it is important to point out that the data available here does not represent all the FMPOs in the five police force areas for two reasons. Firstly, there were particular years for which data were missing in particular police forces; and secondly the data recorded the demographic information of the FMPO lead applicant. When examining both the Ministry of Justice data as well as our detailed demographic information on police case files which we analyse in section 2.1 (where 70 case files related to 93 FMPOs obtained), it is clear that each FMPO application may pertain to more than one applicant, though the perpetrators are the same for each application.

There is an urgent need to improve data recording practices in relation to tagging of forced marriage and HBV more broadly and in relation to FMPOs in particular.

4. UNDERSTANDING FAMILY RELATIONSHIPS AND CHILDHOOD CONTEXTS OF VICTIMS/SURVIVORS

The accounts of victims/survivors indicated that the vast majority experienced various forms of neglect, control, violence, unequal gendered treatment of siblings, and/or domestic abuse against their mother; for just a few, the (threat of) forced marriage was unexpected and encountered within an otherwise loving family. In this family context, those subject to a forced marriage often also valued (some) family relationships and derived a sense of belonging from their family.

4.1 Childhood histories of neglect and abuse

The background and circumstances of those who reported forced marriage helps us understand the gendered family dynamics surrounding the decision to force a marriage upon a family member.

Having recently migrated to the UK from India with her mother and younger siblings to join her father, Urmila, a 28-year-old Indian woman whom we interviewed recalled her difficult family life. She recalled how, in the context of her mother's depression, she was responsible for domestic work and caring responsibilities that were far beyond her physical and emotional capacity as a young child aged nine:

She [mother] used to come wake me up, like at 6 o'clock, and then I had to go wake my brother, make his breakfast, clean the kitchen and everything. Sometimes I didn't feel like doing it and sometimes I felt ill. And my mom goes, 'you're acting'. She used to hit me. [...] So it was really difficult for me to study. I had to [do] the housework, had school, and then if something went wrong like, she would go perfectly wild, start swearing. [...] I was doing all the housework and stuff but my dad still used to hit me, like, all the time. And my mom used to light up [provoke] my dad—'she doesn't do anything in the house'. And then my dad used to get really angry with me: 'This girl doesn't do anything, she is always in her room'. Sometimes I'm in my room because they don't let me go out and play. So what else shall I do? I don't want to sit down with you and play happy family. You know, you want to show people that I'm happy when I'm not. [...] When I was 16, my dad said, she won't be going to college. He wanted me to be there just to cook and clean and look after the kids. They had been talking about my marriage to someone in India for some time. I was the oldest one, I knew I'd be the first to get married but they needed me to do the work now, so maybe not straight away. But I wanted to study.

Though she was all alone and had no support from any relatives in the UK, Urmila had a supportive uncle in India. On a family visit to India when she was 12, she tried to hide her passport in the hope that her parents would return to the UK without her:

And then they were looking for [my] passport. My dad, other relatives were asking, have you seen the passport and I lied, I said, 'No, I don't know where the passport is'. And they checked my stuff and found it in my book and then my dad grabbed me like this [grabs her hair]—it was so embarrassing because he pulled my hair in front of

everyone. He started beating me up. He was telling my brother, go get petrol, I'm going to burn her. And then my brother is acting like, saying there is no petrol in the shop. And one of my dad's brothers came, he was quite good with me. He was fighting with my dad—'you don't touch her'—and he took me away from there.

Similar accounts of neglect and abuse by parents were also present in the police case files.

In case file 34, in the context of a threat of forced marriage, a 17-year-old reported to the police that for the past few years her mother, the sole carer, had gone to Bangladesh each summer without making any arrangements for her three children to be looked after. She left them to fend for themselves, which placed the burden of care upon the eldest daughter, who was still a child.

The youngest person to be protected through an FMPO in our sample, a 11-year-old Yemeni girl (Case file 41) disclosed to her school and to children's services that her parents often hit her in the face—her mother used the palm of her hand and her father used the back so that his rings and watch would inflict more pain. The school reported that she was a selective mute for many years in primary school—the only comment she made was 'my mummy slaps me' for several years. She disclosed emotional abuse: being shouted at frequently, forced to look after her baby brother, being treated differently to her male siblings and not being allowed any freedom.

Case file 33, a 17-year-old Sri Lankan girl, told police that that she had always been isolated within her family, as they perceived her as 'stupid'. She remembers her father hitting her from a very young age—he would do this regularly, 'taking out all of his anger' on her. She stated that these beatings would occur every 2-3 months and would often be for no reason at all. Once, when she 'talked back' to her father, he started to hit her on her back and arms, and she grew so scared that she wet herself. In another incident, her father became angry at her for wearing make-up and beat her. Her middle sister witnessed this and reported it to the school, which prompted social services to get involved. When the social services interviewed her, she lied because she was too scared to tell them the truth. Lately, her mother had also started hitting her after finding out that she had a boyfriend—prior to this, her mother had intervened to stop the beatings from her father.

In a context of neglect and ongoing abuse, many of the women and girls in our sample reported an escalation in the abuse as they grew up, particularly in relation to the policing of their sexuality (which we explore in a later section). The accounts of neglect and abuse were commonly related to gendered family dynamics, whereby there is strong perception conveyed within the interviews and within accounts to the police that the abuse was on account of their gender or exacerbated by their gendered devaluation within the family. They were made to feel that they were only good, in the eyes of their family, for domestic work and for being married off eventually.

4.2 Intersections of child sexual abuse and forced marriage

As with gendered family dynamics in the context of physical and emotional abuse, how might instances of child sexual abuse in a family help us understand the subsequent decision to force a young woman into marriage? Within a broader context of neglect, two women we interviewed disclosed experiences of child sexual abuse perpetrated by a family member and a religious leader which predated their experiences of forced marriage.

Always made to feel unwanted by her relatives, Mira, a 32-year-old Indian woman we interviewed, recalled her childhood living with her extended family. She was repeatedly subjected to sexual abuse by an uncle, but given her precarious status in the family, she did not feel there was anyone ‘on her side’ to whom she could disclose. At the age of 16, when faced with a threat of forced marriage, Mira ran away from home to live with an aunt, but this aunt breached her trust when it became clear that the aunt’s offer of a home was a means to secure the immigration of a cherished relative through marriage to Mira.

Barsha, a 28-year-old Bangladeshi woman we interviewed, experienced neglect and violence first from her father and then from her mother after her mother left the family home with the children. In the context of severe domestic abuse she suffered, Barsha’s mother had serious mental health issues, which escalated after she had to leave the entire community and everything that was familiar to her in order to escape the abuse:

My mum started to have the problems again where she just felt that she was isolated as there were no other Bengalis around and she was completely alone. She strongly believed in black magic and stuff. And at this time she got someone, an elderly man to, basically, do healing or whatever to her and he basically, he assaulted me. He said that my mum had gone to go and get rose water or something and then he sat on the sofa next to me and he like, he said that he was like, just doing healing and I was 13 at the time. I had to sit next to him and he just, you know, like squeezed them [points to breasts] really, really hard, like almost to the point where it was hurting me, well, he did hurt me. I actually kind of like, I just froze. I just, I didn’t know what to do and, you know that whole thing that this is an older man and we are supposed to be respectful but then, he is doing this. I have never told her this, to this day that this is what this man did.

The examples of child sexual abuse given in the interviews to which we refer are relevant to the threat of forced marriage (and forced marriage disclosure) faced by these young women. Gill and Harrison (2019) acknowledge the multidimensional and universal nature of barriers to disclosure of child sexual abuse. However, their research on the experiences of British South Asian female child sexual abuse survivors alerts us to particular barriers to disclosure within this community: honour and consequent shame (including the repercussions of disclosure), compromised modesty, fear of being disbelieved, language barriers, and failure to recognise that the abuse they had experienced was sexual. While culture and racism do affect how victims/survivors make sense of their experiences, their opportunities for being recognised as victims, and the support they receive—overlooking the commonalities between different forms of child sexual abuse can result in racialising forms of abuse and the presumption that they are more common in minority communities than in others, and this approach reduces the effectiveness of interventions (Gill and Harrison 2019).

As racially minoritised¹ children are located at the intersection of multiple, overlapping structural inequalities, their specific experiences of victimisation are still largely overlooked in the criminological literature (although significant progress has been made over the last decade in understanding child sexual abuse in British Asian communities). More work in this area can enable culturally competent responses that recognise the unique barriers and difficulties that racially minoritised victims face. These barriers include testimonial and hermeneutic forms of injustice that emerge in their interactions with structural (law, criminal, justice, immigration) and cultural (familial and/or religious norms and codes) systems (Gangoli and Hester, 2023). Inclusive intersectional interventions are thus central to supporting victims/survivors and ensuring that they receive the responses they deserve from the criminal justice system. This in turn, will also build trust in the services and enable earlier disclosures for any future experiences of violence and abuse.

4.3 Domestic abuse against the mother

Domestic abuse against the victim's/survivor's mother and the mother's mental health issues were common and often connected to neglect and child abuse, the mother's inability to protect the child from the father's violence, or the mother being responsabilised by the father to 'discipline' the children through violence. There is evidence of complex patterns of abuse which is often perpetrated by multiple family members in racially minoritised communities (Bates, 2018). Indeed, prior research (Patel 2013; Thiara and Gill, 2012) shows that racially minoritised women, who are located at the intersection of numerous structural inequalities, face additional issues and pressures that compound their risks of domestic abuse and abuse.

In the case of Nabeela, a 28-year-old Pakistani woman whom we interviewed, these dynamics affected the relationship between the mother and child: enforcing the father's rules fell upon the mother, while Nabeela viewed her father—who physically abused her mother—as a distant and benevolent figure:

I grew up knowing that it [domestic abuse] happened in my house because I would hear my mother speak to her sisters about it, I would overhear confrontations that she's had, I would see my mum, from the bruises on her face that my father had hit her. I always remember seeing my mother cry but my mum—my mother had an—I wouldn't say she had mental issues, but she suffers from depression. So it was very common to see my mother cry and there was always a lot of conflict in the house. I was a daddy's girl, very fond of my father. So I never saw the abuse, even if I did see it, I ignored it because I had such a great relationship with my father. [...] I couldn't imagine my father doing those things. And so it was very difficult for me to look at my father and

¹ The acronyms BAME (Black, Asian and minority ethnic) or BME (Black and minority ethnic) have been criticised by many scholars because of their tendency to homogenise different populations and emphasise skin colour and because few people to whom they refer actually identify with them—instead, these people describe themselves using their specific ethnic identities. We prefer the term 'racially minoritised', which derives from a social constructionist approach, to BAME or BME. 'Racially minoritised' denotes that people are actively minoritised by others on the basis of the social construction of race rather than because they are in fact part of a minority, which the terms 'racial minorities' or 'ethnic minorities' imply (see Milner and Jumbe, 2020).

say, you know, I heard her scream, how can this be?

Nabeela's relationship with her mother deteriorated as, in her words, her mother 'took out her anger at the abuse she was facing on me.'

Domestic abuse against the mother and violence against the children at the hands of one or both parents was evident in several police case files. For example, in case file 24, a 17-year-old Kurdish girl recounted domestic abuse committed by her father against her mother and violence against herself and her brother. She recalled an incident that occurred when she was ten in which her father beat her with a belt that had a metal buckle, leaving marks all over her body. Though the physical violence was never as severe after that, over the years, her father would remind her of that incident to keep her in line.

In case file 13, a 16-year-old Afghani girl whose extended family were settled in Pakistan explained the nature of domestic abuse in her family home, as recorded by the police officer:

She [mother] stays in the house and cooks and cleans all day. Her father will not allow her to go to college and learn to speak English and rings her during the day to check where she is. There was previously a restraining order against the father after disclosure of domestic abuse but after a few months he was allowed back in the home. The girls confirmed that there had been no physical violence since but their father had recently said that he would take them back to Pakistan and get his revenge on them. The girls [statement being taken from three sisters] are protective towards their mother because once in Pakistan there would be no law to protect them as in the UK.

Another 22-year-old Pakistani woman stated that her father was very controlling and particularly strict in his beliefs when it came to the women in the family (case file 49). In this case, the victim's/survivor's parents had separated when she and her siblings were in primary school—she thought this separation was because her mother held more liberal beliefs than her father—but he kept the children and they never saw their mother again.

Two of the women we interviewed had previous experience of living in a refuge as children after their mother fled their father due to domestic abuse. In her interview to us, Barsha also recounted how, from a very young age, she had the burden of conveying her mother's needs to services and in eventually helping her leave the family home:

When I was four and I came with my mum to live in my dad's house, it was very hard for my mum because she experienced a lot of domestic abuse. I was beaten up pretty badly by him too, it was directed towards us all because we were the second family that he had got. He already had another wife here. So there was tension in the house. [...] She was looking for some help, like the local MP or, she spoke to some of my school teachers to see what she could do and stuff and because she didn't speak English, I was a translator for everything. One day, my mum managed to get her passport saying that she needs to go to the doctor's and we ran away and there was this, not a blood relative—just like, you know, in our culture everyone's a relative, so just someone close within the village area in Bangladesh. And yes, so we came down

and we lived with them for a while. [...] Eventually my mum got a temporary and then we got permanent accommodation.

Some of Barsha's happiest memories of her childhood were of the time she spent at the 'by and for' refuge, which had a children's worker:

The refuge people, they were going to plan a small party for me and that was like, that was the first time that had ever been done because before that, when I was at home and stuff, no parties, no birthday stuff. I remember while I was at school I would just sort of say, like, I would make up like, oh! I got this, I got that, I got these presents but actually not really anything. I was excited about the birthday, that this is like, actually people coming together for me—this is the first time and they were actually asking like what type of presents I would like and stuff and that had never happened before. I got to have a bit of a childhood. She [refuge worker] would take us everywhere on outings in the summer—it was just like, wow!

Histories of domestic abuse against the mother were common among our sample. In most cases, this meant that the mother was not able to act as a protective force beyond a point. As the person responsabilised by the father for disciplining the children and controlling the daughter's sexuality, the mother often had very little space for action herself. In other cases, in the context of the mother's mental health issues—which were often associated with her experience of violence and abuse—she was the primary agent of the violence and abuse inflicted on the children. There were also a few cases where the mother was a seemingly equal or even the main perpetrator of violence, abuse and eventually forced marriage. Women's perpetration of HBV and forced marriage upon other younger women and girls within their family has been characterised as a 'patriarchal bargain' that they strike, which enables them to derive some age-related benefits within their family and community but ultimately reflects and upholds patriarchal hierarchies (Kandiyoti 1988). It was only in a handful of cases that mothers actively protected their children by holding on to their secrets (which often entailed a forbidden relationship), leaving the family home to protect them from a forced marriage or maintaining a supportive contact with them after they had left the family home.

4.4 Gendered control over sexuality: Restrictions on behaviour and mobility

Another common theme in participant accounts about childhood and family life was gendered parental control over behaviour, clothing and mobility. Aimed at controlling women's sexuality, the household regimes recounted by our interviewees and in the police case files reflect the dominant ideologies about gender within some communities in which women and girls are held responsible for upholding the family honour (*izzat*); they can bring shame on the family through (even the perception of) non-conformity to gendered norms (Gill et al. 2014). These regimes of control were commonly also geared towards inculcating girls into their future gendered roles as wives and mothers responsible for domestic work. These forms of control shaped subsequent decisions to 'marry off' girls and thus ensure that they fulfil their gendered responsibilities and uphold family *izzat*.

Growing up as a part of the only Pakistani Muslim family in her village, Nabeela recounted how her dress and behaviour became an increasing point of contention in her relationship with her mother:

My mum wore a headscarf, and I didn't want to—I didn't want to be different from other people, it was just very, very difficult growing up in that environment. You know, as a child I would, you know, want to go out and play with the boys, but my mum was like, 'No, you can't go out playing with the boys, you have to stay at home.' And it would be, 'Why do I have to stay at home?' 'Because you are a girl.' And in the house, my brother wouldn't have to help my mum with cooking or the cleaning. And I would have to help, and I was constantly questioning. [...] He was always—he had so many allowances, he was allowed to go out, he got more money than me, he got more belongings than me. And I saw that I wasn't given those same privileges. So with my mother it was just a constant battle because my father was always at work. It fell on my mother to bring us up this way, the rules about what we could or not do.

Though her father enforced a general regime of household control as far back as she could recall, Hasina (Bangladeshi, aged 29) recounted similar experiences of increasing vigilance over her mobility and concern about her sexuality as she entered her teens:

I was having a hard time with my dad because he kind of wasn't giving me freedom. It's like, you know, they think that they are king of the house, yeah, it was just like that. Mum had to do whatever he wanted her to do. And it was like he was expecting the same thing from us. He didn't want me to go to college but I wanted to go. He thought that if I went to college I'll like, become a bad girl, you know, and mix with boys. He used to hit me. Let's say it wasn't like, it wasn't like I can show anyone that it's bleeding, it wasn't like that, he would hit me and say things [...] I can't really explain how he used to say things and it's just the feeling, you know, they don't have to hit all the time, they can say things that make people feel so bad. So he used to be like that.

Parents' hyper-vigilance about their daughter's dating or even socialising with boys was oft-repeated refrain in the interviews and police case files and was a source of anxiety and conflict. Any suspicion of real or imagined transgressive behaviour led to threats of forced marriage.

In case file 9, two Iraqi sisters aged 13 and 15 reported a threat of forced marriage and outlined the context of their everyday life before this threat materialised. The older sister told the police that she and her sister were not allowed to speak to friends or go out without being supervised, but their brothers were allowed to do what they wanted and go out when they pleased; the brothers were also never expected to undertake any work around the house. Similarly, the sisters were not allowed phones or tablets, but their brothers were. She said that their dad hit her and her sister—mostly with his hands, although he sometime used a slipper, but he had inflicted bruises—and that this was unfair because he never hit the boys. The boys also ate what they wanted and were given more food—they were fed first, and she and her sister were given whatever was left.

The sisters' mother also hit them, although 'not as frequently or as hard'. The girls' father made the mother do all the housework and threatened to hit her but did not follow through on this. The older sister told the police that when she was given a detention at school, her father blamed her mother, which made her mother angry and she would then take this anger out on the sisters, physically and emotionally. The worst incident had taken place six weeks ago: the older sister was late getting home after being kept behind at school for detention. Her father then asked her if she had had sex and asked her mother to check: 'Mum tried to pull down my trousers, she wanted to check I was a virgin'. The mother was unable to pull the girl's trousers down, as she resisted. The older sister disclosed that her father was now obsessed with the idea that she was having sex, accusing her of this each time she was late from school. He accused both girls of having sex and not being virgins, claiming that their 'bad behaviour', meaning sex, was making them ugly. This eventually proved to be the trigger for his decision to marry them off.

According to the statement of a 17-year-old Turkish girl in case file 27, she was not allowed to speak English at home and although she had a phone, she was not allowed to use any form of social media. Her father had become angry at her recently because the family had received a large phone bill—he accused her of running up this bill by speaking to boys at school, although realised that she was not responsible after requesting an itemised phone bill. This girl was facing a forced marriage threat. She was concerned that her parents were telling her she could attend college as a way of bribing her into marrying her cousin, when in fact she knew that she would not be able to pursue her studies once she was married.

Children's services became involved with the family in case file 3 when the then-16-year-old girl threatened to jump off the window of her apartment building due to her parents' controlling attitude and constant threats towards her. She told the police that her mother had hit her in the past, especially for talking to a boy on her phone and confiscated her phone. On the last occasion, her mother had hit her several times on the body with a plank of wood, leaving red marks. As a direct result of the girl's suicide attempt, in their interview with social services, the parents claimed that she was a difficult teenager. Her mother disclosed to the social services that when she searched her daughter's bag she found a condom, a quantity of cannabis, and a quantity of alcohol.

This policing of women and girl's sexuality was often a task allocated to women in the household, primarily mothers—but when perceived transgressions took place, male family members, including brothers, cousins and uncles, often stepped in to punish the women and girls or extend a coercive apparatus that monitored their movements. This was evident in case file 60, which involved a 15-year-old schoolgirl from a Muslim Pakistani family:

I come from a really religious family. They see things differently—they have different beliefs... I don't get much freedom. They don't let me go out with my friends unless we hang around outside my house. They don't trust me. My parents think I am crazy. My brother has been saying I am crazy and I have ADHD because I am doing strange things. I guess I want to escape it all. They don't let me go out to the park or town. Mum does but mostly dad doesn't. [...] Recently I did sneak out the window and when I came back home, my brother punched me in the eye. He punched me and they [parents] just sat there...

While these forms of control were predominantly imposed on women and girls, there were a few instances of parental control being exercised over the movements and behaviours of men and boys—although there were significant gendered differences in prevalence, extent and impact of this control. For example, one key difference was the absence of stringent parental policing of men's and boys' sexuality, so long as their eventual marriage partner was of the parents' choosing or acceptable to them. Knowledge of a relationship involving a son rather than a daughter did not commonly result in HBV or a threat of forced marriage, presumably because it was expected that this relationship was transient.

Among the ten men and boys whose accounts we draw upon from the police case files, five were of Somali origin, 2 each were of Pakistani and Romanian (Roma) origin and one was Bangladeshi. In their reports to the police, a majority of these men recounted the context of everyday control to which they were subjected but also recounted that they felt able to resist this control to some extent, unlike the women and girls whose accounts are documented above.

For example, case file 1 documents the events surrounding the attempted forced (re)marriage of a 21-year-old Somali man from the perspective of his wife, who was liaising with the police in the UK while her husband was held by his parents in Somalia. She explained the family dynamics that shaped their life:

They wanted to control his actions, they wanted to keep him at home, and wanted to keep overall control over our relationship. We were due to go on holiday following the religious marriage however they said 'no' and we didn't go away. We used to stay over at my parents' house. They used to have issues with this and have said in the past that they want us both to spend more time at their house. I think this was just a way of keeping a close eye on us, to keep some control over our lives. His family want him to be a very traditional Muslim, and follow very strict guidelines, however he is quite liberal in his outlook on life, and I am also quite Western in my values. For that reason I think they have struggled to accept us and our beliefs. His family do often comment about the way we do things generally, they comment on what I wear. They are very concerned to ensure the honour of their family. I think that this is the reason that they have taken him away to Somalia.

Once safely back in the UK, the husband gave a statement to the police reiterating key elements of his wife's account:

Mum worries when I'm out, about what I'm doing. Constant phone calls. I used to not answer my phone—mum was asking who I was with. I'm young, I want to live my life. When I ignore her, I get interrogated at the door. Asking 101 questions, talking to me about my own stuff. Mostly dad asks questions, I don't tend to reply. Always questions. 20 minutes of interrogation at the door before I leave the house. Makes me feel annoyed. I used to smoke cigarettes and get drunk. [...] They had their suspicions, like, finding cigarette boxes in my room. They asked if I ever smoked and I said that they were a friend's, not mine. They found out, that's why they sent me to Somalia.

This experience suggests that parental control is geared towards different issues depending on

gender—for men and boys, parents harboured concerns about the consumption of alcohol and smoking and activities proscribed by their faith. In Case file 1, the male victim/survivor perceived his parents' attempts to monitor and restrict his mobility while he was in the UK as 'annoying' rather than fearful, and he was able to evade these controls ('I don't tend to reply') with little fear of repercussions ('I leave the house'), unlike the women and girls we interviewed. The deceptive trip to Somalia, which we explore in the next section, represented the parents' attempt to regain control over their son.

These gendered norms about sexuality and chastity were often defining features of our female interviewees' lives, and norms about appropriate behaviour also shaped the movement and freedoms of the men and boys to whom we spoke. Later on, these norms played a key role in creating the context for a forced marriage.

4.5 Previous history of forced marriage in the family

Several of the victim/survivor accounts gleaned from interview data and police case files indicate a previous history of forced marriage of siblings or a previous forced marriage concern that was raised for themselves, sometimes months or years before the threat for which the current FMPO was sought.

Where older siblings had been subjected to forced marriage, their experiences sometimes alerted their younger siblings to the dynamics of coercion; additionally, support from older siblings was also a crucial factor in enabling some of them to seek help.

Farida, a 26-year-old Pakistani woman recounted a relatively happy childhood that changed for the worse when she was 13:

We started having issues within the family when my sister, she got caught talking to a guy, and then because my family were quite traditional, so you know they took my sister back [to Pakistan] to get her married. There were lot of arguments in the house and there was a little bit of violence—it was really difficult. I was the youngest, I felt quite conflicted, you know... I did not like the arguments in the house. I knew, you know, what they're doing is wrong because then eventually my sisters left home and I was left at home, you know—all the pressure was on me now. So it was tough, both of them were forced into a marriage but at that time, you know, they had to go along with it because there didn't seem to be any other options for them. They had to make it work.

Her sisters did not see any other option but to go ahead with their forced marriages—they did not seem to have made any disclosures or sought help. However, having been privy to the violence inflicted upon her sisters and the unhappy marriages in which they were trapped, Farida grew alert to the threat of a forced marriage and was determined to avoid a similar outcome.

Similarly, Asma, a 31-year-old Pakistani woman who we interviewed, recounted the forced marriage of her brother:

My older brother was always away from the family because they forced him to get married. My mum and her relatives, they literally forced him, and I remember everything. He said, 'look I have a partner in England and she is having my baby and she is a British, a white lady and I am going to stay with her and this marriage can't take place' and they were like, 'no way'. When we all got back [from Pakistan, where the forced marriage took place], they bought her over anyway which was a few years ago. And then he wouldn't stay with them in the family home.

In this case, the brother was able to evade living within the forced marriage and managed to set up a separate household with his partner. It is not clear what the outcomes were for the woman he was forced to marry, as she seemed to remain in the family home as the daughter-in-law who was tasked with domestic and caring work. In this instance, her own victimisation and exploitation is an important but less recognised consequence of this forced marriage (see Anitha et al. 2018).

Where an FMPO was granted for a subject's sibling or there was a previous police report of a threat of forced marriage relating to that subject, or indeed an FMPO that had since expired when the subject turned 18, police and social services seemed alert to the very real risk of forced marriage. This recognition of the risk is apparent in case file 47, which involved a 21-year-old Bangladeshi girl, where the police note:

This matter is complex and significant to warrant a strategy discussion because of concerns relating to possible forced marriage risk. This is because the xx police served Forced Marriage [Protection] Orders for her older two siblings aged 20 and 19 recently. [...] The risk is that she is next in line after her two older sisters to be the victim of unfortunate forced marriage. [...] Concern as [parents] are still planning to go to Bangladesh at the same time as the original wedding was set to occur for her sister. Concerns that she may be subject to forced marriage as sibling has now had a FM Protection Order served. When parents found that older sister was in a relationship with a boy of Pakistani descent, the sister had earlier been taken to Bangladesh and betrothed/ promised in marriage to her 31-year-old cousin. [...] On returning she was allowed to continue in college as her parents said that she will need to get a job that pays more than £18000 a year to be able to sponsor him to join her in the UK.

In case file 13, three sisters of Afghani heritage whose extended family was resident in Pakistan notified their school that their father was planning to take them to Pakistan against their will to get them married. A forced marriage concern that had been raised for the oldest daughter two years previously; following this, an FMPO was put in place for that daughter. That order had since expired when she turned 18. Aware of this history, the school reported these concerns to the police and sought advice from an advocate in a 'by and for' domestic abuse service to expediate another FMPO application.

In two separate cases involving Somali victims/survivors, police case files referred to previous actions taken to repatriate the victims/survivors or their siblings from Somalia. In the first case, a 19-year-old Somali woman (Case file 17) was repatriated back to the UK following a threat of forced marriage and an FMPO was sought for her. An FMPO had been put in place for her previously but expired a year back when she turned 18. In the second case, two brothers aged 17

and 18 (Case file 6) sought police support for repatriation from Somalia—their older sister was also repatriated, having been subjected to forced marriage and given birth to two children while in Somalia a few years previously.

In case file 36, which involved an ongoing history of forced marriage, a school alerted social services when one of its students, a 14-year-old Jordanian girl, was removed to be home educated. Social services had previously been extensively involved with the girl's family due to HBV and attempted forced marriage of her siblings; the school's report raised concerns that the 14-year-old girl may have been taken out of education to be married, as she reported that tickets to Jordan seemed to have been booked.

Case file 41 involved one of the youngest victims/survivors in our sample. Aged 11, this Yemeni girl disclosed to her teacher that, according to her mother, her father would send her to Yemen as he did to her sisters, whom she had not seen for three years. The family's previous involvement with the children's services indicated that the girl's siblings had indeed been taken to Yemen by her father for forced marriages. The mother disclosed that the 11-year-old had undergone FGM in Yemen when she was a month old, prior to the family's immigration to the UK. Children in this family had been on the child protection register for a year due to concerns around physical harm, and the sisters (now in Yemen) had previously been in care for seven years as a result of neglect. When asked by the police officer what she wanted to happen, the girl said that she did not want to go home as she feared she would be assaulted and that her father would send her to Yemen to live. In this case, a constellation of factors indicated a history of neglect and harm prior to concerns about forced marriage. The ongoing involvement of social services seemed to empower the 11-year-old to seek help.

When there was a known history of forced marriage in the family, as gleaned through a police report or a previous FMPO for siblings or the victim/survivor themselves, the police and other services seemed to be able to step in and provide effective responses by seeking FMPOs and using them to maximum effect. However, the repeated parental attempts to bring about a forced marriage despite previous preventive and protective intervention indicates a need for routine safeguarding checks to be conducted by the police and/or by social services upon expiry of FMPOs, as the risk of forced marriage may be ongoing or indeed resume when an FMPO expires.

Additionally, given the low reporting rates for forced marriage, even lower rates of FMPOs granted as well as the grey areas between consent and coercion (Anitha and Gill 2009), there is arguably a need for more robust investigation of the nature and contexts of siblings' marriages even where a formal report of forced marriage was not made to the police previously nor an FMPO sought. The forms of abuse detailed in earlier sections can also shape subsequent decisions to force a child or young person into marriage and need to be probed to understand the family context and its coercive dynamics fully.

4.6 Family backgrounds and co-occurring forms of violence and abuse: Evidence from the reported judgements

This pattern of co-occurring forms of violence and abuse within the family backgrounds of those who were later forced to marry can also be documented within the judgements we analysed. Within the sample of 37 judgements on cases relating to FMPOs as well, there were few cases of forced

marriage that took place outside of a context of violence or coercive control.

While it may be a reasonable assumption that FMPO cases were primarily focused on forced marriage, this was not the case in most of the judgments. In the 37 cases related to FMPOs in our sample, it was quite rare for no other orders to be made, especially in cases that concerned minors. Care orders, including interim care orders and wardship orders, were the most common orders imposed alongside FMPOs. Nine cases, almost half of all the cases involving minors, involved application for or consideration of making care orders by judges. These children were often taken into foster care arrangements, sometimes due to the risk of forced marriage alone, but mostly due to other factors such as physical abuse and heightened family conflict. Wardship was also discussed in ten cases involving minors. Wardship orders also worked to allow the state to more easily remove minors who had been taken overseas by a parent. Even if the UK-based parent had not been found to be negligent and was just concerned with getting their child back, court wardship allowed the court broader scope to act to order the child back to the UK. Twelve families were already known to social services before being subject to FMPOs. These included three families from Bangladeshi backgrounds, three from Pakistani backgrounds, one from an Afghani background, one from an unspecified 'North African' background, one from a Somali background, one from a Kenyan and Somali background, one from a British and Algerian background, and one family whose ethnic background was not stated.

Physical abuse was the most common co-occurring type of violence in the judgments, and often took place in a situation of family conflict. Physical abuse of children, including adult children, within the family unit, was very common, and was mentioned in 19 cases as well as physical abuse and domestic violence against their mother, which was discussed in eight cases. There was significant overlap between cases, as six cases involved both domestic violence against the mother and physical abuse of the children. Violence often took place in a broader context of coercive control, in which children or mothers suffered from other forms of control such as isolation and financial abuse, primarily at the hands of fathers. Physical violence by victims' husbands or their husbands' family members within forced marriages was present in an additional four cases.

Analysis of these judgments reiterate the above findings from other data sources including police case files and life history interviews with victims/survivors and show that forced marriage rarely took place in otherwise supportive and caring families but was linked with high levels of family dysfunction and violence; in this way forced marriage shows similarities with other forms of domestic violence. These complex dynamics of different forms of violence and abuse in their family shaped how victims/survivors understood their experiences of coercion and responded to it in both the immediate moment of the crisis and longer term.

4.7 Conclusion

The many different varieties and forms of violence present in the lives of those who went on to suffer forced marriage can be better understood in the context of a continuum of violence (Kelly 1988; Gangoli et al. 2011). While forms of abuse, such as physical violence, emotional abuse, and sexual violence may seem like discrete forms of violence, they often co-occur and to take one example, 'forms of sexual violence shade into each other at various points' (Kelly 1998: 67). This is also the case for different forms of violence (Gangoli 2011). This can be seen in cases where

emotional abuse often occurs alongside physical violence, isolation, financial abuse and sexual violence within an abusive relationship. People who experienced one form of childhood adversity are more likely to have also experienced other forms (Dong et al. 2004). Forms of violence commonly co-occur.

Explanations that view forced marriage primarily as a cultural phenomenon may neglect to identify major commonalities between families where patriarchal family violence and coercive control is prevalent, and families with similar dynamics in which forced marriage is just one manifestation of patriarchal violence and coercive control. While it is important to understand and respond to the specificities in particular forms of domestic abuse such as forced marriage in order to understand the risks and develop appropriate responses, it is also important to understand the commonalities between different manifestations of patriarchal violence.

5. NATURE AND CONTEXT OF FORCED MARRIAGE

Understanding the nature and forms of forced marriage is important in order to develop knowledge about and an empathy for the lived experience of the victims/survivors. Equally important is an insight into the commonalities and specificities within the manifestations of forced marriage in relation to particular communities and/or to particular forms of coercion.

5.1 Control over female sexuality: Notions of honour and shame

Control over female sexuality was the most common context for forced marriage in the majority of the police case files and for the victims/survivors we interviewed. For most, the prospect of an arranged marriage had always been imagined by their parents as the ideal scenario, whereby their family honour would be upheld through marriage to someone from their community and, in many cases, a cousin. When such a prospect presented itself, any disagreement with the choice of partner or the very prospect of an arranged marriage quickly resulted in coercive pressure which vitiated consent, making it a forced marriage.

The fifteen-year-old Afghani girl whose story is documented in Case file 19 came to the attention of the police and social services following a referral by her school: the youngest child and only daughter in the family, she was spotted at a window on the top floor of her school, threatening to jump out. After she was talked down, she confided to her teachers that she was ‘being forced into a marriage with her cousin’ and she ‘does not want to do it’. She repeatedly stated that she wanted to kill herself. After overhearing family discussions over the years about her marriage to one of her cousins and which cousin would be most suitable for her, the previous week, she had heard her father say to her mother, ‘Let’s start the process between her and her cousin’. She had not dared to confront them and was scared that if her parents were to find out about her lack of consent, they might shout at her and her brother might hit her.

Case file 26 recounts the disclosure of a 17-year-old Pakistani girl, who was fearful of being forced into a marriage after she had been subjected to a ‘pep talk’ about her cousin’s suitability as a husband. When her older sister married for love, she had been disowned by the family. Anticipating the violence that would ensue upon a refusal, she was afraid to tell her father that she did not wish to marry her cousin who was based in the UK, even though the wedding date had been set and the preparations were underway. She told the police that now that she had agreed, she could not back out and her father’s word is his honour, so the wedding must go ahead. Otherwise, her father would be shamed.

In both of these cases, the weight of social expectations and notions of honour and shame as well as fear of their family’s reaction to a potential refusal prevented the girls from articulating their feelings to their parents. In other cases, when the parents discovered that their plans for an arranged marriage were unacceptable to their daughter, the parents, brothers and sometimes the wider family refused to back down and it quickly became a forced marriage.

Case file 60 relates to a 15-year-old Pakistani schoolgirl who was living with a Pakistani family and had grown up with the expectation that she would marry her cousin in Pakistan. She informed

the police:

My mum would speak to her brothers and sisters back in Pakistan. She sometimes showed me photos of my cousin, suggesting that I should marry him. My cousin's mum called me her daughter-in-law.

When she did not show any interest, these suggestions soon turned into threats:

That happened a lot. She said, 'You'll have to marry him. I'll make you marry him when you're 16'—I'm 15 now. I don't think she'll do it when I'm in year 11—I think, when I leave school, so I have nowhere to go [for help].

Case file 27 recounts a disclosure to teachers made by a 17-year-old Turkish girl who had been pressurised over the last year to agree to marry her second cousin. She stated that in order to 'shut them up', she had said yes. But now that the marriage was looming, she did not wish to go ahead. She feared that if she refused, her father and brothers would beat her and she would be taken back to Turkey because of the shame she has brought on the family.

Marriage was often a culmination of a period of control and a long-term plan that was activated by the parents once their daughter was seen to be of marriageable age, as noted elsewhere (Chantler and McCarry 2020). In the context of the policing of their sexuality and punishments for perceived and actual rule breaking, two Iraqi sisters, aged 13 and 15 years old (Case file 9) reported that their father planned to marry them off, as noted in their police case file:

Dad had joked that he'd found a good man for me to marry in Iraq. He only said it once. Dad said he'd take us to Iraq and will make us regret [their purported bad behaviour]: 'That's the only way they'll learn, if they go back'.

Subsequently, the older sister overheard a conversation between their parents: 'Dad was talking about how I probably wasn't a virgin'. The two sisters felt terrified that something was going to happen imminently. Their father's sister had sent two dresses for the older daughter—one looked like an engagement dress and other one was like a night dress. Their mother made the older daughter try the dresses on and then put the dresses away, so the girls feared that a trousseaux was being prepared.

Apart from being the culmination of long-standing plans, the triggers of the parents' decision to force their daughters into a marriage included a range of factors, such as their daughter being perceived as westernised or (reported) sightings or any association with a boy. Any alliances across religious or national or racial divides were perceived by the women's families as particularly unacceptable, although even an alliance within the in-group that had not been arranged by both families was frowned upon.

When the mother of a 27-year-old Pakistani Muslim woman discovered that she had a Hindu boyfriend whom she had met at college (Case file 54), she was stopped from going to college and her mother arranged her marriage to her cousin in Pakistan. In this case, both the very existence of a boyfriend and his religion were perceived by the mother as dishonourable. Very similar

narratives centred around the discovery of (real or imagined) relationships that had developed whilst at school/college, retaliatory violence by parents and the threat of forced marriage were recounted by several others, including a 17-year-old Afghani girl (Case file 40), who told the police that her parents' disapproval of her relationship had nothing to do with their religion, but more to do with their culture, whereby it is seen to be in their best interests of a female as well as her wider family for her to marry a family member (usually a cousin) (see Charsley 2007). Another 15-year-old Afghani girl (Case file 3), whose family life was marred by parental hyper-vigilance about her sexuality, informed the police that an uncle had apparently seen her walking home from school with a boy and told her parents, who were 'aggressive and abusive' as a result. She also expressed concern that her parents planned to take her to Afghanistan to be married once she turned 18. A 16-year-old Somali girl (Case file 10) contacted the police, fearing that she and her sister would be forced into a marriage when their family discovered that she had a non-Somali boyfriend.

One of the cases that was reported in the police case files was of an arranged marriage that transformed into a coercive one. A 20-year-old Indian woman (Case file 4) had agreed to an arranged marriage and had been communicating with her fiancé for several months, during which he became increasingly controlling of her movements. She therefore decided that she did not want to marry him. Her parents felt that this would bring shame on the family, and threatened to take her to India and make her marry him. They also threatened that her younger sister would have to marry him if she refused to do so.

Similar concerns about the policing of female sexuality were also documented in the reported judgements we analysed. The following case, Brighton and Hove City Council -and- the Chief Constable of Sussex - and - MQ -and FQ -and CQ, DQ and EQ (By their Children's Guardian Lesley Beveridge), neutral citation [2018] EWHC 3979 (fam), demonstrates policing of female sexuality in order to conform with gendered norms and standards of sexual 'purity'. In this case the three children, two teenagers and one younger girl, were taken to a country in 'North Africa', purportedly for a holiday, and held there against their will by their mother and uncle, the latter of whom was physically violent towards the children and had a history of physical violence towards their mother. The family were concerned that their daughter, CQ, had a boyfriend in England and had been engaging in sexual activity. CQ alleged that her uncles threatened to pin her down to find out if she was a virgin (although the judge did not necessarily agree that this threat occurred) and she was sent to a doctor to 'confirm' whether she had lost her virginity:

CQ's account of events was effectively that she had gone to the country in North Africa believing it was for a holiday, but once they arrived the mother said they were staying there, and that her mother had said 'I might as well marry you off' because of her non-attendance at school. They were all scared and upset by this time so they went to the Embassy to seek to return.

(Male and female, minors, "North African" background, some have disabilities, Muslim, Brighton and Hove)

CQ's brother's statement also supported her account:

He kept firmly to his account of hearing his mother talking to Uncle M about marrying off CQ, which was because his mother had found out that she had lost her virginity.

(Male and female, minors, “North African” background, some have disabilities,
Muslim, Brighton and Hove)

Policing female sexuality was also interlinked with religion and behaviour. In addition to policing of her virginity, CQ was also threatened with violence on the basis of the way she dressed. ‘CQ reported [...] her concerns that the uncle was getting angry that she was not conforming to Muslim life, refusing to wear a headscarf and continuing to wear make-up. Her mother was given the chance to discipline the children otherwise he would take over’. CQ repeated the uncle’s position in her first interview: ‘You guys aren’t like proper Muslims and if you disrespect my sister I’m going to [...] hit you guys.’ This is in contrast with the treatment of her older sister, BQ who is described as ‘modest’, ‘conservative’ and ‘compliant’. The judge claimed that, ‘The distinction between BQ and CQ of course that she is most evidently a compliant young woman treading her own safe path.’

In this case, patriarchal control was exerted through the maternal extended family, with the uncles using physical violence and threatened sexual violence (threats to pin down the daughter to see if she was a virgin) to exercise control over women. The mother drew on the uncles to enforce conformity with conservative religious (Muslim) standards. The father, who was in the UK, colluded with the mother by lying, writing a letter to the school stating that the children had not yet returned to school as they had been caught up in an explosion and were recovering from their injuries.

In the case AA and MA (2016) AA’s father removed her to Saudi Arabia after she had spent her childhood with the rest of her family in South Wales. This case was highlighted extensively in UK news media as AA had been detained inside the house in a cage-like structure purpose-built by her father and she was not allowed to leave the room. AA’s sister, in contrast, who also lived in Saudi Arabia was allowed considerably greater freedom in both movement and clothing as she lived a lifestyle that conformed with her father’s wishes. This is a clear example of patriarchal control, where extreme measures, including deprivation of liberty, and alleged repeated physical violence, were taken in order to ensure AA’s conformity with her father’s expectations of her lifestyle.

During her teenage years her parents became increasingly concerned about [AA], whom her mother described in a statement made in January 2013 (now at bundle p.F5) as a problem child. She was underperforming at school. She was truanting. She was, they knew or believed, ingesting drugs, including hard drugs. She was consorting in ways they considered inappropriate, and even dangerous, with men. The father has referred in the present proceedings to her toxic lifestyle at that time.

(Adult, female, Saudi background, Muslim, Jeddah, Saudi Arabia)

The father himself has made a statement. He describes how it was his decision to bring AA to Saudi Arabia in 2012: I decided to do this as AA was not focusing at school. Also, despite being aged only 14-16, she was going to clubs, taking drugs (marijuana), alcohol and spending time with older men.

(Adult, female, Saudi background, Muslim, Jeddah, Saudi Arabia)

In another reported judgement, a young woman says she was forced to marry soon after her parents

heard about her boyfriend with whom she was sexually active:

She told me that she had a boyfriend and spent a night away from home with him which she said had made her parents very unhappy. She described her mother monitoring her behaviour much more vigorously thereafter.

(Female, adult and minors, Kenyan/Somalian background, some have disabilities, Muslim, Thames Valley)

Concerns about sexual purity were common motivations for forcing daughters to marry, although the interpretations of the range of behaviour which was seen to violate gendered norms may vary somewhat between different communities and contexts. This matrix of control commonly extended toward clothing, make-up, religious adherence, and behaviour. ‘Good daughters’ in the family were often rewarded with parental approval and closeness for marrying early, behaving in an ‘unchallenging’ way, or being ‘modest’ and ‘conservative’. Perhaps ironically, this resulted in looser strictures for these women, for example AA’s sister was allowed freedom and to wear less conservative, more fashionable clothing. However, control was tightened when teenagers were seen to be ‘acting out’ or being difficult, and in severe cases, women were deprived of their liberty altogether. Prior research by both academic researchers and the FMU has also shown that policing of behaviour and sexuality are both common motives for forcing children to marry (Gill & Harvey 2017; Hester et al., 2007; Refuge, 2010; Sabbe et al. 2019).

5.2 Co-occurrence of forced marriage and ‘honour’ based violence

In many cases, forced marriage overlapped with HBV as a punishment for perceived transgressive behaviour. While one or both parents were instrumental in planning the forced marriage, the pressure also came from relatives where this entailed marriage to a cousin. HBV to punish or threaten victim/survivors was commonly inflicted by the parents, brothers, other relatives and, less commonly, sisters.

Case file 52 documents the experiences of a 25-year-old Bangladeshi woman, whose father confiscated her mobile and locked her within the family home when she informed her parents about her relationship. Her father threatened to slit her throat or run her over if she did not go ahead with a marriage to a man of his choice. When a 30-year-old Indian Sikh woman in case file 55 informed her family that she was in a relationship with a Christian male whom she intended to marry, her parents warned her that she would bring shame on the family and subjected her to physical and verbal abuse to get her to agree to a forced marriage. They locked her up and threatened her that escape was futile; her extended family would find her and take her back to India to get her married off. She reported their HBV to the police and fled the family home. Subsequently, her relatives engaged in a campaign of terror, trying to intimidate her and her boyfriend. A typical text message from her cousin read: ‘You are fucked if you don’t come home. Get away from him. You are both dead when I see you.’

In an interview with the police (Case file 18), a 17-year-old Christian girl of Indian origin recalled being visited by a male (Muslim) friend, whom her older sister spotted entering their home. Her mother questioned her about his visit and, when she refused to confess, got her sister to pin her down while she burnt her legs with a spoon that had been heated on the hob, and lashed her with

a belt. Her sister scratched her arm ‘really hard and fast’ to extract a confession about her visitor. When she ‘couldn’t bear the pain anymore’ and confessed that she ‘knew him from college’. Her mother immediately stated, ‘That’s it. I’m taking you out of education and we’re flying to India. You’ll marry this 25-year-old man we’ve found for you’. This was unusual; sisters were commonly allies and sometimes passive bystanders but rarely the active agents of HBV among the sample of police case files and the victims/survivors whom we interviewed.

Case file 24 similarly reported to the police that she was too scared to go home after several messages 'of a sexual connotation' had been discovered on her phone by her family. The brother of this 17-year-old Kurdish girl was tasked with uncovering the messages, as he was familiar with technology, and berated her, calling her a ‘slut’. He would say, ‘I know you aren’t a virgin’. When she realised that her family had found the messages, she was concerned about HBV if she went home and feared that they would take her to Iraq and force her into marriage. Her case file notes, ‘She is very worried about the impact this matter will have on her wider family and community and felt that she had bought shame on the family and could not face going home’, an indication of the sway that the normative constructions of gender and sexuality within her community held over her, even though she had tried to challenge them.

Several others, including an Afghani girl (Case file 31), a Sri Lankan girl (Case file 33) and a Moroccan girl (Case file 21), all aged 17, also recounted remarkably similar accounts of the discovery of their relationship with a classmate and the subsequent HBV against them, accompanied by threats of a forced marriage.

In two cases where the women had left their family home and moved in with or married their partner, the threat of HBV and forced marriage continued. In case file 56, a 30-year-old Pakistani woman and her boyfriend were subjected to death threats by her father. When these threats abated after a few months she presumed that a reconciliation with her family was imminent. She was subsequently invited and went to Pakistan to attend her brother’s wedding. Whilst there, she was forced to marry her cousin and remain in Pakistan for five months in order to ‘make the marriage work’, and only then was she allowed to return to the UK without him. Similarly, in Case file 29, after a Turkish woman had left home to marry a Cypriot whom her family disapproved of, her father traced her and forced her into his car, telling her that she was leaving her husband and moving back home. She was to remain locked in the house until they could book her flight to Turkey and get her married off.

The concept of honour and shame and the acts that are perceived to diminish a female’s honour and, through her, that of her family, can include sexual violence. Shame has historically been attached to the experience of sexual violence, a sentiment that reflects men’s proprietary sense of entitlement to ‘their’ women’s bodies and also the victim-blaming that often accompanies sexual violence (Cowburn et al. 2015; Kennedy and Prock 2018). A 17-year-old girl of Indian origin (Case file 14) found that her parent’s hostility and sense of shame were directed at *her* when she was raped. Her father arranged her marriage as a way to ‘get rid’ of her because her rape threatened to dishonour the family, and marrying her off was seen as a way to transfer the responsibility for controlling and managing her sexuality to her husband. Her lack of consent turned this into a forced marriage.

It is widely accepted that the majority of victims of forced marriage and HBV are women and girls, with men and boys constituting a significant minority. The causes and effects of HBV and forced marriage on men and boys is an under-researched field of patriarchal violence (for exceptions, see Chantler 2020; Idriss 2021; Samad 2010). Recent research based on the case files of a domestic abuse charity (Idriss 2021) revealed analogies to and distinctions from the infliction of violence against women and girls in similar circumstances. The commonalities in the contexts of victimisation can be located in the dominant patriarchal norms within communities and the concepts of hegemonic masculinities, which are marshalled to punish men's perceived wayward or westernised behaviour and perceived deviant sexuality through HBV or forced marriage. The differences are related to the extent and prevalence of HBV as well as the possible impact on certain categories of men who may be able to harness male privilege to protect themselves. The case files relating to the men and boys for whom an FMPO was sought, few in number though they are, give us some insight into the common and gender-specific contexts of their experiences of forced marriage, often co-occurring with HBV.

Having grown up with family expectations that he would eventually marry his maternal cousin in Pakistan, and having agreed to this when he was a teenager, a 20-year-old Pakistani man (Case file 50) changed his mind after meeting his current partner. His retraction of his promise of marriage was seen as bringing dishonour to the family and was particularly unacceptable to his mother, whose sister's daughter was his intended bride. The marriage was possibly a means of enhancing his mother's status within her natal family, strengthening the family ties and assisting her niece's claim to residency in the UK (Idriss, 2015). His father seemed more willing to accept his retraction. In the face of unrelenting pressure, he was persuaded to go to Pakistan under the pretext of breaking off his engagement in person.

A 21-year-old Somali Muslim man (Case file 1) had fallen in love and managed to secure a somewhat reluctant parental consent to marry his Muslim girlfriend in a religious ceremony. Sometime after his marriage, his parents discovered that he had been smoking cigarettes and were furious. There was a lot of 'shouting and screaming'. They disapproved of his wife's clothing and her westernised ways, and thought she was a bad influence on him. His statement to the police referred to conflicts with his father due to his parents' efforts to control his life—'punches were exchanged'—indicating a mutuality to the violence. His perceived wayward behaviour and resistance to his parents' attempts to control him were seen as a challenge to the patriarchal authority of the head of the household as was his independent choice of a spouse. Failing to prevail upon him whilst in the UK, his parents deceptively took him to Somalia, where they attempted to force him to divorce his wife and remarry a woman of their choice.

Both boys and girls were subject to concerns around behaviour and school performance, however these were expressed in a gendered manner. We can also see these patterns in the reported judgements that we analysed. Concerns regarding boys tended to focus on friend groups, and school performance, while for girls these were intertwined with policing of sexuality and maintaining moral purity and religious observance. In the case of the son in Lydia Erhire - and - E O-I (by his next friend) 2011, the mother removed her son to Nigeria citing concerns about school performance and his friendship group:

The mother has deposed to concerns about E's performance in his school in London,

about the circle of friends with whom he was associating in London and about other matters which had led her to consider that his upbringing in London was less than satisfactory.

(Minor, male, Nigerian background, Nigeria)

Gendered norms about female sexuality, expressed through concepts of honour and shame, are central organising principles within certain communities and can create multiple harms for women and girls as well as—less commonly and in a somewhat different way—men and boys. There are also contexts where notions of honour and disrespect (to parents or the religious norms) or other considerations related to immigration, the family's standing within the community or the need to consolidate family relations through cousin marriage can create a context for forced marriage. Another significant context in which men and women can experience HBV and forced marriage is where they challenge the patriarchal ideology through the disclosure of their homosexuality, which is explored below.

5.3 Coercive contexts associated with heteronormativity and sexuality

The stigma that is associated with being lesbian or gay in many communities may mean that any public declaration of homosexuality is proscribed, and women and men may be forced to marry for the sake of the family's so-called honour (Jaspal 2020; Jaspal & Siraj, 2011; Siraj, 2011) and subjected to HBV till they renounce their homosexuality and obey the 'honour norms' (Lowe et al., 2019).

There was only one case where the context of the forced marriage was homosexuality. Case file 5 documents the HBV and forced marriage inflicted upon a 20-year-old Muslim woman whose country of origin was Saudi Arabia. She first came to the attention of the police at the age of 16, when she reported to her school counsellor that her parents were forcing her to marry a 30-year-old man, who was based in the UK. Her refusal led to a year of verbal abuse, following which she ran away from home. She eventually returned home and went to university, but the pressure to marry did not abate. When she was 19, she disclosed to her brother that she was gay and suspected that he told her mother. The following year, after she had moved in with her girlfriend, she 'came out' to her mother. Shortly afterwards, her mother tricked her into visiting the family home, where she was locked up and subjected to violence for several days. She heard her mother telling someone on the phone that they wanted to 'send her back' to get her married off.

Even in the absence of explicit coercion and physical force, binary norms about gender and sexuality and the perceived inevitability of (a heterosexual) marriage may create strong coercive pressures in community contexts where homosexuality is perceived to violate traditional gender norms and religious dictates. There remains a need for a better understanding of the nature and impact of forced marriage in the context of homosexuality or the presentation of a non-binary gender identity, in order to improve the preventative and protective responses.

5.4 Disability affecting vulnerability and/or the capacity to consent

Another context for forced marriage was disability, which featured in three of the police case files. The FMU data indicate that about 5% of the forced marriage cases that they encounter relate to a

disability which affects mental capacity to consent to marriage, and that in contrast to non-disabled people, there is a gender symmetry and indeed a higher prevalence of forced marriage among disabled men compared to disabled women.

Two of the cases in our sample of police case files concerned parental coercion in the context of a disability while, in the third case, the decision to marry arose from an online relationship that seems to have developed without any explicit coercion but nonetheless raised concerns about the capacity to consent.

Case file 15 records the events following a 17-year-old Bangladeshi boy's disclosure to his UK-based cousins that his parents were planning to take him to Bangladesh and marry him off to a cousin, and that his mother had been buying saris (presumably for the bride-to-be) recently. When he told his cousins about the trip, they were very concerned because his father had in the past threatened to leave him in Bangladesh. When the social worker who was supporting him with independent living skills spoke to him, he was very clear that he did not want to get married, as recorded in the case file:

He said that he had told his parents what he thought but was never sure if they were joking when the topic was brought up. He said that his mother had recently taken his mobile phone away [...] then had denied doing so when he asked her about it. He said that, if he were in Bangladesh, he didn't feel he would be in the position to say no [to the marriage]. [...] He had no independent access to financial resources and was assessed as unlikely to be able to navigate his way to services if taken to Bangladesh.

Case file 42 relates to a 23-year-old woman whose country of origin was Dubai. She was being supported by the Learning Disability Team while she resided with her extended family. She disclosed to her social worker that her parents wanted her to get married and were planning to introduce her to men. Her siblings had arranged marriages and there was no suggestion of coercion in those marriages. From the case notes, there were no indications that the parents were planning to force her into marriage, but there were concerns about her capacity to consent to a marriage/relationship, of which her parents may have been unaware and therefore may have been party to a forced marriage.

Case file 8 concerned the mental capacity of a 31-year-old woman of Pakistani origin with learning difficulties. She had met a man based in Pakistan online and, having become close over a two-year period, had decided to get married—the two families appeared supportive and had been liaising with each other. Upon hearing of her decision to go to Pakistan for her wedding, her uncle and cousin reported their concerns to the police and she was stopped and questioned at the airport. It was not stated in the case file whether she was travelling alone. In her interview with the police, she said that no one was forcing her to marry this man and that it has not been arranged by her family either. However, there were concerns about her capacity to consent and her vulnerability.

One of our interviewees, 37-year old Nasrin talked about the particular difficulties faced by women with disabilities in the context of a forced marriage and their needs:

I will be honest with you, there is another girl in the mental health world that I know, and she is ostracised from her family, and you could see that she is hurting. What we

need to do if there is a FMPO in place, we need specialist support by women led organisations that understand the cultural issues, and it's not just giving you – I'll meet you for an hour and I'll give you support. If an entire ecosystem is taken away from you, that has to be replaced somehow.

Disability that affects the capacity to consent is one of the less understood contexts of forced marriage, which is beginning to be examined recently. Research (Clawson and Fyson 2017) suggests that the parents of individuals with disabilities, particularly men, may see (a transnational) marriage as a means of securing a carer for life. The reported judgements also indicated that where such a marriage had already taken place, there was a risk of violence and abuse by the able-bodied spouse towards their disabled spouse and this was particularly the case where the woman was disabled. Closer attention should be paid to disability as a context for forced marriage, particularly in the context of the cuts to disability support since 2010 and the pressures this may create for carers, thereby creating a context where a marriage may present itself as a solution of sorts. Where parents may be unaware of issues around capacity to consent, this may also require social workers to engage with the family to safeguard people with disabilities.

5.5 The transnational dimension of forced marriage

A small minority of cases involved (a threat of) forced marriage to a UK-based person, while the rest had a transnational dimension. Where the victim/survivor was taken abroad to be forced into a marriage, there was an immediate escalation in risk and a shrinking of the avenues for support. In many countries, forced marriage may not be recognised as a harm or crime, and there may be no diplomatic relations with the UK to facilitate consular support. The following section outlines the experiences of the victims/survivors who were taken abroad for the purpose of a forced marriage.

Barsha, a Bangladeshi Muslim woman, recounted her experiences of forced marriage which occurred when she was 16-years old:

We were in the same year group and the same classes. So, yeah, I met him and it was just, you know, I started to date him and stuff. And he was keeping me occupied. We were like, you know, we'd go out, just do things. When she [her mother] heard about it from someone, she basically freaked out. [...] Apparently, she even approached his family and said, like, 'What do you want to do?', like, 'Do you want them to get married or whatever?' And it's like, we just dated, we're only 16! Obviously, his family said no. [...] Later, she said we were going to go on a holiday and, actually, what it turned out was that she was getting...organising for me to get married to my cousin in Bangladesh. [...] So, yeah, she took me to Bangladesh... [...] I said no, every single time. I said I don't want to marry this person, you know. But she'd already organised everything. On the day that everybody arrived, you know, it was, like, everybody's already here and you still...you know...so I felt like I had to say yes because everybody was there.

To the mother, her daughter's potential sexual relationship outside marriage was a matter of shame and a source of dishonour to her family. Even though the young people were only 16, an age at which marriage was legal albeit unusual in the UK, her immediate response was to approach the

boy's family, who were also Bangladeshi Muslims. An unexplored dimension of coercion in relation to marriage may be the pressure exerted by women's parents to respond to a disclosure about/knowledge of a dating relationship (with someone deemed suitable) by expecting it to lead to an immediate marriage in order to safeguard the family honour. Barsha recalled this painful period of her life that followed:

I was only 16, so I'd cry to come home. He was just...er... [shudders]... like, he would, you know, hit me and he'd get, like, a *bonti* [a curved blade rising out of a narrow, flat, wooden base and used to chop vegetables]. He'd use that to scare me, to sort of, like, make me agree to have sex with him and stuff. My nights were literally spent fighting him off and just being, like, "No, no, no," and obviously, you know, I had to give in on occasions and then, once I eventually fell pregnant, she let me come home.

Though she was 17 and pregnant, she does not seem to have been questioned by maternity services or supported to make a disclosure when she gave birth in the UK.

Two other interviewees recounted very similar narratives of being taken to Bangladesh and Pakistan when they were 17 and left there with relatives till they agreed to marry, an experience that is also documented in Case file 56 which related to a 30-year-old Pakistani woman. Salma, a 37-year old Pakistani woman we interviewed remembered the scandal her relationship with a boy from a different caste caused in their close-knit Pakistani community:

I remember lots of late-night chats with my dad, of him now trying the softer approach, 'You have to understand where we are coming from, you can't just marry who you want to marry, you need to marry in the family where you will be well looked after'. And I just said 'no, no, not ever, there's no way'. And then he said, 'I'll let you get engaged to this guy you want to marry, [...] all I want you to do, you've been engaged in your mum's side of the family in Pakistan, I want you to go over to Pakistan for just two weeks holiday, and break it off to save face for me'. [...] Once there, everything changed. [...] He said, you are going to do things my way, you are going to marry where I tell you to marry. [...] I just said it wasn't going to happen and I would rather die, you're not going to do this to me.

She spent a year resisting but eventually gave in when she realised that this was going to be her only way of getting back to the UK:

So at this point we were living without running water and going to a well to get the water, cooking on an open fire, and all the time I thought that somebody would come, somebody would rescue me, I was going to escape, but not knowing what was outside of the village, where the town was, which direction to go in, where an embassy might be, what to do without a passport, no money or anything. I then went on hunger strike and stopped eating, and I think after about two or three weeks, I had really bad jaundice [...] I remember being in the hospital and thinking that I couldn't die here because they won't take my body back to England, and England was home, so the one thing that I wanted was to go home.

Nasrin, a 37-year old Bangladeshi woman we interviewed, also agreed to marry after a year in order to be allowed to come back but at 18 she was expected to live with her husband's relatives in the UK while her husband was making his application to come to the UK. She faced severe violence by her in-laws and from her father for not accepting the marriage fully, and after a particularly vicious attack she called the police and left home when pregnant, and found a space at a refuge.

Case file 32 outlined the complex and protracted violence committed by the family of an 18-year-old Afghani woman to prevent her from continuing her relationship with her boyfriend and to force her into marrying the man whom they had chosen. Upon the disclosure of her relationship, she was locked within the family home and subjected to a period of HBV but she managed to escape and moved in with her boyfriend. A few weeks later, when her mother was in hospital, the family exaggerated the illness and deceived her into visiting the hospital, where they pretended to accept the relationship and persuaded her to return home. Meanwhile, the couple secretly got married in a religious ceremony, for which she secured the temporary release of her passport which was being held by the police as part of her personal protection plan. Shortly afterwards, her father took her to Afghanistan against her will and she was married off to her cousin.

Case file 28 involved three sisters aged 20, 14 and 12, who left the UK for Somalia a few years back. The oldest sister contacted the foreign office from Somalia seeking support, as she believed that they were at risk of being forced into marriages. Her paternal uncle wanted his son to marry the oldest daughter. Having overheard a family conversation about this, she questioned her mother and conveyed her lack of consent. As time passed, she began to realise that her mother had no regard for her wishes and was succumbing to pressure by her paternal uncle.

Case file 50, discussed earlier, relates to a 20-year-old man who was taken to Pakistan under false pretences, presumably to inform his cousin of his decision not to marry her. Once in Pakistan, he faced immense emotional pressure and agreed to get engaged in the hope that he would be able to return to the UK and call off the engagement. Unbeknown to him, his mother planned to return only after the wedding, which she was in the process of arranging.

Case file 6 records the experiences of two Somali brothers aged 17 and 18, who were taken from the UK to Somaliland by their mother around a decade earlier and lived with their mother and three sisters. Several years ago, another older sister was repatriated by the FMU, as she had been forced into a marriage by her mother. Both brothers had been forced into a marriage while in Somalia and were being compelled to live with their respective wives in the family home.

Case file 49 documents the case of a 22 year-old Pakistani woman for whom an FMPO had been in place but which had expired when she turned 18. Her father informed her that her grandmother was ill and she was taken to Pakistan to meet her but, on her arrival, found that this was not the case. She was then taken to an unknown location and locked in the house. The existence of the previous FMPO did not deter her family, but instead they seemed to have taken steps to remove her beyond the reach of the services available in the UK by taking her to Pakistan some years after it had expired.

Where the victim/survivor is taken out of the UK for a forced marriage, their capacity to resist is often diminished by their distance from potential sources of informal and formal support and inability to leave the coercive context, as the perpetrators often take their passport and restrict their freedom of movement in an unfamiliar context. The risks associated with transnational forced marriages are often exacerbated by these factors. Compared to the cases where those facing a threat of a forced marriage were based in the UK, transnational cases were more likely to entail a marriage that had taken place, and in some cases women and girls became pregnant or had children within these forced marriages. The additional impact of forced marriage in these contexts includes rape, domestic abuse from the husband and his family, and often a violation of reproductive autonomy as women may be forced into a pregnancy and childbirth.

Another specific dimension of transnational forced marriage that was evident in a number of the police case files relating to Somali victims/survivors was institutional incarceration, systematic deprivation of freedom and violence intended to break their resistance. This was documented in the case of four females and one male. Media reports document the use of so-called ‘cultural rehabilitation centres’ particularly in Somalia and more widely in East African countries to administer ‘treatment’ for addiction, mental health issues, homosexuality, being ‘too westernised’ and/or an unwillingness to acquiesce to a forced marriage (Parveen 2018; Phillips 22).

Case file 59 documents HBV and forced marriage against an 18 year-old woman who had been deceived by her mother into travelling to Somalia. Once there, she was incarcerated in a rented apartment and subjected to beatings, including strangulation, by her mother, brother and a worker employed to prevent her from leaving. She overheard her mother telling other family members that she had been planning for this day for as long as she had lived in Europe, as she [daughter] was too westernised and needed to be reminded of her cultural values.

Case file 10 records the experiences of a 16-year-old girl who had been taken to Somalia by her step-father under the pretence of visiting her sister. On her arrival there, she was held against her will in a psychiatric hospital. She has been told that she had to marry the doctor who was providing her care. Her step-father had possession of her passport and informed her that she would be held there until she got married. This was the second time in her short life that she was subjected to an attempted forced marriage.

A complex case of repeat victimisation was documented in Case file 12, where a 21-year-old woman was twice incarcerated in a detention centre in Somalia. The first time was when her family deceptively took her back to Somalia and held her in a ‘rehab centre’ because she was perceived as too westernised and refused to agree to a forced marriage. Sometime after being repatriated by the FMU, she chose to move back into her family home. A few months later, she became pregnant from a consensual relationship but she as had severe mental health issues and was receiving support from adult mental health services, there were concerns about whether she would be capable of caring for her baby. She was manipulated and controlled by her mother, who encouraged her to return to Somaliland to avoid having her child taken into care. Once she was there, her mother sent her to a similar correctional facility to one where she had been held previously. She was imprisoned there and her mother took her baby soon after birth. Her family wanted her to undergo a ‘cleansing’ procedure similar to FGM before she was married to an individual of their choice in Somaliland.

Another case involving an 18-year-old Iraqi woman and was documented in Case file 30. When she was 16, she had disclosed to her teacher that her father was attempting to force her into a marriage, which resulted in social services involvement and she was moved to a safe place. Her uncle was in communication with her at the time and convinced her to go and live with him, but unbeknown to her, he was part of the plan to get her married off. Once she was living with her uncle, her phone was taken from her and she was flown to Iraq where an engagement party was held for her. She became very unwell and had to be flown back to the UK to receive treatment, hence preventing the marriage from taking place. An FMPO was put in place, but when the family moved to England from another part of the UK the safeguarding ended as information was not shared between the relevant social services teams. When she was 18, her father attempted to force her to marry the same man, this time after the FMPO had expired.

Reported judgements also document several cases where there was removal of a person by parents to avoid Local authority involvement as well as forced marriage concerns. In seven of the 37 judgments, witnesses or respondents explicitly mentioned leaving the country to avoid involvement, or further involvement, by local authorities. In an additional eight judgments it was alleged by the court that families left to avoid local authority involvement. As only 20 of the cases in this sample involved either minors, or a mix of adults and minors, this means that parents had left or were suspected of leaving to avoid local authorities in over half the cases in the sample of reported judgements.

Re: I & Ors (Children) 2016, concerns a father's youngest children, a son MA-A aged 9 and a daughter, H I aged 13, for whom he applied for a child arrangements order, as he wished to take them to live with him in Pakistan permanently. RA-N, the two children's mother was the respondent to the application. The father had been awarded custody of the children at the end of 2014 after lengthy wardship proceedings. Due to a complex family history, the case explored the treatment of the father's older daughters (MA-A and H I's half-siblings) during their time in Pakistan when the father took them there from 2002-2005. These three girls were from the father's marriage to his second wife Ro A. The three older daughters lived and attended school in the UK at the time, and were taken by their father to join their mother who had taken the youngest children to visit the father's family.

S, the oldest girl in the family had been married to a cousin at age 15 in 2002. S currently claims that this marriage was consensual and unplanned, although her sisters state that it was pre-planned before leaving the UK. Regardless of her stated consent, the marriage of a 15 year old would be illegal under most jurisdictions, as she would be considered unable to give consent as a minor. She and two of her sisters had been told they were on a short trip, but had been kept in Pakistan until 2005. In the quote below, the judge describes the way in which the daughters' father's brother removed all his children secretly from the United Kingdom.

There was much boasting going on at that gathering on the part of F's brother, I and R that they had succeeded in bringing six children out of the United Kingdom without the knowledge or consent of their mother who had been tricked into trusting her husband and allowing the children to be in his sole care for what she had believed would be a short period. It was suggested that I and R had taken part in this, helping to get the children to Paris through the Channel Tunnel and thereafter flying from Paris to Turkey and on to Pakistan. [...] As I understand it, those children never returned to

the care of their mother and there were ward ship proceedings in the High Court concerning them.

(Male and female, minors, Pakistani background, religious, Preston, Lancashire)

In another case which is similar to police case file 12 but without the dimension of abuse from the mother, a woman left for Somalia to give birth, due to the involvement of the local authority:

Before she gave birth to her son, M returned to Somalia. It is said by her father that she has said that she went back to Somalia to give birth there because she knew that the local authority here in England were expressing concern for the unborn child because of her own history of mental ill health. So (as many other mothers have done in such circumstances) she travelled abroad before the birth. At all events, M has remained living ever since in Somalia and her own mother (her father's wife) has since travelled to Somalia to help her care for that child there.

(Female, adult, Somalian, person with a disability, Muslim, Somaliland)

Similarly, one mother had returned to Pakistan on two occasions to give birth to children who had remained there with relatives for the first few years of their lives:

Their position is that G is being cared for by the paternal grandmother, and that following the allegations of sexual abuse against the paternal grandfather in Pakistan, he has left the family home. Their case is that he is receiving good enough care in Pakistan, and there is an acceptance that he has not been returned to this country largely because if he was returned, he would be taken into care.

(Male and female, minors, Pakistani background, some have disabilities, Muslim, North of England)

The literature on 'flight' from local authorities or other child protection services to avoid involvement or child removal is very limited. However, anecdotal sources, reports and journal articles on serious child protection cases seem to suggest that 'flight' is a widespread strategy among people involved with child protective services, particularly in situations where there is a fear of child removal. In some of the above cases, there was a legitimate threat of child removal, as, in many families, children were removed temporarily into foster care, or more permanently into long-term foster care arrangements or adoption. In many of the cases in the judgments, multiple citizenships and family ties and support in overseas countries helped facilitate parental 'flight' more easily. A report by Children and Families across Borders (2018) found that it took an average of 45 days after the child left the country for local authorities to release an international child protection alert. In 25% of cross-border cases, the child was deemed to still be at risk. In some countries, lack of social services, or incompatible child protection policies meant that the child was not able to be protected. Child protection workers were not certain about the processes they could undertake to prevent a child leaving the UK before child protection proceedings started. They recommended that information such as other citizenships or country ties should be collected during initial contacts with families, so that potential location could be identified in the event that families left the country. It is possible that the existence of the FMU may provide a more clear pathway to support for victims/survivors of forced marriage compared to other children at risk who have been taken abroad.

Forced marriage is often framed in relation to upholding tradition. However, in some cases forced marriage may be an indirect risk associated with leaving the country to avoid local authority involvement, rather than a key reason for the family to leave. In some cases, the local authority involvement was longstanding, for reasons such as neglect and physical abuse, rather than primarily due to concerns about forced marriage. There may also be an interaction with diasporic identities, as some parents wished to live back in their home countries or believed that trips to their home countries would help instil discipline and cultural values in their children (see, for example, the discussion of , Brighton and Hove City Council -and- the Chief Constable of Sussex - and - MQ -and FQ -and CQ, DQ and EQ (By their Children's Guardian Lesley Beveridge), neutral citation [2018] EWHC 3979 fam. in the following section).

It was such a context that informed the forced marriage of a Somali man aged 21, in the sample of police case files. He was incarcerated in an institution as part of an elaborate plot conceived by his parents. His case file documents his parents' plan to 're-educate' him to abandon his western habits of smoking and going out, as well as bring about the end of his marriage so he could remarry a Somalian woman of their choosing.

Research documents the increasing phenomenon of '*dhaqan celis*', whereby first-generation Somali parents living in the global north arrange for the involuntary return of their children to their ethnic homeland to be subjected to a cultural re-orientation to Somali values (Bakaari and Escandell 2021; Tiilikainen 2011). Based on focus groups with 72 Somali migrants in Norway, research exploring perceptions about FGM suggested that where a female was involuntarily relocated to Somalia for *dhaqan celis*, this was considered to increase significantly the risk that her extended family would arrange for her to undergo FGM (Johansen 2019: 11). This was also noted in Case file 12, which outlined the information provided by a UK government agency to the police:

It appears that girls are tricked into travelling then placed in a rehabilitative boarding school because they may have become 'too westernised'. For some there are also risks attached to forced marriage and female genital mutilation (FGM).

Although one report suggests that a quarter of the Somali youths in the European diaspora experience '*dhaqan celis*' (OSF 2013), there has been little systematic academic research on the gendered nature of this phenomenon in relation to violence against women and girls. Given the rising prevalence of forced marriage among the Somali diaspora in the UK (FMU 2019 and 2020), this phenomenon and its impact on those subjected to it requires a deeper understanding.

Threats to take their children overseas to bring about a forced marriage occurred in the majority of the cases. In a significant minority of the cases, the threat of forced marriage was actualised by taking the young person out of the UK. In many cases, this move outside the UK was also connected to the effort to avoid local authority involvement in cases where there was a child protection concern or a previous forced marriage concern.

The focus of the existing protective responses in the UK is on the overseas dimensions of forced marriage. While this reflects the balance of cases that have come to the police's attention and those

documented in our interviews with victims/survivors and the enhanced risks associated with being taken outside the UK, it also remains vital to be alert to domestic cases of forced marriage, which have also been documented in the sample.

5.6 Domestic abuse and forced marriage during the pandemic

Another very specific context which shaped the risk of forced marriage unfolded during the course of our research. In response to the Covid-19 pandemic, the UK government implemented successive lockdown measures to slow the spread of the pandemic and protect vulnerable populations; the first of these measures was implemented in March 2020. The lockdown policy, expressed through slogans such as ‘stay safe, stay home’ and ‘stay home, protect the NHS, save lives’, drew upon existing constructions of the home as a space that is associated with safety, security, comfort and familiarity (Blunt & Dowling 2006), in this case from the risks posed by the pandemic. This assumption does not match the lived realities of many women and girls, however, for whom the home is a dangerous space at the best of times. During their lockdown-imposed retreat from the wider world, women and girls across the world experienced an escalation in domestic abuse (Kourti et al. 2020; Piquero et al. 2021; Women’s Aid 2020). A growing body of scholarship on women’s experience of domestic abuse during the pandemic has highlighted the ways in which presumably gender-neutral policies can have very different gendered consequences. In the UK, much of this scholarship presumes a commonality within women’s experience of domestic abuse during the pandemic, but this is not always the case. Although the racialised impact of the pandemic on the health and socio-economic outcomes has been well documented (Haque et al. 2020; HoC 2020; IFS 2020, p. 3), little attention has been paid to racially minoritised women’s specific and unique experiences of domestic abuse, including forced marriage, in the context of the pandemic (for exception see Gill and Anitha 2023).

The sample of police case files and life history interviews with victims/survivors relate to the period prior to the start of the pandemic; however, we were able to explore the impact of the pandemic on the victims/survivors of forced marriage by documenting the experiences of a range of practitioners who were interviewed during the pandemic itself.

Practitioners from ‘by and for’ domestic abuse services were all too aware of the additional barriers to disclosure and help-seeking that had been created by the pandemic. In the context of lockdown-related school closures, a range of practitioners noted the increased risk of forced marriage for young people, who might effectively be trapped at home and subjected to pressure to marry by multiple family members. For instance, one outreach worker from a ‘by and for’ domestic abuse service in North West England recounted a conversation with a client whom she managed to contact after several attempts:

With Covid, things have become a lot harder [...] we had a teacher who was worried that this girl was being forced into marriage, and that she was being sexually abused: there’s a lot of control and coercion going on. We tried to get in touch with the girl, [...] but it was very difficult in the Covid situation—you know, during a five-minute phone conversation [...] for a young person locked away in these circumstances, trying to make that escape. It’s going to be ten times harder to do so [...] especially when they don’t want to report it to the police.

Interviews with the legal professionals also identified challenges encountered by minoritised victims of forced marriage during the pandemic. All of the legal professionals interviewed had extensive experience of family law, accrued over a period of between eight to 20 years, and of working with a diverse range of clients. They reaffirmed concerns by other practitioners about increased risk of forced marriage in the context of an inability to access services, as reported by this lawyer:

Specific age groups were lockdown-hit, 15 and above; it's usually concerning what they have missed out on by not being physically in school. And our ability to identify those cases I think is going to be really compromised because these are girls who may already have, well, been married; certainly, might be at risk of that happening this year with restrictions pretty much disappeared, and [the] extent to which local authorities are actually taking it seriously, because they are so overburdened, with the fact that child protection in general terms has been really hamstrung for the last few years.

Practitioners from 'by and for' domestic abuse services noted the pandemic-related increases and changes in the support needs of victims of domestic abuse, including forced marriage. Several organisations noted that they were not only supporting a greater number of women than in the previous year, but also that a greater proportion of women were presenting with complex needs; this finding aligns with findings across the sector (Women's Aid 2020). Moreover, as the director of one organisation noted, higher numbers of disclosures were being made at a critical stage of the abuse cycle:

In the pandemic, what we tended to have were more disclosures at the point where things were moving towards the crisis level, but because of the contained environments, at the beginning of the lockdown, the restrictions on the schools, the colleges weren't open, and I'm making specific reference to young people, because that's where we've seen an increase. Where you are kind of a last resort.

Later stage disclosures meant that women and teenage girls were having to live with abuse and the threat of forced marriage for longer and were at a greater risk of suffering serious harm, thus placing additional strain on the services when they did finally present for help. The creation of household bubbles, which entailed families coming together during the pandemic to care for a vulnerable member, may also have escalated risk of abuse and pressure to marry from multiple family members, a particular feature of coercion in relation to forced marriage.

One representative of an organisation that supports women and girls of African-Caribbean heritage drew attention to how gender intersected with race to complicate the disclosure and help-seeking of certain categories of minoritised women during lockdown:

There's the obvious increase in domestic abuse in general, and then you have the pandemic, kind of paired with what some would call a race war [...]. The two kinds can't be handled in isolation: they're interlinked [...] where police have also been given more power [...]. So, over the lockdown period, I saw quite a few Black boys being stopped for no reason basically, or stopped when they are in groups of twos,

threes; and their White counterparts haven't been stopped at all. [...] The whole kind of distrust in the police's been heightened, [...] this means we're less likely to report cases [of domestic abuse]. You want your perpetrator to stop abusing you: you don't necessarily want him killed in police custody, or racially profiled, or abused, or deported. There're all of these kinds of things that come with being Black, and being a Black survivor, so I think COVID has just kind of put more Black survivors or victims in more of a box, and almost in more danger because there're so many more elements now, especially being in the most at-risk category [of contracting COVID-19].

The frontline practitioners whom we interviewed, who all came from minoritised communities themselves, were keenly aware of how this intersection of race and gender (Crenshaw, 1989) influenced women's perceptions of the barriers to reporting domestic abuse (Anitha and Gill 2022).

Despite the barriers to help-seeking and accessing support, all but one of the organisations reported an increase in the number of referrals for domestic abuse from autumn 2020 onwards, after an initial dip at the start of lockdown in March 2020. However, this was not reflected in the data we have available on help-seeking for forced marriage, including through FMPOs. There was a sharp fall in the number of FMPOs granted as well as the number of times FMU was contacted for support by those facing a forced marriage over the period 2020-2022 (McCabe et al. 2022).

All of the legal professionals spoke about the huge Covid-related changes in responding to complex forced marriage cases they had seen during the depths of the pandemic. As already noted, the biggest challenges identified were safeguarding and the early identification of risk, as reiterated by this lawyer:

Kids have not come back to school. Most local authorities are not vigilant enough to take that matter up; some have been in some of my cases, I have seen that others have not. I find sometimes that British Consulates in foreign countries are reluctant. They say they are too busy with the Afghan crisis; they say they're too busy. So really there needs to be a bit more attention paid to this by the government. I think a lot of people don't report forced marriages; in most cases they don't report it.

Two legal professionals identified the changes to their profile of cases in the aftermath of or during the final months of the pandemic:

I have seen, because of the pandemic, more abduction cases or abandoning. There has been more abandoning of children in other countries; whole families have gone back to their home countries for a while, and then left children there, moved and come back to England and then because of the pandemic, people have not been able to take any action. [...] The fact that people are not engaging [with services] has increased abuse.

One of the things I did notice is that girls were coming forward saying they needed this protection, but they didn't want to get the FMPO right now, and a lot of it was guilt based; these young girls live with their family. Some had lost their parent to COVID, so the thought of them leaving their only living parent was unfathomable.

It is possible that the restriction on travel led to a lowered risk of transnational forced marriage during the pandemic, as reflected in the FMU and MoJ data. However, the legal professionals also point to other possible reasons for a decline in help-seeking.

The limited provision of specialist ‘by and for’ support services was widely noted, especially by professionals who noted the crucial role played by these specialist services in supporting and dealing sensitively with the needs and issues for racially minoritised victims of forced marriage. ‘By and for’ services that give victims information and advice, conduct advocacy with other professionals and can hold institutions to account and ensure multi-agency co-ordination were crucial. Making such services available at a local level should be given priority by commissioners and funders of local services.

Help-seeking for forced marriage may commonly occur at the point of a crisis (eg., a potential trip abroad to marry) which may indeed be delayed because of the pandemic. However, the process of breaking down any potential resistance to forced marriage often operates over the longer-term, through policing women’s mobility and making suggestions about the inevitability of an arranged marriage, through behaviour that has been termed as akin to ‘grooming’ (Chantler and McCarry 2020). Although the restrictions on foreign travel during the pandemic may have delayed the actual marriages, these grooming processes were likely to have continued or intensified during the pandemic. Practitioners need to be vigilant over the coming two years to enable disclosures of forced marriage and support the victims, particularly those who were aged 16-18 during the pandemic, who have been deprived of their usual routes to disclosure and help-seeking through their school and have now left school.

5.7 The nature and forms of coercion

While the previous sections have documented the contexts within which forced marriage occurred within our sample, we now examine the nature and forms of coercion that were experienced by victims/survivors. Coercion is exercised in different ways, some of which are far more subtle than those provided for in the current definitions of forced marriage. Focusing on the extent of the explicit coercive pressure (whether physical or emotional) that has been actively brought to bear on a victim of FM may not reveal the total burden of coercion experienced by a woman (Feinberg, 1986). Research indicates that the inequalities and specificities inherent in women’s racialised, gendered and classed location shape specific acts of coercion in relation to marriage. It is within a range of both articulated and unarticulated constraints and opportunities that particular groups of racially minoritised women exercise their agency, to varying degrees, in determining (i) whether or not to marry, (ii) their choice of marriage partner, and (iii) the timing of their marriage. This concept of the total burden incorporates all of the experiences and the contextual location of the individual, to assess how pervasive, frightening and/or intense the pressure is.

Feinberg’s (1986) approach is useful precisely because, as already suggested, explicit threats do not exhaust the range of coercive techniques and structures experienced by those who face pressure to marry. To confine accounts of coercion to explicit threats, be it physical force or explicitly articulated emotional pressure, ignores the manner in which the classed, gendered and racialised context creates coercion. In the UK, numerous influences, including the state policies (particularly the immigration policies), country of origin, and individual diasporic experiences intersect to shape

the nature of coercion in matters relating to marriage. There is a growing body of research which indicates the gendered processes related to the diasporic experience: in some cases, parents impose an unwanted marriage to stem the influence of Western culture on their daughters or end their daughters' associations with 'unsuitable partners' (Gangoli *et al.*, 2006, 13-14).

Physical violence, abduction and deprivation of freedom in the UK

A commonly recognised and prevalent form of coercion was direct physical violence or threat of such violence, often in relation to the forced marriage or as a part of a longer trajectory of HBV. In this section, we present accounts of such violence by drawing upon police case files.

An account of the violence inflicted upon her while she was visiting family in Sri Lanka was given to the police by a 17-year-old girl as noted in Case file 33:

Her uncle came around and asked her how she felt about her impending marriage. She stated that she did not want to marry her cousin. At this point, her dad confronted her and told her that she had no choice. He then slapped her around the face three times. She explained that the force he used was very hard and this left her with red hand marks on her cheeks. The incident happened outside the house and was witnessed by her grandmother, who then took her away into a room. A short while later her mother came into the room very angry. She was crying and tried to ask her mother why it would be so bad if she married someone else. At this point, her mother began to attack her using a long stick that was lying on the floor. She stated that she was screaming but nobody come to help her. Her two sisters were present and witnessed the assault. At some point, the middle sister asked why she could not marry someone else. Her mother then became more angry and accused her of influencing her sisters.

Another similar account of strategic, systematic violence was documented in Case file 40, by a 17-year-old Afghani girl:

She disclosed to her mother that she has been in a relationship, despite being told by parents not to have a boyfriend. She told her mother that the relationship had ended, and her mother did not tell her father or any other family members. [...] Later, her mother saw some pictures [of her with her boyfriend] and realised the relationship was ongoing. [...] Her mother then 'freaked out' and pulled her own hair and tore her own clothes. Then her mother beat her and pulled her hair, bit her and picked up a metal kitchen roll holder and whacked her with it which really hurt. Her mother warned her that the next time she would tell her father. [...] Her father then found out about this relationship. [...] He came home and she was told to sit on the floor. [...] Her father asked what had happened. Her mother told him what had been going on and her father slapped her across the face very hard. He slapped her several times and punched and kicked her. Her father picked up a cling film tube that was on the floor and whacked her with it a few times. Her mother joined in, pulled her hair and hit her. This sporadically went on for 3 to 4 hours. Her brother arrived home and her parents continued the assault in front of him while he sat there. Her parents asked her how she could have done this, that they would not be able to speak to anyone and that they

would lose the respect that they had in the community. Afterwards they told her to have a shower. She did. Her whole body was black and blue.

These and other accounts that were narrated to the police in the form of victim statements convey a sense of isolation in the face of an often sustained attack, as there was little respite despite the presence of other family members, who joined in or condoned what was happening through their lack of intervention. The circumstances of the violence also suggest its purposive nature—designed both as a punishment for violating the so-called honour code, as a warning to them against displaying any future resistance and, in the first case, as a warning to younger sisters, who did try to intervene.

For many victims/survivors, physical violence was accompanied by a deprivation of freedom through being locked up at home for a period, during which, frequent, sustained and severe violence was committed in order to instil fear and break any resistance to the forced marriage, as recounted in Case file 5, which related to a 20-year-old Saudi woman:

She was detained against her will at her mother's address. During this time she states that she was subjected to various acts of violence; this was perpetrated against her (she believes) because of her sexuality. [...] She was told that she was going to be killed because she was gay or that she would be taken to her home country and forced to marry. It is unclear at what stages during the time she was held, but she states that she was choked unconscious twice by her step-father as he attempted to perform exorcisms to get demons out of her. They took her upstairs to the toilet. They took all her clothes off her. She was naked in the bath. They poured water all over her. She was forced to drink 'holy water' on numerous occasions and made to take baths in 'holy water' as well—this was allegedly filmed on the phone. She also states that she believes that her step-father raped her whilst she was unconscious [...] as 'they' have to make her have sex with a male to 'cure' her from her sexuality—when asked to explain how she knew that she had been sexually assaulted she would not elaborate. [...] she managed to escape her mother's house by climbing out of a window and then contacting her partner to come and get her.

Another detailed account of the violence is outlined by a Turkish woman aged 23, in Case file 29, which occurred after she had left the family home because of HBV:

The father turns up in his car at the fast food restaurant where she is eating her lunch and tells her to get in and that he is taking her to his house. He tells her to get in the car and says that if she tries to run away again he is going to kill her. [...] He pushes her into the car grabbing her arm. She is asked if she has any reason to believe that her father will carry out these threats and she states that he has been violent and struck her before for very little reason and has a terrible temper. (There are previous incidents of this recorded by police.) Once in the car he tells her not to answer her phone to her husband and demands that she breaks the SIM card to her phone. She says that she does break the plastic frame to the SIM card and throws it out of the window of the moving car but does not actually break the SIM card. They get to the house and she goes inside to see her mother. The father sits her down with the mother and tells her

that he is getting her divorce papers for her husband and that she is going to sign them and in about three day's time they will fly to Turkey where she marry her aunt's son. Her cousin. She states that all her family always marry within the family and this is why her father hates the boy she has married. Along with the fact that he is Cypriot.

In the above Case file 29, she had managed to escape the family home in the face of severe violence and was abducted by her father from a public place. Interestingly, when she outlines the fear she felt for her life to the police, police questioning probes the extent to which this fear might be considered 'reasonable'. Other victims/survivors recounted repeated efforts by their family members to trace them and the constant vigilance they had to maintain after leaving their family home in the face of threats of physical violence. In Case file 27, the police document the pressure that various family members exerted on the school in their efforts to find their daughter, who had reported the violence she had experienced to the police and been placed in foster care as a result:

Mrs x [school teacher] received a phone call from a female claiming to be her sister asking questions about her welfare and location. Her brother attended school and although calm and collective in what he said, he told the school that they would find her in one way or another and get her back. He indicated that he had a lot of family and friends, Black, White & Asian, all of whom were from that town that would help the family to locate her. She also said that her family had said that whenever they have to go to court re. any court orders, they are going to get her from the court room and take her away.

Physical violence and threats of physical violence were the form of coercion that were most readily constructed as harm in the police case files and seemed to bolster a recognition of the risk of forced marriage by agencies. Such harm was inflicted primarily by the parents and brothers. We now turn to cases of forced marriage where the physical violence was often perpetrated by a wider set of agents.

Taken to Pakistan and informed that she would marry her cousin, Case file 56 was locked up and assaulted by her father several times, as recorded in her file:

When she stated that she did not wish to be married, her father slapped her around the head multiple times causing her pain. She decided that she would get married as she could return to England and arrange a divorce, knowing that if she did not marry she would be beaten more. [...] Offender [father] had taken her passport from her and refused to allow her to return to England saying she would need to make it work with her husband before she would be allowed back home. She stayed in Pakistan for 5 months where she was beaten on numerous occasions by her husband and husband's family. [...] Upon her return she was told by the offender [father] that she was not allowed to leave the home address under any circumstances. [...] she was beaten by offender whereby offender choked her to the point where she could not breathe, her brothers tried to stop their father but they could not. She was choked as she was not getting on with her husband.

The violence she experienced was from her father as well as from her husband and his family.

Research documents that the broader assumption of male-on-female violence that informs much of the theorising on domestic abuse, particularly in the West (Hester 2013), may not reflect the experience of women from some minoritised communities (Mirza 2017). Patterns of high levels of perpetration of domestic abuse by women's in-laws that have been documented in countries across South Asia (Ragavan and Iyengar 2020), Africa (Ashimi and Amole 2015) and the Middle East (Morse et al. 2012) and are replicated in the UK within these diasporas, as in the above case.

The case files are commonly based on accounts that are given to the police in the hours, days and weeks following the incident(s), and as such convey a sense of immediacy and detail about the physical violence that may be absent or blurry in retrospective accounts gathered through interviews which can take place months or years after exit from an abusive relationship. At the same time, case files are also second-hand accounts and provide a record of the events through the prism of the police officer(s), who have written them.

They also, occasionally, provide glimpses of or insights into the thoughts, approaches or attitudes of the police officer(s) as they record the witness statement. For example, in Case file 29 discussed above, we can see the victim's/survivor's statement to the police as well as the notes in brackets that reflect the thoughts of the police officer:

She tells how the mother keeps the front door locked and with the chain (Although it is not locked with a key from the inside which is then removed, and she could still have escaped if she had tried.) and how she can't get out of the back door as the mother is always in the kitchen and how they make her go to bed on the second floor in their bedroom.

Towards the end of a statement detailing the ways in which she was abducted and imprisoned in the family home, the Case file 29 also notes:

She says that the mother takes her passport, birth certificate and bank card from her bag and hides it from her saying that she will fly to Turkey and marry her cousin and to do as her father tells her. (She does not make any realistic attempts to escape at any point.)

Similarly, in Case file 56 discussed above, following months of imprisonment and assaults by multiple perpetrators in Pakistan, when she is strangled by her father in her UK family home and articulates her fear of being killed unless she obeys her father, the officer notes,

She stated that she believed she would be killed if she did not do what her father said, although father did not say she would be killed for leaving the house.

Decades of research on the nature of domestic abuse have alerted us to the fallacy of the common myths and victim-blaming attitudes that demand of the victim, 'Why didn't she leave?' Comments like these point to the need for further training to improve police officers' knowledge and empathy regarding the constrained choices facing victims. There is a need for training to enable police officers to understand the frequent disjuncture between leaving and safety and to enable them to close the gap between common perceptions about and the lived realities of victims/survivors of domestic abuse (Adelman et al. 2016).

On the whole, the presence of physical violence led to immediate appreciation of the risk and the vulnerability associated with the threat of forced marriage.

Abduction, incarceration and physical violence in institutional settings outside the UK

A significant minority of cases entailed systematic and professionally administered incarceration and violence in so-called cultural rehabilitation centres, which were effectively prisons. There was a somewhat different dimension to the physical violence when inflicted upon a person who lay outside the ambit of possible support in the UK, especially when administered in institutional settings by paid workers and lasting for weeks or months. This phenomenon of '*dhaqan celis*' entailed the deprivation of liberty, beatings, occasionally starvation and other techniques that are best described as torture.

After being taken deceptively by his mother to her home country, a 21-year-old Somali man (Case file 1) was incarcerated in one such detention centre which he was taken to, under the pretext of visiting a travel agent to book his return ticket to the UK. We have reproduced substantial portions of his statement, as it gives us an insight into the lived reality of a little understood phenomenon:

I thought it strange [that it did not look like a travel agency], then four guys came to me, as if to ambush me. I got up and started throwing rocks, one of them hit one on the head. It was me versus four guys. A big guy grabbed me and lifted me up, they chained my legs together, close around my ankles. One chain was around my arms. They put me on a chair. In anger I found a piece of nail and managed to break the padlock. They scuffled with me again. My mum said 'I know what you get up to in London—smoking and drinking. Until you stop all this you are not coming out of this centre'.

I have heard the rumours about this place, people being sent there. Some people staying there for longer than I had been. People were from Canada, London, all over. I have heard people getting locked up for weeks and months—for smoking and drinking. My wrists were shackled. With one long chain from my wrist attached to my ankles. With a padlock around my ankles. [...] Mum was watching all of this. That was hard to deal with. Mum heard me scream and shout. Mum, sister, aunty are all in tears. But not helping me.

I stay there for 4 or 5 weeks. [...] We tried to do a prison break. I was still chained. I tried to break out that night, but there were people patrol and so I couldn't leave. They took shifts and worked in pairs. I slept in a big room, about 8 of us. We were not allowed to leave, I wasn't free to come and go. There was a wall around it with broken glass on top. Asking around, no one had broken free before. The chains were on during the first week. I would not calm down so they kept them on. I spat on one of the guys' faces. They came off when I started to shut my mouth. I thought it was best to shut my mouth. I got up and gave a lecture, like a confession. I said what I was there for—due to my parents finding out that I was smoking and drinking, and that I didn't listen to

them. Other people gave lectures too. I told them about myself and said ,‘god forgive me’.

Following another woman’s detention in Somalia, Case file 12 notes the nature of the physical violence meted out in these detention centres:

...received information regarding a boarding school in Somaliland where a number of British and non-British girls have been kept and systematically abused and neglected. The survivors of the school have detailed to us and our counterparts overseas that the girls are regularly beaten, burnt, their feet chained, exposed to extreme weather as punishment and tied up without food or blankets and left to defecate on themselves.

Other forms of physical violence included the deprivation of medication, as this was a deliberate strategy that had adverse consequences for the victim’s physical health and/or mental well-being.

In Case file 12, a 17-year-old Somali girl, who was being held captive in a detention centre in Somalia, was being deprived of the drugs prescribed for her schizophrenia and her diabetes was being left untreated. She would lose consciousness because her diabetes was not being controlled and a witness who was also repatriated stated that she would not wake up even when hit.

For those who had managed to contact the police and access the support of the FMU or consulate staff, several unexpected obstacles to repatriation were encountered, as recounted in case file 59, which documents the complex steps that were taken to bring an 18-year-old Somali woman back to the UK. As she was preparing to go to the airport, she was warned by a supportive relative that:

there were pictures of her everywhere and that her mother had been to the airport telling staff if her daughter tries to leave, to stop her and for them to call the people in charge of the prison to get her. Victim explains when she arrived at immigration a male staff member asked her why she was running away from her parents and looked at her in disgust, like she was doing something wrong. [...] He told her the [travel] document she has is not valid for travel and that she cannot travel without her parents. She told him she is nearly 19 years old. He told her that she is just a disobedient kid, he is not going to let her travel and he told her to ‘get out of his face’.

Luckily for her, the embassy staff were able to help her to leave. The wider community support for the detention centres and the acceptance of parental right to incarcerate adult children can create particularly strong coercive contexts.

Explicit coercion by an agent, including threats, physical pressure, the deprivation of liberty and violence are well-recognised within the scholarship and among practitioners. However, there remains a need for a greater awareness among the police and other service providers about what violence does to victims’ ‘space for action’ (Kelly 2003) as well as their perceptions about their choices and the possibility of escape. Beyond the explicit (threat of) physical violence, however, there are other forms of coercion that also need to be recognised for their capacity to vitiate consent.

Forms of emotional coercion: From instilling shame to using love as an instrument of control

Over the past two decades, we have reached a better understanding of emotional coercion in relation to forced marriage where this is explicit and directly articulated by an agent, for example, by telling the victim/survivor that they will bring shame on the family or that they will be responsible for the loss of the family's status within their community. Such tactics were commonly encountered in the course of our research. Other forms of emotional pressure included the promise that individuals' studies might continue if the marriage goes ahead and its corollary: their withdrawal from university/college if they refuse to marry.

In one case (Case file 45), where the 23-year-old Indian woman was a recent migrant who had joined her father in the UK and had insecure immigration status, we documented what is recently coming to be recognised as immigration-based abuse:

She has been informed by the offenders that she will be going to India for an arranged marriage. She stated she doesn't want to marry this male, not leave to live in India and wishes to remain in the UK for education. Offenders have reacted to this by stating that if she doesn't marry this male she will bring dishonour to their family. She has also been told that if she does not marry the male her UK family visa will not be renewed by dad.

Case file 16 documents another form of emotional pressure which was applied after a 20-year-old Bangladeshi woman refused to marry and reported her parents to the police. She returned to the family home as she did not feel she was at any immediate risk of harm, but recounted the efforts to coerce her into agreeing to the marriage when the police made a follow-up call to check on her safety:

She has said that her home situation is tense at the moment however she is not in any immediate danger, and is ok to stay there for now. She has said once she had made her feelings known about refusing to go ahead with the arranged marriage her parents became angry; this has prompted her father to go on a hunger strike in an attempt to force her to agree to their marriage demands.

Recognising the love that she still felt for her parents, this was a clear attempt at emotional coercion.

Other less recognised forms of emotional pressure included the use of back magic or juju as a coercive force, which seemed to inspire fear in those subjected to it. Where victims/survivors perceived these spiritual belief systems to be efficacious, it seemed to weaken their sense of agency or belief in their own capacity to resist the forced marriage as well as the effectiveness of the efforts made to keep them safe. Case file 59, which related to a 18-year-old Somali woman, noted:

She has raised concerns that [...] her mother plans on using black magic in order to get her back to Somalia. I have assured her that at this time it is going to be difficult for her to travel as she does not have a passport and we have the marker on her PNC

(Police National Computer) ID. Her partner is also a believer in black magic. I have suggested they go see a local Imam to discuss these concerns.

Case file 5, which related to a 20-year-old Saudi woman, notes that she was subjected to various juju and religious ceremonies, during which they poured holy water on her as well as bathing her in it. Even after she escaped, she felt the power of these ceremonies:

The victim became more erratic and [...] then states if she was left alone she would kill herself and then began to speak about Arabic families getting her killed using black magic. She agreed to voluntarily attend hospital xx for a mental health assessment.

The coercive contexts created by spiritual belief systems is a less understood aspect of domestic abuse, particularly coercive control, whereby the perpetrators use these belief systems to subjugate their victims. Research on how human traffickers control and silence their victims for the purpose of sexual exploitation argues that understanding and exposing these control methods, especially more unfamiliar cultural, spiritual, and psychological control mechanisms, is essential in order to develop an informed response to the problem (van der Watt and Kruger 2019; also see Chisholm et al. 2022). In July 2021, the United Nations Human Rights Council passed a historic resolution, for the first time, on harmful practices related to accusations of witchcraft and ritual attacks as a form of human rights abuse, thereby recognising harms arising from beliefs in the supernatural (Forsyth 2022).

Even less recognised are certain coercive contexts which do not involve an explicit agent: contexts where the victim/survivor perceives a lack of options and feels coerced into the marriage but cannot point to one occasion where this coercion was tangibly and measurably evident through another agent's words or actions.

Case file 14 recounts one such experience, among the many found in our sample, where a 17-year-old Indian girl (who was a survivor of rape) provided an account to the police of the context in which she 'agreed' to an engagement, whereby the subtle processes through which coercion is exercised become apparent. The case file notes:

Subject's father told her that she was a burden on her family and subject 'felt bad' so agreed to marry the man. [...] She initially objected to becoming engaged but tells me her mum managed to talk her into it and convinced her to do so without threats (although she was still unhappy about it). [...] She told me she never told her parents directly that she did not want to get married since returning to the UK from India. Instead she came up with reasons to delay the marriage and planned on moving out when she got to 18 years old and could support herself. She did this as she was concerned for her safety if she told her dad she did not want to get married as he had been physically abusive in the past (not about marriage but in general). However he has made no threats towards her about getting married and neither did her mother.

The nature of the family relationships, her parents' lack of support towards her following her rape, their construction of the marriage as a way for them to shed the 'burden' that she had become to them following her rape, and the history of physical violence against her all conveyed to her the

absence of any real choice. It was clear in her mind that the only way to escape was to leave the family home. There were several other cases where there was an assumption that the woman/girl would agree to the arranged marriage, no presumption that there was even a choice in the matter and no active questioning. The family dynamics and context were such that the victims/survivors felt unable to tell their parents about their lack of consent. Although they eventually managed to seek help, their experience alerts us to the strength of the socio-cultural and gendered norms in shaping the contexts within which consent is constructed.

In their investigations, the police often sought to establish whether or not there had been any direct threat or explicit pressure issued by an agent, with a focus on what was said or not said, any sign of explicit resistance by those subjected to forced marriage, and the perpetrators' reaction to any expressed desire not to marry. This approach risks misunderstanding or missing the total burden of coercion (Feinberg, 1986), which includes contexts created through a gendered social expectation regarding the inevitability of the marriage and an unspoken but nonetheless clear code of behaviour that may prevent any explicit challenge in the form of a confrontation with parents.

5.8 Conclusion

An awareness of the socio-historical, political and cultural contexts of women's lives and their location at the intersection of several vectors of inequality is crucial to understanding the relationship between consent and coercion in matters relating to marriage. The current definitions of arranged and forced marriage are based on a flawed binary distinction between consent and coercion. Instead, drawing upon Kelly's (1988) conceptualisation, women's experiences regarding matters related to marriage should be conceptualised as forming a continuum. Although consent and coercion are clearly distinct and lie at opposing ends of this continuum, they are connected through degrees of social expectations, control, persuasion, pressure, threat and force, which operate in the context of gender inequalities and carry the potential for exploitation (Anitha and Gill 2009). Women exercise agency in complex and often contradictory ways as they assess the options that are open to them, weigh the costs and benefits of possible actions, and seek to balance their competing needs with the expectations and constraints weighing upon them.

6. SERVICE RESPONSES TO DISCLOSURE AND HELP-SEEKING

Disclosing and help-seeking around forced marriage takes a number of different forms and can involve a range of different services, institutions and individuals. While victims/survivors of forced marriage managed to make disclosures about the abuse and seek help in a variety of ways, some did so at the very onset of the pressure to marry, whereas others lived with months or years of coercion before they mustered up the courage and/or had the opportunity to seek help. In this section, we examine the routes to disclosure and help-seeking and the nature of service responses to victim/survivor needs.

6.1 Disclosure to informal networks: partner, friends, family members and co-workers

Research on domestic abuse documents the important role of family, friends and kinship networks in supporting victims/survivors, in facilitating disclosures and in connecting them to formal services (Anitha 2022; Klein 2012). This was documented amongst our sample too, where several disclosures were made to informal sources of support, who then contacted formal services for help.

In many cases, police were contacted by a boyfriend/girlfriend when communication with their loved one had abruptly ceased following a threat of forced marriage, causing fear that they were being held against their will. While in some cases this happened when they were in the UK, this call for help was often delivered on behalf of a young person taken abroad for a forced marriage.

In Case file 10, the police received a call from a young man who told them that his 16-year-old girlfriend had been taken to Somalia by her step-father under the pretence of visiting her sister. She was being held in a psychiatric hospital in Somalia. Similarly, in Case file 50, the girlfriend of a 20-year-old Pakistani man called the police as he was going to Pakistan to break off a childhood engagement with his cousin. He had warned his girlfriend that if he was not back by a certain date, she should seek help.

In Case file 32, which was a complex case of repeated attempts by an 18-year-old woman to leave the family home, abductions by the father and eventual forced marriage, officers were first alerted by the boyfriend. The boyfriend informed the police that her father had found out about their relationship and had taken her phone, stopped her going to college and was threatening to take her to Afghanistan to get her married off. Following several safeguarding efforts by the police, which were complicated by the victim retraction, the boyfriend (now her husband) contacted the police several weeks later and stated that he had had no contact with his wife and that he thought she had been taken to Afghanistan against her will in order to be married.

Case file 13 involved a disclosure by a 16-year-old Afghani girl to her friend, a foster child whom she had befriended while they had been fostered in the same home, stating that she was in Pakistan and was being forced into a marriage by her father. The child told her foster carer who contacted the social services.

Hasina, a 29-year-old Bangladeshi woman whom we interviewed, had endured months and years of controlling behaviour by her father as he tried to enforce her conformity to gendered norms. She recounted how her desire to attend college led to several arguments with her father:

He threw his mobile on me and then I thought, okay, I just can't take it anymore, it's just like, this is too difficult. Even though he didn't want me to go to college, okay I understand that I won't go, but because he was violent to me and then just like, I felt like he didn't give me any rights and then I did speak to one of my friends and she said I could leave the house and I can get help because I didn't know you could do anything like that. And then somehow she involved the police.

Case file 2, a 24-year-old Nigerian woman, had disclosed to her line manager that she was being forced to marry by her family. She disclosed that she had stalled a previous attempt to force her into a marriage by going to university, and now her family had told her that the delay had been long enough and that she must get married. The manager contacted the police when she did not report for work, which was uncharacteristic of her.

Case file 59 records that an informant contacted the police with concerns about their 18-year-old friend who had been in touch sporadically by mobile from Somalia as and when she could safely do so. Taken to Somalia under the presumption of a family holiday, she disclosed to her UK-based friend that she had overheard a conversation between family members that she would be forced to marry a man from a neighbouring village and that she would be subjected to FGM before the marriage. This procedure was due to take place over the next few days.

Multiple family members are often perpetrators of forced marriage, and brothers in particular and the sister in one case in our sample were involved in policing the mobility of victims/survivors and meted out or condoned HBV for violation of gender norms. However, in several cases sisters were a source of support and often secondary victims themselves, who contacted the police and supported a full disclosure.

Case file 25 documents the circumstances after two sisters had left the family home following a threat of forced marriage and began a new life together in a hostel. When one of them was traced by their mother and aunt and coerced into going back home, her sister managed to call the police, which led to a rescue.

Although the role of informal networks in supporting victims/survivors has been less explored in relation to forced marriage, these proved to be crucial in our sample. They also point to the need to increase awareness about forced marriage and sources of support to enable these networks to act as conduits to formal sources of support.

6.2 Disclosure to formal services

A range of formal sources of support featured in the accounts of victims/survivors, who directly disclosed the forced marriage to statutory agencies including schools, health services and police and to voluntary services such as domestic abuse organisations.

School

For those aged under 18, the most common point of disclosure was through their school. School referrals to the children's services occurred either when a student disclosed what was going on at home to a teacher or when concerns were raised about the student's behaviour whilst at school.

In Case file 60, police were contacted by a support worker at a secondary school because a 15-year-old Pakistani pupil had been told by her parents that she was going to be sent to Pakistan for an arranged marriage. The pupil did not want the marriage to take place. Similarly, a referral was received from the deputy head teacher in Case file 34 for a 17-year-old Bangladeshi pupil who 'disclosed today that her mother wants her to go to Bangladesh this July during school holidays to get her married'.

The most common age at which these disclosures, predominantly by girls, were made was when they were aged 17 and were privy to plans to get them married after they turned 18 or in the summer holidays after they completed their schooling. There were a few cases where the referral related to a planned engagement which took place when the girl was younger; the youngest in our sample was a 11-year-old girl. In a couple of cases, evidence of self-harming, an unexpected change in the behaviour and, in one case, an attempt to jump out of a school window led to further investigations by the school safeguarding team, which prompted disclosures. Both social services and the police were informed at this stage.

Nabeela recalled the first time she disclosed the violence to her teachers, who contacted the social services when she was 14. The presenting issue was an assault by her mother in the context of HBV; 'being taken to Pakistan and married off' was a long-standing threat held over her:

There was one incident where she beat me [...] and she wouldn't stop. I knew that my mum had lost it and I ran up to my bedroom and I locked myself in there. [...] When I went to school, my arm was awful and I didn't feel great. And then I got sent to the school nurse and she asked me 'what's happened', and at this point I was sick and tired of being beaten. [...] I was just fed up. So, I told them the truth and you know they took me to the hospital [...] and social services were called.

Urmila, a 28-year old Indian woman we interviewed, recalled the pressures she faced to keep what was going on from the services:

I really didn't speak to anyone because my cousin was telling me if you told your school they will take you away, like, they will put you in a care home and now I'm scared because if I go to care home I will never able to see my brothers. [...] So I didn't really have anyone to talk to. [...] I eventually had to tell my teacher because I was crying. I couldn't focus in my class so my teacher asked and I had to tell.

Case file 3 related to a 15-year-old Afghani girl, who had previously been beaten for talking to a boy on the phone, and had been seen by her uncle walking home with another boy from her school. The uncle told her parents and she faced further abuse and physical violence from her parents, who threatened to take her to Afghanistan and marry her off there. Subsequently, her uncle was also seen driving round the school to monitor her situation. The social services had already become involved in the family following a previous referral by the school after the girl threatened to jump

out of a window. Following this incident, the school expressed their concerns about HBV and forced marriage to the children's services.

Disclosure to the school seemed to lead to further referrals and safeguarding initiatives by the police and/or social services. The role of teachers in facilitating disclosure and help-seeking is crucial, particularly because a large majority of those who face a forced marriage are under 18 and in a context of family control over their mobility, schools may be their only accessible source of support.

Health services

While schools may offer a valuable conduit for disclosure and referrals for those under 18, health services are often the other key agency to which victims/survivors can make disclosures, since contact with these services may continue even when severe restrictions on mobility are imposed on those subject to a forced marriage.

Case file 52, which related to a 25-year-old Bangladeshi woman, outlines a referral made by a GP to the police. In this instance, the patient had made a disclosure to the GP about being beaten by her parents, as noted in the police case file:

Has disclosed to her GP that her father refused to allow her to leave the house without permission due to disagreeing with her current relationship; her parents have historically assaulted her to s. 47 assault level [assault occasioning actual bodily harm under the Offences against the Person Act 1861, s.47] including her father grabbing her around the neck and squeezing; her parents are also attempting to arrange her marriage to a UK male; she has also disclosed historical threats to her life made by her father.

Research suggests that forced marriage and other types of violence against women may be linked to depression, self-harm and suicide in South Asian women (Gangoli et al. 2009; Wilson, 2006). Even though police case files did not always seem to indicate that questions about the impact of the forced marriage and HBV had been asked, there were several references to self-harm among the police case files and in some of the survivor interviews we conducted. For example, Case file 14 powerfully articulated a direct link between this 17-year-old Indian girl's mental health issues and the abuse she was experiencing in an email to the police:

I am very unhappy and i don't know how to put my feelings into words. I am not able to concentrate on anything and i can't stop thinking about my situation. I don't want to eat, i don't want to sleep, i don't want to speak to anyone. I want to be left alone. I feel really scared but i don't exactly know of what. I am being pressurised to do things i do not want to do like marrying the boy i am engaged to in India [...] i really do give up now. I even self harm, i am suicidal and if things don't change for me i will kill myself. I don't want to live a life like this anymore. I am only 17 and i have had so much going on in the past few years... i dont feel myself anymore. I had so much planned for my life... i was working towards working for the police, but its all gone. I can't do anything anymore.

When the police interviewer probed a reference to self-harm, this questioning elicited an account about a causal connection between the abuse and mental health problems, as noted in Case file 14:

She has been asked about her self-harm comments and she has shown CSE Unit [child sexual exploitation unit] her left arm which is covered with small inch long cuts over cuts over cuts. She has stated that the last time she self-harmed was seven days ago and she has been self-harming for the last four to five months. She also showed CSE Unit small white scars on her right arm and explained that she had self harmed last year and when Social Services told her parents, they said they would support her. Instead, when she returned home they laughed at her and said, 'Why did you do something so stupid?' She has also provided CSE Unit with a picture of her thoughts and she has been asked about what various objects within the picture are/signify. Most of the pictures are self-explanatory and are of self-harm marks, razors, school with the word fail (she failed a lot of her exams), a plane (to India), an engagement ring she does not want. I will give this original to her Social Care Team. She has continued to reiterate that she is so unhappy at home and the marriage she wants to hurt herself.

Previous social service engagement arising from the mental health issues reported by the school had seemingly failed to elicit a disclosure of the context within which she was self-harming. It is not clear from the police case files whether she was referred to mental health services by the school or by the social services. Our findings point to the need for a better understanding of the mental health consequences of forced marriage and HBV, in order to develop appropriate interventions, as reiterated by other scholars such as Ashraf (2015) and Chantler (2012).

Not all disclosures of mental health issues led to a sustained or even a short-term intervention by mental health services. Where such services were involved, sometimes in conjunction with children's services, they seldom probed or enabled disclosures about the HBV and forced marriage.

Forced Marriage Unit

The FMU was a key source of referral for the police when a disclosure concerned a case where the victim/survivor had already been taken abroad. In these circumstances, the relevant police force was commonly contacted to obtain an FMPO and to liaise with the FMU and consulate staff on the serving of the order and the process of repatriation. However, the police case files do not often detail the circumstances in which the victim/survivor contacted the consulate but instead document their own investigations and safeguarding procedures from the point of that referral onwards.

Direct disclosure to police

Several cases were found where the victim/survivor contacted the police directly. Direct disclosures were often made in a moment of crisis, from within the UK or from abroad.

Case file 55 called the police and informed them that she was a 30-year-old Indian woman, a Sikh in a relationship with a Christian whom she was shortly going to marry. At the time of this

disclosure, only her mother was aware of this situation, and she did not approve of it. The young woman had moved in with a friend, and none of her family knew where she was. She was very concerned as she had heard that her family were trying to find her, and her impending marriage would increase the risk of HBV against the couple.

Case file 26, which related to two Pakistani sisters aged 17 and 21, began with an abandoned phone call to the police from a mobile. Upon arrival at the location the police spoke to the father—he was informed that police would need to speak to his wife alone. Upon ascertaining that she was well and when she said she had not made the call, they left, seemingly without ascertaining if there was anyone else in the house. While the protocols about safeguarding victims of intimate partner violence seem to have been followed in the situation of a dropped call by their attempt to speak to the mother alone, the attending police officers do not seem to have considered the possibility of forms of domestic abuse perpetrated upon other family members such as HBV or forced marriage.

Soon after the officers left the premises, they received a call from the younger daughter of the couple they had just visited—a 17-year-old who reported that her 20-year-old sister was being forced into a marriage. When the police revisited the property, they found the elder daughter in the living room, crying uncontrollably. The officers separated the young woman from her parents and asked about what was going on. At first, she would not talk to the police, informing them that their visit would make things worse. Eventually, she informed the police that her parents had sat her and her younger sister down on the sofa the previous night and told both girls that they would be having an arranged marriage. She said that fearing she would imminently be forced into an arranged marriage, it was she who had made a dropped call to the police.

It was later disclosed to the police by the younger sister that her older sister had ‘already been made to enter into an arranged marriage against her will’. Here, the distinction between an ‘arranged’ and a ‘forced’ marriage does not seem to be clear to the police officer making the notes. In an arranged marriage, both parties freely consent to the marriage; however, a marriage is a ‘forced’ marriage when the marriage is imposed against the will of one or other of the parties.

The parents were now trying to force her to sign visa documents to bring this husband to the UK; she, however, was trying to refuse to do so. The younger sister also stated that their mother had forced her sister and the new husband to sleep in the same room. Their mother had now found someone for the younger sister to marry in Pakistan. The 17-year-old informed the police that now that the truth had been told, she and her sister could not return home as she believed violence from her parents would occur towards both of them.

Occasionally, victims/survivors would call the police or email them from abroad, as in Case file 49, where the police were contacted via WhatsApp by a 22-year-old Pakistani woman:

They have sent me to Pakistan because they want me to get married [...] they have taken my passport. I'm in a village. Would it be possible to get me back to England without telling any of my family members as I am in their custody and I don't know my way around here they could move me from place to place and may even take my phone off me so could U please ASAP get to me.

Given that police case files constituted a significant proportion of our qualitative data, it is unsurprising that they feature in all the accounts and that direct calls to the police for help also dominate this discussion. However, research on all forms of domestic abuse and particularly on domestic abuse including forced marriage experienced by racially minoritised women and girls indicates that the majority of victims are more likely to stay in abusive relationships for longer than white victims due to the barriers associated with leaving (Imkaan 2020). For example, Safelives' (2015) dataset with 42000 clients showed that, 'BME clients suffered abuse for 1.5 times longer before seeking help compared to those from a white British or Irish background'. However, given that existing studies draw upon the experiences of those who contact domestic abuse or community services (Chantler et al 2017), these accounts provide us with an insight into a hitherto missing but important dimension of victims'/survivors' experiences of disclosure and help-seeking in the context of forced marriage.

Disclosure to domestic abuse services

Direct disclosures to domestic abuse services, particularly 'by and for' services were documented among a few of the women we interviewed, but most victims/survivors were referred to domestic abuse services by the police or by social services.

Mira, a 32-year-old Indian woman first faced a threat of forced marriage aged 16, when she was seen with a boy at school. In the context of ongoing neglect and sexual abuse at home, this was the last straw that impelled her to leave home and she went to live with an aunt who seemed supportive. However, she was exploited and forced to undertake long hours of domestic work and unpaid work at her aunt's family-owned shop. When her aunt sought to facilitate the immigration of her nephew by forcing Mira to marry him, she called the police and eventually left her aunt's place. The social services obtained an FMPO, which had been introduced recently, which protected her till she was 18. She spent the following few years in a hostel and eventually managed to find work and rent her own place. After a few years, she called home to connect with her brother whom she sorely missed. However, the resumption of contact with her family led to a renewed pressure to marry. This time, she contacted a refuge directly as she was now aware of the range of services that were available and had a better understanding of the protection she could avail.

A few women who had been taken abroad for a forced marriage did not contact services straightaway when they were brought back to the UK. It was when they were being coerced into applying for a spouse visa and the possibility of living within a forced marriage loomed large that they sought support.

Barsha, a 28-year-old Bangladeshi woman we interviewed, reached out to a 'by and for' domestic abuse service as she was familiar with the support they could offer. She had lived in a refuge when she was a child and her mother had left her abusive father with support from a refuge.

Nasrin, a 37-year old Bangladeshi woman we interviewed, left a forced marriage when pregnant at 18, following which she faced several difficult years during which she was sexually exploited by various men and struggled to raise her child. About a decade later, she was in touch with her

family again and had just started a relationship when she fell pregnant. Her boyfriend informed her mother and she was delighted—‘Oh, a Muslim man!’ and ‘the community got involved, and it felt like being back as a child’ and she was once again forced into a marriage. This was also an abusive relationship within which she had a further child before she managed to leave. Having stayed at a refuge before, she was aware of the support that was available—she contacted domestic violence services and moved out with her three children.

Despite the range of coercive pressures they faced and the impacts of a forced marriage, those who were subjected to it managed to seek help from a range of sources, formal and informal. We now explore their experiences of receiving the help they needed.

6.3 Multi-agency responses and safeguarding

Victims/survivors had varying expectations of and requirements from formal services, both where they themselves had reached out to the services and where a disclosure to informal or formal sources of support had led to a range of agencies becoming involved in their safeguarding. Most commonly, victims/survivors were in fear for their immediate safety following their resistance to a forced marriage or when they were planning to inform their parents that they would not consent to the marriage. In some cases, they clearly articulated their need to move out of the family home, while in other cases they wanted to remain in their home but wanted some measures to stop their parents from taking them out of the country and/or forcing them into a marriage. In several cases, police or social service involvement was unexpected and feared, as victims/survivors were also afraid of losing control over the process and did not want to criminalise their parents. In many cases, there was some initial tension between an investigation geared towards a criminal prosecution for forced marriage and HBV and the need to safeguard; nonetheless, as per the wishes of the victim/survivor, the focus shifted to the latter in all the cases.

In response to disclosures, there were several standard safeguarding processes which almost always entailed multi-agency engagement. The range of (non-exhaustive) immediate safeguarding responses included: basic crime prevention advice (e.g., calling 999); placing a PNC marker on a victim which flags them as an at-risk person should they be stopped by police or at any border/port; a referral to or the provision of a list of domestic abuse services (derived from a HBV/forced marriage toolkit) depending on the individual’s age and vulnerability/capacity to access services including ‘by and for’ services where needed; emergency accommodation with refuge; foster placement or emergency accommodation through a children’s services/social services/refuge; a discussion about the option of an FMPO and decision on whether to make an application. Starting with immediate safeguarding, the range of responses inevitably entailed a range of agencies which were required to work together and share information to protect and prevent further victimisation.

One practitioner noted how engagement between and joint working by diverse agencies could sometimes swiftly re-orient the balance of power:

There was one case where we, by just informing the local authority, social services, by informing the police, and by instigating [support], the family stayed back and didn’t do anything.

This practitioner noted how the active engagement of different agencies had created a protective shield that deterred the parents from carrying out their threats. However, in many cases, the risk escalated quite rapidly due to the disclosure as it was seen to bring shame to the family and a violation of strictures against ‘taking family matters outside’.

In one case, the failure of the young person to leave school alerted parents who had been escorting the person to/from school. In two cases this resulted in other relatives turning up to the school. In Case file 27, which concerned a 17-year-old Turkish girl who had been placed under the temporary protection of social services following a disclosure, as the social worker was trying to leave the school with the child several relatives turned up there and demanded to take the child home. Police presence was instrumental in enabling them to leave the school so that she could give her statement in a safe space and the children’s services could work with the police to ascertain risk and plan safeguarding measures.

In a few cases, the victim/survivor contacted the police seeking specific support, such as in Case file 16 which concerned a 20-year-old Bangladeshi woman. Her refusal to agree to a marriage arranged by her father had led to threats of being disowned by multiple family members; following these threats, she was preparing to move out of her family home. As her movements were restricted, she wanted the police to assist her in escorting her out of her parents’ home as she felt afraid that without such protection her father would beat her. She had a boyfriend which the family did not know about, and any knowledge of this relationship could have escalated the risk she was facing. The Case file 16 notes:

I have liaised with both the Domestic Violence Partnership Officers from IDVA, both are aware of this victim. It appears Special Schemes have been placed on the victims address and FMPO has been applied for. The victim has been in contact with [xx] Women’s Centre and they have discussed safety plans with her. At this time, the victim does not wish for police interference, unless it has been decided that she needs to move out of her home address. All the options will be explained to the victim and it will be her decision whether to take action now or to wait until she is ready.

Many victims/survivors were reluctant to give the go-ahead for any police or social service engagement with their family until they had had the time to decide on their options as they did not want to alienate their family while also desiring protection from a forced marriage. Police case files indicate some awareness of the co-existence of complex coercive contexts with a sense of belongingness in the family. In many case files, there are explicit notes alerting any call handler to refrain from sharing any information with parents who might have reported a child missing until the safeguarding measures and the wishes of the victim/survivor had been ascertained.

For example, Case file 18 notes that:

xx is NOT missing and will not be reported missing but that she is safe and well and will be staying out for the night. The CAD [Computer Aided Dispatch, a generic name for the various incident management systems used by the police] has been updated, to inform operators that she has made an allegation of crime and not to give any info to the sister, nor to anyone else calling to get information/report her missing.

Similar notes can be observed in Case file 19 where the level of risk of forced marriage was still being assessed by children's services and the decision on whether to place the 15-year-old Afghani girl in foster care had not been made:

We need to be careful in such cases as to what we disclose to families. This can have a devastating impact on the victim and put them at more risk if we inform families and they are then ostracised from their family/community or seen to have brought shame on them and therefore at risk of serious harm.

In Case file 3, which also involved a 15-year old Afghani girl, the police were able to share with other agencies some information relating to gaining the victim's/survivor's confidence and engagement with services:

For anyone that may have future dealing with her, she was certainly more forthcoming and open with information when speaking to a female member of Police Staff compared to male officers. She expressed how she did not feel comfortable with her current social worker for many reasons (nothing inappropriate) and I have relayed this important information to his manager and this will be addressed.

Where the victim/survivor had already been taken outside the UK, this commonly involved the joint efforts from the consular services, local agencies on the ground and the police who gathered the statement of the victim/survivor and made applications for FMPO and in some cases, the social services where it concerned a child or a vulnerable adult who was under the care of social services. In one case, the police also worked with the consular service of another country.

When police were informed by a friend of a victim/survivor that she had been taken to Somalia deceptively by her family and was coerced into a marriage, they liaised with the consular services of another EU country whose citizen the victim/survivor was (though she was resident in the UK) and managed to repatriate her.

Responding to forced marriage entails a complex process of engaging simultaneously with risk management, safeguarding, referrals to support services and making decisions regarding FMPOs and possible prosecution. The person to be protected commonly changed their mind about what support and interventions they wanted, and the level of risk often shifted. Despite the high level of complexity of some of these cases and the existence of multiple perpetrators, there were few references to a MARAC, and in relation to the handful of references there were no details of the discussions or decisions made. There were cases where multi-agency working did not seem to go smoothly and others where despite such co-ordinated responses, the victim/survivor could not be protected from a forced marriage or enabled to exit a forced marriage.

Case file 6 records the experiences of two brothers aged 17 and 18, who were taken out of the UK to Somaliland by their mother about ten years ago and lived with their mother, elder sister and two younger sisters. Though the consulate services had been attempting to work with local agencies to bring all four siblings back to the UK, they were not able to assist the two younger siblings as the older brothers decided to leave the abusive family home before arrangements could be made to

repatriate their younger sisters. This seemed to have prompted the mother to move out of Somaliland and out of the ambit of British consulate services.

In some cases, the tensions between different agencies were evident from the police case files and from practitioner interviews, based on contrary assessments of risk or of allocation of responsibilities for protection.

Amera, a 19-year-old Pakistani woman who had been forced into a marriage when she was 14 recalled that on the day that fled her home, she was told to return home by social services. She was told that it's 4.30pm and repeatedly asked whether she was sure that she couldn't return home. When she insisted that she could not return home, she was told to find her own accommodation for 2 nights—she was expected to live on £5 per day by the social services [because she had NRPF]. She then managed to get in touch with a 'by and for' domestic abuse service and they supported her to find accommodation at another 'by and for' refuge. The social services eventually agreed to regard her as a 'looked after child' and pay a weekly subsistence till she turned 18. There were several negotiations and points of disagreements between the social worker allocated to Amera and the refuge on the support and the expectations relating to care plans.

In Case file 28, which pertained to three Somali sisters aged 20, 14 and 12, the police legal team provided a template for conditions to be sought in the FMPO. These contained protective measures that the respondents were not to allow the named children to be subject to a forced marriage; and mandatory measures to place a requirement for both respondents to arrange, pay for and book tickets for the immediate return to the UK of the three named children. The judge did not support the mandatory part of the application, which the police feared would expose the sisters to greater risk of harm. Serving an FMPO on the UK-based parent with only the protective elements and a court hearing arranged for a weeks' time would increase the period of time for the family to make arrangements for the forced marriage to be expedited or for the sisters to be moved to an unknown location. It also increased the period of time where the father could flee the country. In light of these facts, the police decided to withdraw their application and then go to the Court of Appeal. An FMPO was then granted by the Judge of his own motion. In light of this result, the order was now potentially to be served by the court through post as this effectively by-passed police involvement and the ability to manage the risk to parties involved. At the police request, an entry was made on the draft order for it to be served by a police officer instead.

This case raised several issues relating to the conditions attached to an FMPO and the importance of mandatory requirements to manage risk and maximise compliance. The serving of the FMPO is also a very important stage whereby the conditions can be explained and the risks assessed and managed. Serving an FMPO by post or without active engagement of the person to be protected and safety planning can enhance risk.

As one practitioner in a 'by and for' refuge noted, such multi-agency working was central to their everyday practice, but sometimes required sustained advocacy so that victims'/survivors' particular needs were taken into account, which often entailed working through and around institutional gatekeeping:

Our compliance is just to make sure that the victim works with other agencies, and provide them with a duty of care. We are doing that, we are writing longer reports; just to support that victim so the social services child protection teams or the adult protection teams are getting it right. We are having to do training quickly – Oh, that's [X service], pass it to X. Oh it's a [minoritised] client, pass it to X. Well no, you do the protection first and we'll do all the wrap around that. It's just that we are constantly getting hurdles from police. We are constantly getting hurdles around social care. I mean honest to god, social care is the new thing we have to take to town.

Several practitioners from 'by and for' services noted the need for their advocacy to secure much needed support for their clients from social services, in a context where increasing pressure on the services had led to raised thresholds for intervention and support.

Given the centrality of multi-agency working to the provision of effective and holistic support, some practitioners also noted tensions that arose from differing approaches and level of knowledge needed to understand and respond to forced marriage, and in the first place to enable a disclosure. One teacher who had supported a few students who had made disclosures of a forced marriage noted:

The thing that comes to mind to me is that there is an awful lot of shame and stigma when it comes to FGM, and forced marriage, and this shame and stigma is specifically targeted at certain communities who fit a profile. I think the training is just not fit for purpose, at all, because what it does currently is continue to perpetuate stereotypes, and harmful constructs for people who are already coming from marginalised communities, and already most likely having difficult challenges, and then just having another layer of complexity added that they have to deal with. So I don't know what it would look like, but the whole training needs to be rethought. It needs to be coming from a place of curiosity. It needs to be coming from a place that is non-judgmental. We need to eradicate the shame and stigma...Children are not going to make disclosures to people who they fear will be judging them, or if they don't feel safe physically and emotionally, so it's about creating an environment that is comfortable and inviting, so that young people cannot just make disclosures, but be honest and open about what is going on for them, and knowing that they are being supported.

Another practitioner noted how the lack of knowledge and expertise can lead to the under-utilisation of available protective and preventive responses, which may lead to protection gaps for victims/survivors. In this context, training becomes an important tool to build up expertise and the confidence to intervene appropriately, but equally, the role of organisations with the expertise—in this case 'by and for' domestic abuse services—as part of a multi-agency response can also be crucial in enhancing institutional knowledge and re-orienting unhelpful institutional cultures of essentialism or disbelief.

They [the police] are absolutely shockingly bad. A few years ago, there was this big launch by [xx] police force around multi agency working etc. and they showed that

when it came to FMPOs they were involved in one FMPO; and that's when me and (X) decided to sit down, and count how many we were involved in. I'm like, 'How the hell can an organisation with so much money, like a referral organisation we were working with...only had one FMPO, and I'm thinking that must be ridiculous'. [...] We had the courts contacting us...to talk to us about FMPOs because not many are coming through the xx courts, and they didn't know why. And we were quite honest, we said we would never refer to any solicitors in xx, we sent all our cases to London. That's the crux of it, because the expertise is there; so that's why you are probably not seeing the cases here [...] they are coming through the London courts. So we have a real issue with expertise, so I think multi agency is really important. I think local authorities here also don't have the expertise to deal with it.

In the absence of locally available expertise, the practitioner was utilising their existing networks to achieve effective outcomes for victims/survivors, but this points to the need to build regional expertise in a context where we can observe a steady trend of cases in particular regions.

Tensions also arose from varying assessments of risk and need as well as what might be the result of gatekeeping of services by frontline practitioners in light of organisational financial constraints which have led to the thresholds for service provision to be raised over the years (Anitha and Gill 2022). When police officers responded to a call by a 20-year-old who had been locked up, assaulted, strangled and exorcised for six days for being a lesbian and resisting a forced marriage, they noted that she was in shock and fear and seemed very traumatised. She still exuded a sense of being in danger and was 'behaving erratically', accusing those around her of practising juju on her. They took her to the hospital for a mental health assessment but recorded the following comment in their Case file 5 in relation to the hospital staff:

They had no interest in assessing or helping her as she was not suicidal, and because their attempts were half-hearted she shied away from them and refused to cooperate with them. Attending mental health nurses told officers that there was nothing that they could do and departed.

Following a urine test, which did not come back with any untoward results (indicative of an overdose), she was then medically cleared by the hospital.

The pressures facing the NHS and particularly its mental health services have been well documented recently (Look Ahead 2023). This study notes that an escalating demand on services has led Child and Adolescent Mental Health Services (CAMHS) to a 'tipping point', with the problem especially acute for 16-18-year-olds. A similar crisis has been noted in other NHS services, including adult mental health services (BMJ 2021), a crisis that has been in the making for a decade now.

The entry which follows related to Case file 5 (discussed above), when the police officers accompanied the victim/survivor to the hospital:

During this time officers had been on the phone repeatedly with social services who stated that due to the day of the week, time of day they could not assist [...] it was

abundantly clear to officers that they would be making no efforts [to] assist and redirected officers to speak with a woman's refuge. After repeated contact with the refuge it was made clear to officers that they would not assist (this was because she could not give her national insurance number and they could not ascertain if she was a British citizen or not) and they redirected officers back to social services.

One of the UK government's key protective responses towards victims of domestic abuse is through the provision of refuge spaces to enable them to end the abusive relationship and find safety for themselves and their children. However, these spaces are funded through public funds—housing benefits and welfare benefits—and therefore they are not available to women who have no recourse to public funds (NRPF) on account of their insecure immigration status. This funding issue is one of the many ways in which state policies on citizenship and residency that are constructed as gender-neutral exacerbate existing power imbalances between men and women (Anitha 2010). Furthermore, they illustrate how ostensibly colour-blind policies that determine state support for those who experience domestic abuse, including forced marriage, have differential and detrimental impacts on racially minoritised and migrant women. The NRPF rule made it impossible for the police to find a place of safety for a 20-year old Saudi woman (Case file 5), as recorded in their report:

It was deemed that [the girlfriend's] home address was not safe as her family may know the address. As such, attempts to find alternative emergency accommodation were made. XX Council were called and appraised about the situation. The on-call emergency Social Worker got in contact and made attempts to find temporary accommodation however a short while later she stated it was not possible to fulfil this request at this time. She then made contact with a domestic [abuse] women's refuge in XX on behalf of the police [...] however she stated because they could not physically see [Case file 5's] driving license, regardless of what has happened they were unable to arrange accommodation for her until 6am when she could be invited into check her documents and immigration status. Furthermore, neither the victim nor her girlfriend had any money to facilitate a hotel either.

'By and for' domestic abuse organisations working with racially minoritised communities have historically been at the forefront of campaigns to increase protections for migrant women with NRPF. Following several incremental changes to policies since 2002, women experiencing domestic abuse, including forced marriage, can apply for Indefinite Leave to Remain in the UK if they can prove that their relationship broke down because of domestic abuse; and since 2010, women have had a time-limited access to funding to house themselves in a refuge while they apply for Indefinite Leave to Remain. However, gaps remain in the NRPF policy design—for example, the policy applies only to women who enter the UK on a spousal visa. Additionally, the financial constraints upon refuges that derive about 90% of their rental income from housing benefit create a context in which refuges may hesitate to house women with NRPF lest their application for funding be denied (Smith and Miles, 2017). Data from the National Domestic Violence Helpline and a Women's Aid project shows that of the 404 supported women who were struggling to access refuge space between 9 January 2016 and 18 January 2017, 27% were migrant women with NRPF; of these only eight found accommodation in a suitable refuge space (Smith and Miles, 2017).

For women who have insecure immigration status or whose immigration status cannot be confirmed and who face a forced marriage, police and other 'by and for' services reported difficulties accessing statutory support to keep them safe. Police found themselves short of the ideal options for keeping a vulnerable person safe, as noted in the Case file 5, discussed above:

With no other options she was advised to stay with [girlfriend] at her address for the night, it was believed that the family may have the address but it was not certain. The suspects had never been to the address. This was deemed the safest option as there was no further ways of officers arranging alternative accommodation. Both agreed this action and stated that if there was any issues that they would call 999 immediately and they departed. Social services were called again and details given of the case and they were requested to make arrangements during office hours to re-home her and to contact them without any success.

There were two other cases where police case files indicate that, despite an assessment that risk was at the level at which a safe accommodation was required, police were unable to find any emergency accommodation.

Practitioners reported that the difficulties faced by women with NRPF were exacerbated by the pandemic. Eleven practitioners who worked in 'by and for' specialist domestic abuse services reported a return to the stark 'choice' between homelessness or living with violence (Anitha and Gill 2022). For instance, the director of one 'by and for' domestic abuse service observed that the denial of refuge spaces to women with NRPF increased during the pandemic:

Our victims are being turned away from other refuges if they've got no recourse to public funding. [... A colleague] did a mystery shop call to one of the [generic] refuges: asked them if they had spare room for a woman with no recourse to public funds. They said no, and they rang up again, with a White British name; lo and behold, a vacancy had come about. How bad is that? [...] Shocking is not the word.

Practitioners from 'by and for' specialist domestic abuse services described how during the pandemic their understaffed and overstretched organisations were expending resources and staff time on negotiating service pathways to statutory services (i.e., adult social care and children's services) or filling this gap where no such pathways existed during the first lockdown. The director of one organisation reported that they were struggling to liaise with statutory agencies to meet clients' needs:

It's also about managing the statutory agencies. There is only so much we can do, you know, as a charity; and we are having to fight a lot harder with housing. Domestic abuse was supposed to be a priority during COVID, and we've not seen that to be the case with housing from the local authority [...]. Our advice service is also holding women a lot longer because counselling services have shut down: mental health services, statutory agencies, they are all closed, so we are holding those cases.

Additional government funding eventually became available in October 2020 to enable domestic abuse services to meet the extra demands on their services and adapt to new modes of socially

distanced working during the pandemic. This funding benefitted several organisations that participated in this research:

One of the positive things has been obviously that there has been additional money available to services like ours [...but] we are seeing an increase in presentation of survivors to services. [...] We are having to think about having a pause in taking referrals, because we literally don't have the capacity anymore to process them. What we've got is a bottleneck. We can't refer them on anywhere because pretty much everywhere has got a closed waiting list. So, funding for services needs to be long term because I think unless we do that, we are just going to have a complete crisis in the new year.

Although pandemic-related funding provided temporary financial respite for several of the smaller independent 'by and for' domestic abuse services involved in this study, these services also reported that the broader climate of uncertainty caused by short-term funding cycles remained unchanged. While the pandemic did not create these difficulties, it did exacerbate them. Many specialist services entered the pandemic in a position of historic disadvantage (Imkaan and EVAW, 2020) and were fearful of returning to this position, given the increased demand on their services because of COVID-19. In response to legislation to address domestic abuse that was being introduced during the pandemic, several specialist 'by and for' services had called for provisions to address the needs of the 'by and for' domestic abuse sector and of minoritised and migrant women. However, no such provisions were made in the Domestic Abuse Bill 2020, which received royal assent on 29 April 2021.

In relation to multi-agency working, there were other points of disagreements in relation to safeguarding, which were often underpinned by differing assessments between agencies about levels of risk and consequently the protection required, as seen for example in Case file 53, which related to a 24-year-old Afghani woman, who had two younger siblings aged 17 and 10.

The police noted in the case file that the mother was not acting as a protective factor; indeed, following threats and violence against his daughter for refusing to get married the father used the mother and the other sibling to keep his daughter from leaving her bedroom and took away her phone, laptop and any other means of seeking help. It was only when she managed to get hold of the cordless landline that she could call the police who were able to take her to a place of safety. The children's services believed that the matter should be a s.17 assessment, while the police were arguing for the need for a s. 47 joint investigation. The police were concerned that there was a significant transferable risk to the siblings. A 'child in need' assessment under section 17 Children Act 1989 identifies the needs of the child in order to ensure that the family are given the appropriate support in enabling them to safeguard and promote the child's welfare. A Section 47 Enquiry (also known as a Child Protection enquiry/investigation) is carried out to assess if there is the risk of significant harm to a child (or children). As part of the investigation, professionals will consider what needs to happen to help ensure that children are safe. Section 47 enquiries can be led by either children's services or the police, or by both working together. Eventually a s.17 enquiry was conducted and the social services engaged with the family without any police intervention in relation to the younger children.

In another case, Case file17, there seemed to be a disagreement about which agency should apply for the FMPO, with the judge suggesting that the case should have been applied for by the FMU and not the police, as the FMU would have been the correct interested party in direct contact with the person to be protected. The judge added that the police should have been more robust and not accepted the FMU explanation that they have no resources and challenged their transfer of this responsibility to the police. With services coming under increasing budgetary constraints, it is important that the needs of the victims/survivors remain central and that valuable time and opportunity to protect are not lost in the process of bureaucratic gatekeeping.

Our earlier observation about the preoccupation in some police case files with physical violence or directly articulated threats about violence which may result in a misrecognition of the risk was also raised by one practitioner, whose presence as an advocate was crucial to making the experience of victimisation ‘intelligible’ to the police:

A few of my clients have gone to the police, and been asked for evidence of bruising, and it’s because they’ve not got red marks or anything, they are not taken seriously. Or even like the translation. We did an interview with a client the other day and like a lot of the things we had to translate for the police, and it was in English, but it’s just the fact that they would say stuff like, ‘Oh he held my neck’. Instead of ‘he strangled me’. And then the police would completely misread that. It’s not necessarily their fault: there’s a cultural difference.

Another ‘by and for’ domestic abuse outreach worker noted the impact of stereotyping and racialised assumptions about status on victim confidence:

[We’ve had] situations where you’ve gone into the police station and they disrespect you, expect you to be the cleaner, or stereotypes like that. And no, actually we are the professional here to support our client. And it’s like sometimes, if you weren’t with them, you wouldn’t believe the things that happen. It’s just mind blowing. It’s difficult for us to do our job and advise clients to go and report to the same system that we know isn’t for them. It’s probably going to give them more grief, more trauma.

Similar to other forms of domestic abuse, and additionally because of the involvement of children as the primary or secondary victims, multi-agency working is crucial to ensure effective prevention and protection responses. Where agencies can work together, doing so creates a protective blanket and a space within which the subject of the forced marriage can recover a sense of agency and voice. However, recent cuts in budgets across different statutory as well as voluntary services may be having an impact on gatekeeping and thresholds for intervention or support; in this context, different agencies can sometimes work at cross-purposes or feel that they have to act as an advocate in relation to the victim’s/survivor’s engagements in order to counter other agencies, rather than genuinely working together. The need for training and sharing of expertise is also crucial, given the specialist knowledge and skills required to understand the nature of forced marriage and the lived reality of those subject to it.

6.4 Protection and prevention through FMPOs

FMPOs were considered as a protective response in the early stages of the case in almost all the police case files and discussed with the person subject to the forced marriage. Given the complex context of forced marriage and service responses to it, the decision to apply for, secure and serve an FMPO was sometimes a long and complicated process. In most cases, the application for an FMPO was made with the consent of the person it was for; nevertheless, the process of gaining consent and co-operation with the police was often far from straightforward. There were a few cases where the application was made based on the evidence gathered by the police in the course of their investigations and this step was taken against the wishes of the person to be protected. Equally however, where there was support for the FMPO, the application process was fairly swift. The retrospective accounts of survivors we interviewed have a less detailed account of the process of applying for the FMPO, especially if they were obtained when they were a child. Whereas the process of leaving the family home loomed larger in their accounts, the police case files by comparison provide a detailed and dynamic account of the FMPO process.

In Case file 13 which related to an Afghani family, the 16-year old daughter disclosed to her teacher that her father had threatened to take their family to Pakistan to force his four daughters into a marriage and that there was ongoing domestic abuse against the mother. An FMPO was requested for the daughters within four days, and a Non-Molestation Order was requested for the mother and the two sons. In this case, the father had previously attempted to force his oldest daughter into forced marriage and an FMPO had been secured a couple of years previously. The following day, the orders were in place and had been served.

Case file 13 was one of the three cases in our sample where a co-occurrence of domestic abuse against the mother and forced marriage against the daughter(s) resulted in the mother and children leaving the family home and being accommodated in a refuge. A significant proportion of our sample of police case files and all victims/survivors who we interviewed left the family home at some stage to avoid a forced marriage.

Case file 21 was about a 17-year-old Moroccan girl who was living under the care of her aunt and uncle in the UK while her mother lived in Morocco. Her aunt reported to her mother that she was seen on a date with a boy. Upon learning this, her mother came back to the UK and inflicted HBV on her daughter and gave her a list of ‘guidelines’ to live by. The disclosure to the school occurred in the context of the HBV and an underlying fear on the girl’s part that she would be taken back to Morocco to live there if she did not obey the rules and that once in Morocco she would be subjected to a forced marriage. FMPO was discussed at the initial safeguarding meetings with the police and the children’s services, but the girl decided that she would rather not start this process at that time; her main priority was to leave the family home. Although the risk of a forced marriage was assessed as being secondary to HBV while she was in the UK, the ‘by and for’ domestic abuse service argued that the use of an FMPO could have objectives that address and manage other risks that were being presented—for example, threats and harassment from both the girl’s aunt and mother. The domestic abuse service was making their assessment based on the interconnection and overlap between HBV and forced marriage. While the matter was under review, her family’s plans to take the girl to Morocco came to light and an FMPO was obtained to prevent her from flying to Morocco. She was placed with a foster carer the same day with no plans to return home.

Case file 27 related to a 17-year-old Turkish girl who had disclosed a year-long period of pressure to marry and was now fearful as the wedding date was approaching. Following her placement in

foster care, the police were liaising with the children's services, the foster carer and the school to keep her safe while arrangements were being made to apply for an FMPO with the consent of the young person. Meanwhile, the family had been trying to ascertain her whereabouts and had indirectly threatened the teacher that they 'had friends and relatives that would find' her. The case notes indicate that the police were concerned that the girl's legal team did not seem to be aware of the threats and hence the urgency of progressing the application. Her Turkish passport was still outstanding and apparently, the girl's mother told the police that she did not have one, though the daughter had confirmed that she had recently travelled to Turkey on it—hence raising a concern that she could be taken abroad. The case file notes that 'there are concerns over the lack of comprehension as to how much danger she could potentially be in'.

Information central to the assessment of risk that was available to different agencies was not shared effectively and may have escalated the risk here, as crucial time was lost through communication gaps between the various services. Luckily, it did not result in an adverse outcome in this case.

Both these cases (Case files 21 and 27) entailed the forced marriage of children and a foster placement was arranged prior to or at the time when the FMPO was obtained to minimise risk of retaliatory violence or a breach of the FMPO.

Other victims/survivors opted to stay in the family home or were assessed by children's services as suitable to stay at home with the involvement of social services. Assessments in these cases were based on a complex set of circumstances entailing a balance between potential risk and capacity to safeguard, with the FMPO representing an additional and key protective intervention. Case file 26 related to two Pakistani sisters—the older of whom was 20 and had been forced into a marriage and was being pressurised to sponsor her husband to come and join her in the UK, and her younger sister, a 17-year-old, who was fearful of a forced marriage. Their concerns were relayed to the mother by the police who explained that the girls wished to return to the family home only if both parents agreed to the FMPO. This information upset the girls' mother and, at first, she refused to agree to this injunction as she thought of it as a criminal conviction. When the order was fully explained to her, she stated that she would agree to it if that was what her daughters wanted. She also stated that her husband would sign it. The daughters did not wish to leave the family home, but wanted the help of services to keep them safe there and the option of an FMPO was ideal from their perspective but required ongoing joint working between the social services and the police.

In one of the several cases where an FMPO was issued (Case file 4), the 20-year-old Indian woman was happy to stay at home, although she stated to the police that since the family had become aware that she had reported this matter to police her father had been keeping a close eye on her and watching what she does. The next chapter discusses the risks inherent in this situation where the possibility of further harm cannot be eliminated and the role of ongoing safeguarding. In most cases, although police took account of the wishes of the victim/survivor in conjunction with their own assessments, there were a few cases where this did not happen or where assessments of risk differed and this led to a retraction, often prior to or after the application for an FMPO.

There was one case where the children's services did not consult with or inform a 14-year-old Pakistani girl that they were applying for an FMPO. Amera, now a 19-year-old woman, recalled

how she was not made aware that an FMPO was being served on her parents and felt quite unsupported during this process. The point of serving an FMPO is a potentially risky moment that can lead to an escalation of HBV and needs to be carefully managed.

Another case involved an adult, a 22-year-old woman, who vacillated between various options; such indecisiveness was often a common response to the prospect of cutting off ties with one's entire birth family. She had sought the help of the police and consular services to return to the UK following a previous attempt to force her into marriage after her father took her to Pakistan under false pretences. It had not been possible to apply for a new FMPO (her previous one had expired when she turned 18) as she needed to avoid alerting her family in Pakistan to the fact that she had been in touch with the police, as that discovery would have increased the risk to her. Upon returning to the UK, she left the family home and had moved in with her boyfriend. She subsequently reported to the police that she was thinking of going home, a decision which resulted in a reappraisal of her risk, as noted in Case file 49:

The victim stated earlier that her family did not want her to marry [the boyfriend], she is now telling officers that her father has had a change of heart and wants her marry and for it to be done properly [from home]. This is a drastic change of heart and could potentially be a way of getting victim back to the address, the victim has been deceived by her father in the past when he enticed her to go to Pakistan [...] The FMPO has been discussed and she does not wish for this to be in place.

However, the police deemed that the risks posed to this individual were of a level where it was appropriate to apply for an FMPO without her consent. Her previous contacts with the police and statements when seeking repatriation provided adequate evidence of the risk. This case does raise issues about the agency and co-operation of the person subject to an FMPO where the person is an adult deemed to have the mental capacity to make their own decisions. The case files indicate that these concerns were also discussed among the police as they balanced competing needs and issues such as the wishes of the victim/survivor, the need to maintain a relationship of trust with her and the need to protect her in the face of escalating risk. Such cases were rare in the sample of police case files.

Many case files demonstrated the rapidly changing nature of the circumstances and the changing level of risk, which required ongoing and pro-active safeguarding, including the decision to apply for an FMPO.

In Case file 40, police came to be involved after an allegation was reported by the college that a 17-year-old Afghani student had been assaulted by her parents because they found out that she had a boyfriend. The police assessment was that the threshold for applying for a FMPO had not been met based on the statement given by the student: she said that her parents would never force her into an unwanted marriage, she had never been taken over to Afghanistan under false pretences or against her will; the assault itself was minor in terms of injury and was described by her as a one-off; and she was still attending college and hence was not isolated. Finally, she was described as 'an apparently confident 17-year-old who has engaged with services', and an assessment was made that 'even if the parents were minded to take her to Afghanistan for sinister reason[s], there is nothing to suggest she would comply with such coercion without making it known at an airport or

anywhere else beforehand. I therefore do not think that a Ports marker in these circumstances is necessary or proportionate based on current intelligence and information'. She temporarily left home and then returned following assurances that her parents would accept her relationship. During this period, the police made welfare checks on her. When it became apparent that her family had no intention to accept her relationship, she decided to support an application for an FMPO.

Where the victim/survivor had already been taken to another country and was at imminent risk of harm, including a forced marriage, an FMPO was one of the several options to secure their immediate return to the UK and was effectively used in many cases. However, this situation required the presence of a family member in the UK and involving this person had to be balanced against the risk of the family in the other country finding out that the victim/survivor had reached out for help with the result that the family might move the victim/survivor out of the reach of services or indeed subject them to retaliatory violence. In cases where there was a third-party referral, direct engagement of the person to be protected was a crucial factor, as the individual concerned was in the best position to understand the risk they were facing. For example, in Case file 10, the consent of the 16-year-old Somali girl enabled the FMPO to be obtained and served on the mother before she made a planned permanent move to Somalia to join her husband who had incarcerated their daughter in a detention centre. Case file 28—where three sisters were being held against their wishes in Somalia—demonstrates another such case. The FMPO was served on the father and other relatives who were in the UK and their passports were taken by the police to prevent them from leaving the UK.

There was one case where the person seeking consular support for a repatriation did not support an FMPO because of the potential implications of this move on her family relationships. As she was an adult, the police were the only agency involved in this case relating to a 22-year-old Pakistani woman (Case file 49). They considered the possibility of seeking leave of the court to apply on her behalf if, based on the emails she had sent her boyfriend as evidence, that course of action was assessed to be the optimal way of safeguarding her. In the end, the police were concerned that such a move could increase the risk, bring forward the marriage or indeed make the family move her elsewhere. The FMU eventually managed to help her to return home.

In a complex case involving an 18-year-old woman (Case file 32) who had been taken to Afghanistan and married to her cousin, the FMPO enabled the police to question her brother and place him under bail and to hold his passport to prevent him from leaving the country. Soon after this action, the girl's father returned to the UK with her in order to avoid criminal procedure against the brother.

There were other cases where an FMPO was not an appropriate option because there were no family members in the UK to whom the order could be served, or because the serving of such an order would exacerbate risk in a context where it was difficult for consular services or agencies on the ground in countries outside the UK to reach the victim/survivor. On the whole, the process of applying for an FMPO was a delicate operation and one where the various agencies seemed to work hard to retain the confidence of the person concerned, as a means of safeguarding them.

6.5 Conclusion

Fear of the family's reaction, concern about 'burning the bridges', worry that their parents would get arrested, concern about the shame this situation would bring upon the family, fear that the rest of the family would turn against them, a desire to return to the fold of the family, the pull of affective relationships with particular family members and the need to feel safe from the threat of a forced marriage were all factors which shaped the decision making of victims/survivors as they went through the process of disclosure, help-seeking and applying for an FMPO.

Agencies managed to support them to negotiate between these competing needs and to safeguard them with various degrees of effectiveness. Where multi-agency working was effective, this enabled the prevention and protection from the forced marriage or in some cases, following the marriage. But there were also several issues, including financial constraints which led to institutional gatekeeping, which prevented effective or sustained multi-agency working. In areas where there were relatively fewer cases of forced marriage, lack of expertise and institutional knowledge may also shape a reticence to intervene or pursue avenues for safeguarding in the face of retraction. FMPOs were often critical in enabling the return of a victim/survivor who had been taken abroad. Where the agencies were involved at an early stage when the victim/survivor was still within the UK, FMPOs were also effective in preventing a forced marriage, though there were other challenges associated with an increased risk of HBV and other forms of violence and abuse following an FMPO, which have been less explored. We turn to these challenges in the next chapter.

7. Understanding the use of FMPOs: Challenges and opportunities for prevention and protection

Although FMPOs have been a well-established response to forced marriage for 15 years, we know little about exactly how they facilitate a preventative and protective response or the nature of the challenges posed by this injunctive measure. We also lack an understanding of how FMPOs work in conjunction with other protective and safeguarding responses by agencies, including social services, domestic abuse services and the criminal justice processes. One of the biggest gaps in our understanding is of victims'/survivors' lived experience of seeking FMPOs to protect themselves from a forced marriage, and the gaps and disjunctures between their realities and the worldview of practitioners seeking to implement safeguarding measures. We address these issues in the following sections.

7.1 Exit from the family home

The less common scenario documented within the sample of police case files was where the threat of a forced marriage led to an exit from the family home and an application for an FMPO, either at the point of leaving or thereafter. However, the sample of victim/survivors' interviews consists entirely of women who left the family home with the support of a 'by and for' domestic abuse service. Together, these two data sources fill the gap in our understanding about the role of FMPOs in the safeguarding process, particularly in cases of exit from the family home.

There were three cases where a mother left the family home with her children to escape domestic abuse against herself and the threat of forced marriage to her children. For example, in case file 13, an Afghani woman with four daughters aged between 14-19 and two sons (ages unknown) utilised the support of a 'by and for' domestic abuse service to leave the family home in the context of ongoing domestic abuse against herself and forced marriage against her daughters. Alongside an FMPO, the police also secured a non-molestation order and initiated other safeguarding measures to protect the family. A relative who was estranged from the father also supported the family. In the second such case, an Afghani woman with five children (all under 18 years old, gender unknown) had ended her relationship because of domestic abuse by her husband and, when he initiated contact with their children, she secured an FMPO to protect their children in light of his previous threats to take them to Afghanistan to be married.

These three police case files were closed fairly quickly, as the family was within a refuge and/or well supported by domestic abuse services and where there were children, social services were also involved. The family unit remained intact apart from the presence of the father, and in this context the pressure to return to the family home seemed less onerous than in cases where the victim/survivor had to break off all their family relationships to leave a forced marriage.

Barsha, a 29-year old Bangladeshi woman, whom we interviewed also recalled returning to the UK following a forced marriage, when she was a few months pregnant and aged 16. She did not seek help from any services and continued to live in her family home. The following year, her mother took care of her child [from her forced marriage] while she attended college and worked part-time, but the coercion related to her marriage did not end there:

After a while, she basically started the whole thing—you know, ‘You’ve got to bring him over,’ because the reason for the marriage was, like, immigration and stuff, and I really didn’t want to. I really didn’t, but she’d cry and get upset and it, sort of...I started to get back to that place again where I had to do what my mum was telling me to do, so, you know, she’d organized...she’d got all of the application forms and everything and...and, yeah, and she brought him over, basically.

It was at that stage that she sought support from the formal services and decided to leave her family home and move into a ‘by and for’ refuge with her baby. This is an important stage in forced marriages with a transnational dimension, whereby, upon returning to the UK, the victim/survivor may feel a sense of relief and life within the family home may appear to be close to ‘normal’ for a while.

Salma, a 37-year old Pakistani woman we interviewed, had also been taken to Pakistan and left there for a year till she agreed to the marriage, and recalled her return to the UK:

As soon as we got back, I think for weeks I was just in a daze and coming back was not what I thought it would be like. I was away for more than a year. And life had kind of moved on. Life how I had left it, it was not the same—my friends had started sixth form, I had missed out on so much. My friends were allowed to come and see me and then I enrolled for sixth form thinking that everything would be fine.

Her family were waiting for her to be 18, so that they could begin the application for a spouse visa for the man she had been forced to marry. But meanwhile, it seemed to her a period of relative normalcy, given the traumatic conditions she had ensured.

The consequence of the unrelenting violence and abuse is that the victim/survivor’s worldview narrows as she attempts to ‘negotiate the unreality of coercive control’ (Williamson 2010: 1412). It is through living in this ‘unreality’ that a woman’s ‘space for action’ (Kelly 2003)—her capacity to think and act—is restricted, as she adapts her behaviour in an attempt to survive the abuse. For some victims/survivors of forced marriage, it is at the point of sponsorship that, having recovered their ‘space for action’, they may feel able to refuse to endorse a spouse’s visa and seek help, a category of victims/survivors who are now documented in FMU data as ‘reluctant sponsors’.

In cases where the victim/survivor was a child, the children’s services often arranged temporary accommodation through a foster placement, which sometimes continued once the FMPO was in place. Some of the case files document the challenges associated with keeping the victims/survivors safe even after they had been placed in emergency accommodation, and prior to the FMPO being served, when families often tried to pressurise their daughters into returning home. This often happened if the victim/survivors were still at school, when parents persuaded others to act as messengers on their behalf.

Case file 27 notes the persistent efforts by a family in this regard, in relation to a 17-year old Turkish girl who contacted the police to report threats to forced her into a marriage:

The aunt had been into school asking if she could come [to see the child] and so has her mother [...], the sister-in-law and next-door neighbour have been at the school this morning putting pressure on us to allow them to meet with them. I have made it clear that any contact in the future will begin by being supervised.

Later, the family mentioned the hospital treatment of the mother and requested a supervised hospital visit. Although the wider community seemed to have been marshalled by the family to support their efforts, there were some indications of covert support for police actions.

At one point, the neighbour, who was translating [for a family member], spoke to me in English telling me that she applauds what has been done and that we must all remain vigilant. She said this after I had asked if the victim's/survivor's Turkish passport and ID card had been surrendered to social services yet. The neighbour added, 'Has the Forced Marriage Protection Order been sought by social services yet? I will feel greatly relieved when it has.'

This was an important indication of community support for policing, although this support could not be articulated openly due to the strength of the community norms and the standing of the family within the local community.

In her interview to us, Nabeela, a Pakistani woman aged 28, recalled disclosing to her teacher the violence and abuse she was being subjected to in the context of increasing control over her sexuality. This led her to be placed in foster care at the age of 14. When asked about her experience of foster care, she recalled:

It was great because I could be myself, and I was treated as an equal. [...] Everybody had their jobs but you know there was a freedom, you know, after school you can go out to play and then you have to be back by 6:00 o'clock. And I wasn't allowed that at home, I wasn't allowed any sort of freedom. I wasn't even allowed to put the bin out at night. So for me it was like a novelty to be in the dark. [...] Earlier on, everyday, I used to come home and I used to be just so scared. Like, am I going to get a beating, am I not going to get beaten? [...] it was just nice just to be normal. So yeah, I really enjoyed that time.

Following a process of family reunification, Nabeela spent about three years living at home. When she making plans to attend university after receiving her A levels results, she was informed by her father that she would instead be going to Pakistan to get married. This was the context in which she finally left home. She recalled the shock and anger which propelled this decision:

I always used to shout back to my mum but I've never challenged my father—I was scared to. My dad would just have to look at me and I would wet myself but I said, 'You've led me to believe all this time that the reason for not going out with my friends and why I'm not allowed to do, well, anything, was all because you know, study, study, study, study, study, yeah. And all I've done is study, study, study. [...] And now you're telling me, I'm going to go to Pakistan. Why did you lead me to believe I'm going to go to university like my brother?' [...] And he said, 'You know what, you're not going,

that's it.' [...] My whole world just changed in those few minutes... [...] I phoned a friend and I said, you need to come to my house tonight, I'm running away from home. So that day I went back and I just pretended everything was normal, I packed all my things secretly. [...] I threw my stuff out of the window, I went out of the back door and then I ran along the path and I left.

There were a few cases where the victim/survivor chose to return to the family home but eventually decided to leave for good. After the FMPO was served on her parents, the police visited Case file 4 to conduct a welfare check and the 20-year old Indian woman was again offered an alternative place to stay but she declined, stating that she wished to stay with her parents. However, she asked the police to retain her passport for the time being. This was one of the several cases where, through active, ongoing check-ins, the police were able to offer support in a changing context. The week after the FMPO was put in place, the police contacted her and she was reported as being in 'good spirits although her mother is not talking to her. She stated that her sisters are also ok.' When the police called the following week, she reported that she was 'ok but her mother is still not talking to her. She has been speaking to her sisters about moving out of the address.' A fortnight later, she moved out of the family home, as she realised that her refusal to marry and the FMPO were perceived by her family as a betrayal and she no longer felt welcome in the family home.

The decision to leave was often a difficult one for many victim/survivors. Amera, 19-year-old Pakistani woman decided to go to a refuge to escape the threat of a forced marriage when she was 17, but a few weeks into her stay there she was feeling quite low, so she called her mother. Despite her silence, her mother knew it was her. They eventually spoke and she decided that she wanted to go and see her mother. She recalled her visit to her family home:

Dad opened the door and my mum, aunty and cousin sister were at home. They asked me to return home. They said that if I return now, everything will be fine, they will forgive me. I told them that I didn't want to come home, and then dad said that after this chance, there will be no chance for me to ever return.

Amera stayed the night and slept in her mother's room with her. Her mother confronted her about her boyfriend and informed her that Amera's teacher had told her about Amera's boyfriend, and the teacher also had said that Amera had 'multiple boyfriends'. There was a lot of cultural emotional pressure and Amera was repeatedly told that she is the family's respect and only she can uphold the respect. They kept on saying to her that she could return as if nothing had happened because none of the wider family knew that she had left. In the face of this pressure, Amera maintained her stance. Having ascertained that she was not coming back, her mother was then keen for her to leave first thing in the morning, as her visit had breached the FMPO and they did not want to get into any trouble. Reflecting on this day, Amera felt that she needed closure and that she has this now. She felt that she needed to see her parents—in particular her mother to physically see that they were ok, and that they were not sick or falling apart. She saw this and has not spoken to any of her family since.

Amera's experience also alerts us to the role of teachers who may be part of the local community and may collude with perpetrators, thereby making disclosures to the school a risky proposition

for children.

A few victims/survivors whose stories are documented in the police case files and all but one of our interviewees stayed in a refuge. Farida, a 26-year old Pakistani woman who went to a 'by and for' refuge when she left the family home, assessed the support she received:

It continued for, I think, maybe about 6 months, the support from xx [refuge worker]. I mean if I didn't have that support and I hadn't met with the people at the refuge I don't know what would have happened... because they really gave me the time, they gave me what I needed.

The interviewees did not recall ongoing police welfare checks after they moved into a refuge, unlike case file 52 concerning a 25-year old Bangladeshi woman who moved into a refuge and requested an FMPO against her parents. During a subsequent welfare check, she informed the police that she was well and felt more settled at the refuge. Later, when her future accommodation was being arranged, the police discussed future contact plans including a plan to request a marker on her address and refresh the safety planning when she was rehoused. It is possible that the welfare checks reflected the high levels of risk in this case, whereby the FMPO was ongoing at the point of her rehousing.

One lawyer who specialised in cases of forced marriage noted:

I have seen very few cases where the victim is actually happy to lose their family. It is really daunting for them to start again in a new place and give up their life. I mean one of the cases that I had, well the victim was wanting to marry her boyfriend, there were a huge number of respondents, the cousins were involved, the boyfriend etc; so we had 12 or 13 respondents. So that case was resolved. The good thing about that case was that the victim herself was quite energetic, a young person, so she was able. She had to move to another part of the country, a different part of the country, and restart her life. But there was all the conditions that were put in place. And she was able to restart her life with her now husband, and seemed to flourish without that control, and the situation that she was being placed in. So yes, it was a satisfying end, as one would say it is, but naturally she went through a very difficult time as well. She was happy that she got protection from the court, but personally she had to lose out on sisters and brothers, her school, she was going to college, so that was bad.

Not all of the victims/survivors had such a positive experience while in foster care or a refuge or thereafter; many missed home immensely. For those who moved into a refuge or foster care, ongoing safeguarding was undertaken primarily by the children's services or refuge workers, with the police playing a secondary role unless the victims/survivors considered returning home or there was a breach of the FMPO. Safeguarding was a far more complex process where the victims/survivors lived in their family home in close proximity to the perpetrators of forced marriage, which is explored below.

7.2 Safeguarding when living at/returning home

An exit from the family home was commonly a temporary measure and the victim/survivor returned to the family home after spending a brief period in emergency accommodation or a refuge. In a few cases, the victim/survivor continued to live in the family home while the FMPO was being sought and served, while safeguarding was managed by the police and/or social services.

Leaving the family home was not easy, and the vast majority of the victims/survivors in our sample attempted to resume some form of contact with (particular members of) their family. The pull of affective ties were often too strong to resist. In many cases, they did this secretly by making an unplanned visit home from the refuge or foster home, or by contacting their family members on the phone. A few of the victims/survivors stayed in a refuge for a short while but then returned to the family home, while others planned to move into a refuge but subsequently changed their mind.

In Case file 49, a 22-year old Pakistani woman was accommodated in a women's refuge following her repatriation from Pakistan where she had been taken deceptively by her family for a forced marriage. She found moving into the refuge very hard. About four weeks later, during a safeguarding visit by the police, she was described as extremely upset and it was reported that 'feels that she has made a mistake by leaving. She is concerned for her mother and her siblings as she feels that her father's frustrations will now be taken out on them.' The police officer assured her that social services would be attending to her siblings' welfare and that measures would have been put in place to promote their safety. When asked why she wanted to return home, she said that she was unwilling 'to be responsible for shaming the family—the wider family and community will be asking where I am and my father will have to tell them that I have run away with a boy'. When the police officer asked, given that she had felt so frightened previously, what would change if she went back, she stated that she did not think that anything would change for the better. She said that her father would 'probably kill me...but I have no life now anyway, no family, no friends'. The police liaised with the refuge worker to provide her with support. During the next safeguarding check, she informed the police that she had spoken to her brother and that he had informed her that their mother was very upset and unable to eat or sleep, and that their father was sorry and wanted her to return home. She informed the police that she was feeling very depressed and that even breathing felt like a struggle. Upon being asked by the police if she was considering harming herself, she said no and was advised to speak to her GP about mental health support. She eventually returned home. A few weeks later, the police made a third-party application for an FMPO without her consent to safeguard her from another forced marriage attempt when she informed them about her plans to travel to Pakistan for her brother's wedding.

Although she was consistent in maintaining that she had been coerced to marry and was clear about the very real risk of suffering ongoing violence from her father and even feared that he might kill her, she was unable to reconcile to life away from her family and seemed to have been worn down by the direct emotional pressure applied by her family as well as the weight of social expectations and gender norms, guilt at damaging her family's honour, as well as loneliness.

Upon the disclosure of their planned forced marriages, the two sisters whose experiences are recorded in Case file 26 decided to move into a refuge until an FMPO had been put in place. When they returned home to pack their belongings, their mother was 'very upset and emotional and continued to shout at the girls. The girls began packing their clothes, however every few minutes they changed their mind.' Meanwhile, their father returned home and, following lengthy

discussions, the girls were persuaded to stay. The father assured the officers that he had no intention to force either of his daughters to marry and was even in the process of annulling the forced marriage of his older daughter. The case file notes:

Officers did not feel comfortable leaving the girls at home in the current environment however they could not be forced against their will to leave. A special schemes marker will be placed on the address.

Following a safeguarding check conducted on the following day, the sisters confirmed that they were well and that there had not been any problems. Two days later, the police attended the family home and took the sisters to the court for a hearing. The FMPO was granted and the girls said that they felt much better about having this in place, though it was yet to be served on their parents.

The following day, the police were informed by the younger daughter's teacher that she was upset and concerned that, at the weekend, family members were coming to their home in order to persuade them to get married. She also feared that their mobile phones were going to be taken away from them to prevent them from calling for help. The FMPO was served to the parents the same day and the sisters reiterated that they wanted to remain at home. The police placed special schemes at the address and, over the following weeks, visited them there and then contacted them by phone to conduct welfare checks. The sisters affirmed that they were fine and reported that their parents were angry but that there had been no violence or threats made towards them.

In Case file 45, a 23-year old Indian woman disclosed to her college tutors that her parents were attempting to force her into a marriage. They contacted the police and she was happy to support an application for an FMPO but wanted to remain in the family home thereafter. However, she expressed concerns about the serving of the FMPO and feared that a police visit to her home would be observed by the neighbours and so bring shame upon the family. The police seem to have taken her concerns on board and served the FMPO to the parents in the back of a police car parked a couple of streets away from their home, which seemed to help with sustaining her engagement with the police. After the FMPO had been served, she informed the police that her parents had told her that she would have to pay £1,800 in order to retrieve her passport as it was with the Home Office and, because she was over 18, it was her responsibility. The police reiterated to her that none of this was true and went over the FMPO conditions with her again. She was also concerned about her parents attending court as it would be shameful for them, and the police reiterated that her parents would not need to attend court unless they contested the order. She also subsequently requested that the welfare checks should take place at her college rather than her home, for the same reason. Despite a certain level of ongoing pressure and the testing of the FMPO conditions through making repeated requests for her passport at what seemed to be the behest of her parents, she continued to engage with the police during the welfare checks, which continued for approximately 15 months after the FMPO had been put in place.

Her parents seemed to be putting emotional pressure on her by fabricating and exaggerating the implications of the FMPO, while simultaneously denying that they had any plans to force her to marry. The case files demonstrate the persistent pressure placed on her and the mistruths conveyed by her family, but ongoing engagement with the police with what seemed to be the same officers seemed to reassure her and dispel any confusion.

Case file 28 related to a 20-year old Somali woman who had been repatriated to the UK with her two younger sisters. She wished to remain at the family address with her parents and siblings. She was made aware of the potential risks but was adamant she would be fine. Special schemes were placed on the address, social services purchased a sim card for her to put in her mobile phone and agreements were put in place for twice-weekly welfare checks. The case file indicated that the police had also been conducting welfare checks, the last one being 21 months after concerns were first raised about forced marriage.

This evidence indicates that the risks of ongoing abuse and coercion are particularly high where FMPOs are in place to protect victims/survivors but they are still living in the family home, dependent on the perpetrators. The role of the police and social services becomes crucial for managing this risk and ensuring safety and well-being. In cases outlined above, the pro-active and persistent management of the risk through ongoing welfare checks enabled the services to build a relationship of trust and safeguard effectively. However, this risk was not always recognised and/or managed effectively.

In an email sent to the police, Case file 14, a 17-year old Indian girl outlined her experiences of using the services and the impact of the coercion, violence and abuse on her, in her own words:

I am being pressurised to do things i do not want to do like marrying the boy i am engaged to in India and pressing charges on the boys involved in the [rape] incident last year. [...] However social services sent me home after keeping me in foster care. [...] I told social workers that i was worried about a few things and they promised me that my parents won't do any of those things. [...] i was scared my parents will get me married in India when i go back and my parents had a written agreement to [not do] this. However they broke this too and got me engaged to the boy in India. [...] The social workers ignored this and thought i was okay. i have asked for help so many times from different professionals like my school teachers, social workers and police. [...] In the past professionals have just gone straight to my parents and told them everything and that just makes things hard for me. [...] This is the last time I've had the courage to speak up and tell somebody what i am going through. You are my only hope. If nothing changes now then i will do something to myself [...] I need help.

She now informed the police that she wished to leave her family home and never return to it. The written agreement about not forcing her into a marriage that she refers to could be an undertaking. It seems that she was pressurised to return to the family home and her fears about further violence and abuse were disregarded; it also seems that any subsequent welfare checks by the social services—if they took place—did not safeguard her and her attempts at further disclosures seem to have been disregarded. It is a testimony to her persistence and perhaps her desperate situation that she still reached out to services after being let down so many times. Her experience this time around, as gleaned from her case file, seemed to be better.

These sentiments echo the experiences of a few victims/survivors whom we interviewed or for whom there are police case files, where there was an application for an FMPO but it seems that an

undertaking rather than an order was accepted and then violated. Where the risk of forced marriage has been established on the balance of probability, it is not clear what an undertaking might achieve in comparison to an FMPO which may have a greater force, given its location in the area between a civil-criminal matter whereby any breaches could be acted upon by the police through an arrest without the need for additional action by the victim/survivor (Bates and Hester 2020). The recent multi-agency guidelines reiterate the need for caution and proscribe the use of undertakings in cases where there is a threat or actual violence (HM Government 2023).

Following her disclosure of having suffered physical abuse by her mother, Nabeela was placed in foster care when she was 14-years old but returned to her family home reluctantly, in line with a reunification plan devised by the children's services. The protective force of an undertaking only stretched so far, as she remembered:

It was terrible. All the relationships were broken down. My relationship with my father was broken down, the relationship with my mother was broken down. I think it was the worst thing that could have happened for me to go back home. [...] My father felt betrayed by me [...] we never spoke about it, but I felt our relationship broke down, it wasn't—all that affection, that love, that relationship we had, it no longer existed. And my mum, she just refused to talk to me. The beatings stopped, but then, you know, there was no communication and from that point on it was like, that's it. [...] So you know with my mother and father—to them, I no longer existed anymore.

Nabeela recalled the abusive context, which continued and escalated over the years:

At home, my mum couldn't beat me if she wanted—I think she was scared to hit me. So at this point she just started kicking me out. So I come back from school and then my bag would be at the front door and I'd knock on the door. My mum would open the door and she'd be like, 'Get out, get out, I don't care where you go to. Get out.' And I'd be like, 'Where am I supposed to go?' She'd be like, get out. [...] And then I'd just walk to bus stop. [...] So there were three occasions that I remember when my dad, he picked me up from the bus stop and my dad would say, 'Go home and say sorry.' And then at this point I say to my dad, 'Dad, why? Why do I have to say sorry? I haven't done anything. I've come back from school'. I was 17.

Nabeela did not mention any ongoing safeguarding visits and did not trust services to meet her needs for several years after this experience.

Given the unique nature of the FMPO, and particularly where it relates to a child or vulnerable adult who may be dependent upon those who perpetrated a forced marriage upon them, the power dynamics can be extremely complex indeed. In addition to the inter-personal and family dynamics, broader socio-cultural gendered norms, like shame and honour, may also reinforce the victim-blaming narratives within the family, wider community and the self. A return to the family home following an FMPO represents an inherently risky context, that must be pro-actively managed to prevent a re-occurrence of forced marriage or other forms of violence and abuse. It is concerning that there were cases where reunification with the family proceeded against the wishes of the child; the presumption of contact that social services often work with in generic cases of neglect and

abuse may not be appropriate in cases of forced marriage and HBV.

Equally, a victim's/survivor's decision to return to the family home or contact with a family member which breached an FMPO prohibition against contact often enhanced risk and disrupted safeguarding plans. However, instead of seeing this as a lack of co-operation or a sign that the risk was not as high as feared, agencies need to recognise this for what it is: a sign of the very complex and contradictory pressures that these young people are confronted with as they seek safety from a forced marriage and weigh up the costs of securing that safety.

FMPOs need to be regarded as a step in ongoing and continuing safeguarding responses to forced marriage; where they are regarded as the end of the process this can leave victims/survivors at risk of HBV and further violence and abuse.

7.3 Retraction by the victim/survivor

In common with other forms of violence against women and girls, there has historically been a high attrition rate for reports of domestic abuse, with victim disengagement from the police being a common outcome. Research on domestic abuse has long noted the dilemmas for policy and practice arising from the contrasting needs and expectations that victims/survivors may have regarding the criminal justice system—where some may report their experiences to the police in the expectation of a linear 'report to court' journey that ends in a prosecution while, for others, reporting may be a means of securing immediate safety in a moment of crisis or a route to longer-term safety and exit through accessing services. This research suggests that victims/survivors of domestic abuse may also retract their engagement with the police due to welfare concerns related to themselves or their children, unhappiness with or confusion about the criminal justice processes or because they do not wish the perpetrator to face criminal justice sanctions (Hester 2006; Hoyle and Sanders 2000). Recent research has also found that certain 'inequality' factors, such as the victim's gender, vulnerability (including mental health) and incident type, are found to impact the progression of cases through the criminal justice system (McPhee et al. 2022).

However, in relation to forced marriage, the trajectory of police engagement can be understood in a somewhat different vein, as civil protection has long been regarded by practitioners as a primary response to forced marriage, given the reluctance of most victims/survivors to criminalise their parents and wider family (Gill and Anitha 2010). FMPOs can be obtained by the victim/survivor but are commonly sought by third party applicants such as police or social services, and investigations by the police or social services can play a crucial role in meeting the evidential requirements for an FMPO. A lack of criminal prosecution may not be a sign of a failure to progress a case through the criminal justice system because of retraction by the victim/survivor; it may well be a sign that safeguarding measures have been effective. But equally, retraction from the civil process of FMPOs may also indicate that the weight of the coercive pressures by the family proved too heavy to overcome.

Following repatriation and a return to the family home, there were several cases where the victim/survivor retracted their earlier statements; this was particularly common among those who were still living in the family home.

Following his repatriation to the UK from Somalia, a 22-year old man initially told the police that it had all been a misunderstanding, that he had gone to Somalia to visit his sick grandmother and that he had not been forced into a marriage. He was asked what he did with the majority of his time there. He said that he played football, got to know the area and rode his bike. He was asked if he had been able to come and go as he pleased, and he said that he had, but that people rarely went out after dark as there were no street lights. He stated that it was not like London, where people are out and about. At this point, the police officer told him that he did not believe that he was telling the whole truth about what had happened to him while he was in Somalia, as it did not correspond with what the police had discovered through their investigations, nor with what his mother had said during her interview with the police. The officer noted that the man had been living with his parents after returning to the UK, that his father had brought him to the police station and that they were concerned that he was saying what his family had told him to say. The officer reassured him that they would not tell his family what he disclosed and that it was up to him regarding what he wished to tell them about his conversation with the police. The police records note, 'his demeanour then completely changed to being much more relaxed and open. He almost seemed relieved that he was able to speak about what he had experienced'. He gave them a full account of his imprisonment and assaults intended to force him to agree to a divorce and re-marriage.

Similarly, Case file 50 concerned a 20-year old man who had returned to the UK because an FMPO had given his mother two days in which to bring him back. He denied any forced marriage to the officer who interviewed him at the airport, stating that he was happy to be engaged and not being forced to get married. During a subsequent conversation with the police, he reiterated that his mother would have brought him home anyway, but the police disclosed evidence they had gathered which indicated that his mother was planning to return only after his wedding had taken place. He appeared shocked, expressed relief at being back and said that he wanted the FMPO to be in place for the duration of his degree so that he could concentrate on his career and not be under any pressure to get married.

A desire to prevent their parents from getting into trouble, belief in their parents' accounts which minimised their actions and in parental apologies led to several change of statements. The arrest of a family member or the involvement of the court could often prove a crucial turning point that marked a reduction in victim engagement.

Case file 49 involved a 22-year old Pakistani woman who sought police support to repatriate her to the UK from Pakistan and was extremely upset that her father was arrested during the course of the police investigation, as she felt that the rest of her family would turn against her. She stated that she did not wish to provide a statement or support either a prosecution or an FMPO. Similarly, in case file 58, having reported an assault and attempted forced marriage, a 21-year old Pakistani woman retracted her complaint after her parents and brother were arrested and allowed out on police bail. The FMPO was obtained and she spoke to the police on the phone, informing them that she was upset because her parents and brother had to attend the police station in order for an FMPO to be served. She stated that she had retracted her statement and did not understand why the police were still trying to protect her when she did not need this. She stated that she was never told, when she made her statement, that she would have to go to court. The next day, when the police called her while her parents were out, on their way to the police station, the records note

that she sounded very calm and ‘different from yesterday’. She told the police officer that there are no issues and that she was fine and pleased that the courts had issued the FMPO indefinitely.

The retraction of or changes to a statement are highly likely to reflect the level of pressure being placed upon the victim/survivor, which may escalate where the parents and other perpetrators are arrested, bailed or summoned to the police station. Case file 58 seemed to behave very differently when she was able to speak to the police while her parents were out. This indicates the limited reliability of telephone conversations for conducting welfare checks in the case of forced marriage, as these calls may be monitored by family members.

Case file 56 involved a 30-year old woman who was taken to Pakistan and married against her will. She reported the matter to the police when she was brought back to the UK and left her family home. Subsequently, her relationship with her boyfriend seemed to have ended. She stated that her parents apologised for the forced marriage and said that they would help her to divorce her husband in Pakistan, that he would not be joining her on a spouse visa. Based on these developments, she informed the police that she was happy to retract her support for the FMPO application. She did not want anything bad to happen to her parents. She was also very worried about her dad being interviewed and finding out that she had been with her boyfriend. However, the police remained concerned as, only the previous day, she had told them that such a divorce would bring shame on her family and suspected that the parents might not abide by their purported change of mind. When she refused to allow the police to access her medical records, they decided to proceed on the basis of her first disclosure statement as well as a previous third-party ambulance call regarding her assault by the father. The police records indicate that they considered whether her retraction of the FMPO was prompted by fear as she was now back in her family home and weighed up the increased risk to her, given her father’s previous threats and assaults. They sought an independent expert witness opinion—from a practitioner working in a ‘by and for’ organisation that provided support for forced marriage victims—in their case regarding an FMPO to the judge and it was granted. As the victim/survivor did not engage any further with the police, it was impossible to assess how the FMPO was received or its impact.

Case file 32 was complex, involving disclosure and help-seeking for a forced marriage, leaving home and returning home, the retraction of a statement, the victim/survivor being taken abroad and forced into a marriage, further help-seeking, an FMPO, repatriation, and the further retraction of a statement. At an earlier stage, prior to the FMPO application and following police interventions to keep her safe, the 18-year old Afghani woman attended the police station with her father. The police officer asked her about an allegation (made by her boyfriend, and corroborated by her text messages to him) regarding her father taking her to Afghanistan for a forced marriage. She said that her father would not make her marry anyone against her will and requested the return of her passport. In her statement to the police made when she was later brought back to the UK following a forced marriage, she stated that she ‘never wanted to support police in this investigation. She does not want to involve her family in anyway. She did not want them arrested, she did not want them to get a conviction, and she certainly did not want an FMPO against their names’. However, she continued to engage with the police throughout this period.

The complex pressures that she was under became apparent from a statement she made to the police some seven months after her boyfriend first contacted them. She attended a police station

with her then-husband and disclosed that they had fled from her family and were happily married. She disclosed that she had been sent back to the UK after [her brother] was arrested. The family wanted him to be released without charge, so they sent her back to the UK to prove that she was fine. That was why she had returned. Otherwise, she did not know when she would have been sent back. But she was under a lot of pressure by her family which was why she felt unable to disclose what had happened to her. When asked if she wanted the police to take any action against her family, she stated that she did not wish any action to be taken against them and wanted to move on with her life.

Finally away from her family and the pressures imposed on her, she was able to clarify the circumstances behind the various retractions and the threats and the fear that had motivated her to make varying statements to the police. Even in the absence of explicit threats, emotional pressure, a sense of shame about police involvement with the family and a belief in their family's apologies and assurances that they had changed were all common factors underpinning retractions.

There were a few cases where an FMPO application that had been initiated following a disclosure of forced marriage proceeded despite the retraction of the original statement by the adult victim/survivor. This tended to occur in cases where there had been one or more allegations of assault, often corroborated by a third party, and/or the victim/survivor had been taken abroad and repatriated to escape a forced marriage. In cases involving children, the retraction of a statement to the police did not alter the course of support, as social services were involved and relied on their own assessments of risk, based on which further decisions including applying for an FMPO and/or reunification of the child with the family were made. The preferences of the child were taken into account and informed professional assessments.

Case file 18, a 17-year-old Indian girl wished to withdraw her support from the police investigation into forced marriage and physical assault by her mother and sister as she wished to rebuild her relationship with her mother. She also stated that she was unwilling to attend court or provide evidence against either her mother or sister. She denied being pressured by her sister and/or other family members or members of her community, and again denied that she has been put under any pressure to make a withdrawal statement. She signed a retraction statement and the investigation was closed, but social services continued to monitor the situation.

In one case, a retraction was centred on the issue of the retention of a passport by the police. Case file 45 related to a 23-year old Indian woman who was threatened with being taken to India and forced to marry a man chosen by her family. She reported her concerns to the police. An FMPO was obtained and she chose to stay in her family home. During subsequent welfare checks, she stated that she now felt safe and that her parents were no longer attempting to force her into marriage; she therefore wished to discharge the FMPO as her family were planning to travel and she needed her passport back. She stated that her parents had not pressurised her into requesting this. The police were concerned that she would be vulnerable if she were taken for a holiday, and eventually applied for a variance in the order which enabled her to have her passport back and travel but left the main condition of the FMPO in place to prevent her parents from forcing her into a marriage. During a subsequent welfare check, she reported feeling glad that the FMPO was still in place. This suggests that the inconvenience of being unable to go on a family holiday may

have been used by her parents to persuade her to apply for a discharge of the FMPO. Though she had pushed for a discharge of the FMPO, she felt safer having it in place.

Only once in the police case files was an application made to the court to withdraw the FMPO. Case file 2 involved a 24-year old Nigerian woman, who had disclosed her fears about being subjected to a forced marriage to her colleagues. When she did not turn up for work, her colleague contacted the police. The police investigations revealed some inconsistencies in both her and her family's accounts of her location when still in the UK, and then she travelled to Burundi for an arranged marriage. The police spoke to her when she returned to the UK and she stated that the arranged marriage had been called off and that she was at home, safe and well. She denied being a victim of forced marriage and was provided with a list of sources of support. Based on her statements, the FMPO was withdrawn and therefore was no longer effective. It is possible that having prevailed upon her family who seemed to have accepted her lack of consent—her account suggested that the planned arranged marriage had not taken place—she did not feel that she needed any protection.

This was the only case where a retraction was followed by pro-active efforts by the victim/survivor to withdraw the FMPO and, due to her disengagement from the police it was impossible to understand the context of this disengagement fully.

This pattern of retraction was also observed in the reported judgements, particularly where an FMPO was challenged by the family. In eight out of 37 reported judgements, many of which involved minors, the witnesses retracted or changed their statements several times, or provided conflicting evidence. The new statements were often almost the opposite to their original claims. This made it very difficult for the judges to make decisions based on the evidence. In these cases, perhaps more than in others, the judges were compelled to rely on the witnesses' characters and reliability in order to determine which party's evidence was the most credible. This often conferred an advantage on the young people in need of protection, particularly if they were articulate and performing well at school. However, in other cases, the judge preferred the evidence of family members if their evidence seemed more straightforward and they came across as more open and less defensive—in some cases, even when these family members had previously been convicted for committing violent crimes.

In some of these cases, the judge decided that pressure had been placed on the witnesses by their families to retract or change their statements.

For example, in the case below, B said that she changed her statement after her father pressured her to sign a different statement that he had prepared:

In her oral evidence, B gave a detailed account of what she said happened in Bangladesh. She insisted that her second statement and her oral evidence were true, and said that her first statement had been prepared by or at the direction of her father, who had brought it back from the solicitor previously instructed for her to sign, which she had done without reading it.

(Adult and minors, female, Bangladeshi background, Muslim, Bedfordshire)

B's initial statement mirrored her parents' statement, claiming that they had gone on a family

holiday to Bangladesh and the issue of marriage had never been raised. However, in B's later statement, she claimed that she had been forced to marry while in Bangladesh and had subsequently been raped by her spouse. She said that her parents had initially told her to deny being married and warned her that her siblings might be taken into care if she proceeded with her allegations.

In some cases, the statements changed multiple times. The applicants/witnesses' living situation strongly influenced their ability to withstand pressure. Moving away from the parental home might facilitate making contact with the police or making a statement. Conversely, returning to live in the family home again sometimes led to increased pressure being placed upon the applicants or witnesses to retract allegations. In the case of Amina Al-Jeffery and Mohammed Al-Jeffery Neutral Citation Number: [2016] EWHC 2151 (Fam), Amina had been taken from South Wales to Saudi Arabia by her father when she was a minor, in 2012. While in Saudi Arabia, she alleged that she had been kept in captivity, in a barred room or cage-like enclosure, and had been beaten by her father, starved, psychologically abused and given inadequate access to toilet and hygiene facilities. She requested an FMPO, with her lawyer arguing that her father had complete control over her life and could arrange her marriage if he no longer wished to be responsible for her. The lawyer also claimed that her father was effectively forcing her to get married by making her life so unbearable that she thought marriage to anyone would be a way to escape. However, the judge did not accept this reasoning, and found that there was insufficient evidence to grant an FMPO.

Amina was pressured by her father to change her statement:

Amina is recorded as saying that everything she had said about her parents was lies. She seems to have accepted that she would continue living in Saudi Arabia, although she does not particularly like living there. She asked that the charges, meaning presumably the proceedings, be dropped against her parents. So they were. [...] Amina now says in effect that she was tricked and lulled by her father into dropping those charges or proceedings by untrue statements made to her and by promises which he did not later keep.

(Adult, female, Saudi background, Muslim, Jeddah, Saudi Arabia)

In the case of K, Re K (forced marriage: passport order) [2020] EWCA Civ 190, K eventually withdrew her allegations regarding an attempted forced marriage that she had made against her family in order to attempt to have the FMPO discharged:

At that hearing the police submitted that the FMPO should continue. K, who had withdrawn the allegations that she had originally made to the police, sought the discharge of the FMPO.

(Adult, Female, Pakistani background, West Midlands)

It was difficult for the witnesses to avoid family pressure, particularly in the case of minors, or adults who lived with their family. In one case, A Local Authority- and - (1) M (2) F (3) A, B, C, D, E, F, G (via their Children's Guardian)' Neutral Citation Number: [2018] EWHC 3295 (Fam), the parents had repeatedly put pressure on their children to change their stories and continued to do so through coded messages during their foster care contact visits. According to the judge:

The supervisor agreed that there was a need for close supervision to hear what was being said by the parents to the children. They had to make sure that the interpreter was near the mother during the mother's contact as she would use a lot of Urdu in speaking to the children. She was aware that contact had been stopped in the past as a result of things being said by the parents, and A had said that her mother was tapping her leg, and that the mother was communicating a message to her that made her feel uncomfortable.

(Male and female, minors, Pakistani background, some with disabilities, Muslim, North West England)

The mother also used the opportunity of a game of hide and seek to tell B to avoid discussing the physical abuse within the family:

B said her mum told her to tell social workers that dad never whipped her with wire, but used to slap her, and mum tried to stop him. B said that this is a big secret. B said, 'If you tell Becky, she will cancel contact.'

(Male and female, minors, Pakistani background, some with disabilities, Muslim, North-West England)

The parents had used greetings cards from their children in an attempt to make them relay messages that could later be used as evidence to support the children being returned to the family home. The pressure on A exerted by her parents had already contributed to her attempting to hang herself while in foster care. Her parents had urged her to say that her suicide attempt was due to her foster care environment, whereas 'A said that this was because she felt that she had failed her parents and was not able to manage the siblings' behaviour in the way that her father had been telling her to.'

A had also reported that there had been two occasions during contact when her mum tried to say things to her. A said that on the Thursday, when she was discharged from hospital, her mum spoke to her in Urdu, telling her that she should not trust the foster carer. A had also said that her mum had told her to write, in the card for her father, that she had tried to kill herself as the foster carer had locked her in her room.

(Male and female, minors, Pakistani background, some with disabilities, Muslim, North-West England)

Many 'special measures' (including those implemented by the family court) have been introduced across different jurisdictions in order to protect vulnerable and child witnesses, especially in rape cases. Special measures can include recorded cross-examinations undertaken beforehand, giving evidence via TV, separate court entrances for witnesses and victim impact statements (Smith 2018, Burton 2018, Kilcommins 2020). Such measures may make the victims less likely to retract their statements and, during evaluations, the victims have expressed a high level of satisfaction with these measures. Because special measures have rarely been adopted in civil cases, Burton (2018) suggested that the implementation of specialist civil domestic violence courts should be considered. It is important to note, however, that the introduction of specialist domestic violence

courts in the UK did not result in a decrease in retractions, although they did increase the victims' feelings of safety, and evidence gathering was improved in the Croydon specialist court (Burton 2018).

Two connected cases (Case files 43 and 44) involved the forced marriage of two 13-year old Romanian Roma boys, one of them to a 16-year old Irish Roma girl which were reported to the police by the boys' teacher who heard about the marriage from another child. The parents had posted photos on Facebook of couple, captioned 'Wedding of the Year'. When asked by a police officer why his brother and cousin were not at school, a sibling who was still at school stated that his brother did not have to go to school as he was married and, because he was married, he was working. This information was volunteered unprompted, without there being any prior mention of marriage.

The three children denied their marriage at every opportunity and engaged with neither the police nor the children's services. Unlike almost all of the other cases that were investigated by the police, the victims/survivors—both the boys as well as the underage 'wife' of one of them—seemed, consistently and genuinely, to regard the police investigation as an interference in their lives and to fear the police. At a joint visit to the family home with the police, the social worker noted, 'There was plenty of food in the fridge/freezer and cupboards and the children appeared well and happy and were interacting with each other nicely'. The social worker decided that a 'robust safety plan' should be put in place for the children and that the threshold for a Police Protection Order had not been met.

The case file noted the complexity of this case from the outset and observed: 'Romanian culture is such that children are frequently married when under the age of 16 and there is a 'dowry' paid to the family of the bride providing she is a virgin.' The normalisation of child marriage within particular communities may explain this reluctance to engage with the police; equally, the history of discrimination and othering experienced by the Roma may also drive a culture of fear and mistrust of the statutory services. Given the multiple disadvantages experienced by this community, there is an urgent need to provide accessible 'by and for' services to enable disclosure and tailored support regarding forced marriage and domestic abuse within this community.

As the witness retractions potentially influenced the outcomes of over a quarter of the cases in the reported judgements and seemed to feature in several police case files, clearly more needs to be done to protect minors and vulnerable adults from family intervention and pressure, including when giving evidence in court. This may be especially difficult due to the fact that many minors continue to live at home following disclosures about a threat of forced marriage. When living with their families, their parents had ample opportunity to exert significant pressure on or collude to tell their children what to say to the police, social services or court. This is a complex issue, as many victims/survivors prefer to remain with their parents, or feel ambivalent about this, despite often being subjected to violence or emotional abuse in their home environment.

Practitioners need to understand that a retraction of statement and a withdrawal of support for investigation and/or safeguarding is a common feature of forced marriage cases. Far from indicating that the threat has abated or that it indicates a lack of credibility, it is most likely to be indicative of the complex coercive pressures that are being navigated by the victim/survivor.

Understanding and empathy for this lived reality of victims/survivors needs to underpin service responses for them to be effective and empowering.

7.4 Breaches of FMPOs

While FMPOs played a central role in preventing a forced marriage and protecting the victims/survivors from the aftermath of a forced marriage that had already taken place, there were also a range of challenges associated with obtaining and managing the order. These issues were observed in the police case files in relation to the conditions attached to the order, the mandatory vs protective elements in the order and the decisions related to accepting an undertaking or issuing and serving an order. We touched upon some of these issues earlier, and this section largely focuses on the period following the serving of an FMPO and breaches of the orders.

In Case file 25, two sisters (Turkish, aged 20 and 18) had fled their family home and were staying in a hostel following domestic abuse and a threat of forced marriage, but no FMPO had been sought. One day, as the elder sister was returning home, she saw her mother and aunt across the road. Before she knew what was happening, they had taken hold of her, cuddling her and crying. She thought it would be a good idea to take them back to her room to talk so the three of them went into the hostel. As she sat on her bed, speaking to her mother, who was trying to convince her to return to the family home to live, her aunt opened the wardrobe, removed her suitcases and began to pack all of her belongings. She felt powerless about what was happening and could see everything that she had built crumbling around her. Subsequently, her sister called the police and she was rescued from the family home. An FMPO was obtained, but the mother turned up at her workplace and continued to try to approach the sisters and persuade them to return home, which led to a police investigation regarding a breach of the FMPO and for harassment.

Despite the clear prohibitions against forcing the victim/survivor into a marriage, coercing them or, in some cases, contacting them, the perpetrators often continued to exert pressure, directly or indirectly. This was sometimes through the involvement of other family members, who would convey to the victim/survivor their parent's sadness, the parents' apparent change of mind about the marriage, and/or the sense of shame that their purported actions were causing the family.

When a 17-year old Bangladeshi girl (Case file 39) left her family home following a threat of forced marriage, her father and uncle managed to trace her and approached her in a shop, trying to force her to go home with them in a car. She managed to inform the shop staff and they helped her to leave the shop safely. While she was with the police, giving them a statement about this breach of FMPO, her father rang her several times and texted her to say that he was ill and that she needed to come home immediately, as he needed a doctor. However, the police investigation found that the FMPO did not prohibit all contact between the parties, merely stating that the 'respondent must not directly or indirectly harass, threaten or intimidate the victim'. The wording of the FMPO required testimony from the victim that she had felt threatened by her father's contact. However, she was unwilling to support the prosecution of her father for the breach and, in the absence of witness testimonies and reluctant to alienate her, the police were unable to pursue the breach.

In Case file 57, following physical violence and a threat of forced marriage from her father, a 16-year old Pakistani girl reported these to the police, and later fled from her home with her brother.

Her father found them and took them to Pakistan. She made contact with FMU and the police applied for an FMPO, which was served on the mother. Following this, the mother fled with her other children to Pakistan, failing to attend the court as requested. It was unclear what travel documents the mother used, and why her passport was not held by the police upon the serving of the FMPO. There were two other cases of dual citizenship where one of the passports was hidden from the police.

Given the potential of a breach of an FMPO, and the risk of traveling abroad, it remains important to obtain all valid passports in cases of dual citizenship in order to prevent travel, which may have been neglected in this case.

In relation to minimising the breaches of FMPOs or safeguarding following an FMPO, a lawyer whom we interviewed also pointed to the need to see FMPOs as the start of a safeguarding process rather than the end of it.

In terms of actually making police aware that protective orders are in place, I think that's hugely important...And we've seen this happen with non-molestation orders, where the court will make this order, you will have at times observed this, and you don't have the police actually aware that a protective order is in place. So just in that narrow context of ensuring the police are aware because as we know with any kind of abusive relationship that's going on, the way that police operate, is often cumulative: things having to be flagged in certain ways. And obviously generally with domestic abuse, there's a lot of focus on how actually police can generally improve how they record incidents. They can build that cumulative picture of what's going on. But obviously, very specifically, the protective element of an order, there's no point to it if in fact you are leaving the applicant vulnerable because the police aren't aware, and they can't then effectively know that within that jurisdiction there is someone vulnerable to this crime who requires additional protection.

The case files suggested that most breaches of FMPOs were not prosecuted because of a lack of victim support, as the victims/survivors were unwilling to see their parents prosecuted. However, the court judgements documented eight breaches of FMPOs, and one suspected breach was reported in the judgments. These breaches commonly occurred when the family was living overseas or after the children had been removed from the UK. As they had left the jurisdiction, they were less likely to be apprehended or subjected to enforceable sanctions.

In one case, a judge opined that a mother would not be so reckless as to breach a court order, implying a belief that most people in these circumstances would obey an FMPO. The judges gave the respondents (usually the parents) opportunities, often multiple times, to respond to FMPOs, and therefore only two cases were charged with contempt of court. One police officer, whose evidence was discussed during the proceedings, stated that she believed that people could circumvent port alerts issued as part of FMPOs. The judge responded that he had never seen any proof that this was the case. However, within the sample judgments and in few police case files, many parents whose children were subject to care orders or FMPOs attempted to leave the country or indeed managed to leave. Some, who were dual citizens, had the option of travelling on other passports or applying for passports from their country of origin for their children. In cases where

FMPOs were issued while the parents were overseas, they seemed less concerned about breaches, possibly because they could not be made subject to UK law easily when residing in another jurisdiction.

In the following case, a marriage was contracted despite the order of the court:

Despite the orders of the court, A went through a form of marriage ceremony at the beginning of October 2009, but that marriage has not been formally registered, and it cannot be by virtue of prohibitive order of this court, which remain in force.

While not legal in a UK context, religious marriage ceremonies may be the most significant part of a marriage for some people. In countries such as Bangladesh, religious and civil ceremonies are both accepted as valid (Hossain 2011). In parts of Northern Africa, such as Algeria, although this is against the law, marriages may not even be legally registered once the religious ceremony has taken place (Office of the Commissioner General for Refugees and Stateless 2016). Therefore, a marriage, while not legal, may be seen to be formal and finalised by many once the religious ceremony has been conducted. The judge, in this case, viewed the religious ceremony as a serious undertaking and as opposing the the original FMPO.

(Adult, female, Pakistani background, Luton)

The case of Lydia Erhire - and - E O-I (by his next friend) was heard in the Court of Appeal, Civil Division in 2011. The mother had been sentenced to eight months' imprisonment for contempt of court relating to a breach of a wardship order. This case was related to forced marriage, as her son, who was 17-years old, had feared that he had been taken to Nigeria in order to be married and had obtained an FMPO, although he had decided to delay serving it on his mother. She was ordered by the court to bring her son back from Nigeria to the UK, and she told the court that she was complying with this order. However, she gave contrasting instructions to the school and her son's aunt, instructing them to ignore the court's instructions to put him on a flight back to the UK. The court gave the mother multiple opportunities to return her son, before deciding she was in breach of the order. The court found that the sentence was not 'disproportionate or excessive'. Her appeal was dismissed.

In a case that was highly publicised in the UK, a woman who had been brought up in Wales was being held captive by her father in Saudi Arabia and appealed for the court's assistance. However, her father prevented her from communicating with her lawyer, which impeded the proceedings:

The father has not returned Amina to England and Wales and has not complied with the paragraph 15 order. As a result, Miss Hutchinson has not been able to speak privately and confidentially and without fetter or any perception of fetter to Amina, and she has not in fact been able to communicate at all with Amina since June 2016. As to the father's non-compliance, Mr. Scott-Manderson said at the hearing that: The father consciously decided in breach of paragraph 15 not to take her to, or make her available at, the consulate, although he knew all the detailed arrangements which had been made and no excuse or explanation (e.g., ill health, car breakdown etc.) is put forward. There is an impasse.

(Adult, female, Saudi background, Muslim, Jeddah, Saudi Arabia)

This demonstrates that concerns that parents may make efforts to flout FMPOs are not misguided, as many of the parents in these cases made such attempts. There was no strong evidence provided that port orders are ineffective. However, it is worth considering the ways in which the parents breached, or attempted to breach, these orders. Some examples from the judgments and police case files include ignoring FMPOs when overseas, taking children out of the country on other children's passports, and applying for passports from another country where they are eligible for dual citizenship. Others include applying to the court to discharge passport orders in order to go abroad, claiming that the parents are ill, which was a particularly common reason provided, a family celebration or, most commonly, through continuing their efforts to coerce the child into a marriage.

7.5 Consideration of a criminal prosecution

Research on domestic abuse indicates that more than half of the victims who report domestic violence to the police do not have any intention to press charges (Boivin and Leclerc 2016), and that many victims hope to achieve different results through reporting or arrest, and may not wish to pursue a criminal justice prosecution (Hoyle and Sanders 2000, p. 23). However, there has been a growing priority to strengthen the criminal justice approaches towards domestic abuse and this trend towards criminalisation is evident in the creation of the new offence of coercive control in 2014 and the recent Domestic Abuse Act 2020. The UK government's 2016 update to its Ending Violence Against Women and Girls (EVAWG) strategy also signals this priority. In relation to forced marriage, this trend can be observed in the Anti-social Behaviour, Crime and Policing Act 2015, which created the criminal offence of forced marriage. However, there have been only five successful prosecutions for forced marriage since this act was introduced.

As one lawyer noted in an interview to us, the ideal outcome may not be a criminal prosecution and those who decry the lack of prosecutions may need a reassessment of what counts as success:

Some families are genuinely law-abiding citizens but they need a slap on the wrist to be told that actually, 'No, this practice is not ok, stop subjecting your child to a forced marriage'. And when they wind up in front of a judge, they realise that. I think those are the cases that we also need to target, because the truth is that if we work closely with the police, the outcome doesn't always have to be prosecution, that can't be what we have at the front of our minds when it comes to these cases. We don't need to vilify these families. The key focus needs to be to protect the young girl, and that's the approach that we have, because we are about prevention, and we are about protection.

Along with safeguarding, criminal prosecution was one of the key concerns documented in the police case files. However, it was clear that the victims/survivors almost always ruled out supporting a criminal prosecution. In many cases, their support for an FMPO hinged on this being a civil rather than a criminal matter.

In Case file14, when a 17-year old Indian girl was offered the option of an FMPO, she supported the application. During a welfare check after the order was obtained, she told the police that she was concerned that her parents would go to jail and were spending thousands of pounds on legal fees. This was because her mother had told her that this was the case. When the police officer explained that her parents would not need to go to court provided that they did not breach the

order, she expressed relief and wondered if her parents had misunderstood the situation. She asked the police explain to her parents that these were not criminal proceedings. On this basis, she was happy to continue with the order.

In Case file 40, a 17-year old Afghani girl disclosed the offences being committed by both her mother and her father to the police, following which they discussed safeguarding through putting special measures in place for her and social service involvement, FMPO and a criminal prosecution. She was clear that she did not want 'her parents getting into any trouble' as she loved them both and said 'they are still my parents'. She believed that taking police action would make matters worse for her and increase the shame she might have brought on her family already by choosing to leave the family home and move in with her boyfriend. It would also affect any future relationship she may wish to have with them. Following the securing of the FMPO, she was designated a 'looked after child'. The police case files note that she was 'clearly vulnerable, however she is an intelligent 17-year old that its totally aware of what options are open to her and what support can be offered. She has decided that the FMPO is her best option and doesn't wish to criminalise her parents. The protection order has achieved that for her and she no longer wants any police involvement. Without any admissions from her parents in essence there is no official complaint forthcoming. No recorded injury. The parents are of clean character. Based on these points I don't believe there is a realistic prospect of conviction and this is not in the public interest. Safeguarding now has to be a consideration for police.'

In Case file 33, where a 17-year old Sri Lankan girl reported assault and a threat of forced marriage by her parents, she subsequently stated that she no longer wished to pursue her parents criminally for either the ABH or the forced marriage. She did however want the order to go ahead so that it would protect her. Over the next few days, she changed her mind several times regarding the ABH allegation. She said that nobody had forced her to make the decision not to pursue matters, although her uncle had been in contact to tell her how upset her parents were. However, she remained consistent in her desire for an FMPO.

Case file 49 was a 22-year old Pakistani woman, who was unable to settle in a refuge and, missing her family, was considering returning to her family home. Her decision not to support a criminal prosecution against her father was taken in light of her wish to return to the family home.

Other reasons for the lack of support for a criminal prosecution included both managing the risk from their families where the victim/survivor had left the family home and the desire to put this behind them and move on with their life. As the statement from an 18-year old Somali woman (Case file 59) notes, 'I can confirm that I do not wish to make a formal complaint against my mother and brothers, I will not support a police prosecution against them and will not attend the court. The reason I have made this decision is because I do not want to get my family into trouble and I feel that doing so will put me more at risk against them. I never want to see or speak to my mother or sisters again. I do however wish to have the following, orders [FMPO] against them'.

In many contexts, the criminal prosecution was seen by those involved as an adversarial process that exceeded what was required for protection. A very similar narrative emerged from almost all of the case files and the interviews that we conducted with victims/survivors, a position that was reiterated by the practitioners whom we interviewed as well.

Several factors shaped the police's decision not to pursue a criminal prosecution. These included the wishes of the victim/survivor, the need to prevent their disengagement, the lack of an evidential basis for a prosecution without the co-operation of the victim/survivor, an assessment about the realistic prospect of conviction and whether or not prosecution was in the public interest.

7.6 Conclusion

Obtaining an FMPO was the outcome of a long and often complex process. However, the experiences of victims/survivors indicate that obtaining an FMPO should be commonly perceived as the starting point for a renewed process of safeguarding rather than the culmination of the threat of forced marriage. FMPOs may manage, minimise, postpone or even end the threat of a forced marriage but they commonly led to a continuation of or sometimes even an escalation of retaliatory HBV for disclosing 'private' matters to 'outsiders' and ongoing emotional pressure. In several cases, the threat of forced marriage resumed after the expiry of the FMPOs. This was particularly the case when victims/survivors continued to live in the family home. These were also contexts where there was a withdrawal of support for any intervention and/or contradictory and changing statements to the police and other services. It was in the context of the complex constellation of coercive pressures and affective ties with family members that the vast majority of the victims/survivors did not support a criminal prosecution against their family. The existence of the prospect of criminal prosecution may offer the possibility of redress for those who wish to do pursue this option, but safety was the most desired outcome for the vast majority.

8. JUDICIAL RESPONSES TO FORCED MARRIAGE

We analysed 37 court judgments relating to FMPOs in order to understand the judicial responses to forced marriage in conjunction with the other data sources we analysed. The findings from the judgements have been incorporated throughout the previous chapters. The focus of this chapter is on the nature of the judicial responses to forced marriages, as gleaned from the texts of the judgements themselves and reflections from the other data gathered for this study, where relevant.

It is important to consider that these judgments are not a representative sample of the broader population who contacted the FMU, or even of the much smaller group who applied for FMPOs. In the judgments, there is an almost even balance of children and adults, which reflects the overall FMU statistics. However, there are many more cases than would be expected that concern people with disabilities and cases where the victim/survivor had been taken outside the UK to be married or had been married. It is possible that the judgements reflect the more complex cases that set a precedent.

The following section outlines some of the issues that emerged from an examination of the judicial constructions of coercion and consent in relation to marriage and the decision-making on FMPOs, with a particular focus on the evidential requirements and experience of particular categories of vulnerable victims/survivors.

8.1 Judicial responses to forced marriage and disability

The judgments in cases related to disability involved, for the most part, vulnerable adults who lacked the mental capacity to consent to a marriage and sexual intercourse. Any marriage involving someone who lacks capacity is considered a forced marriage, regardless of whether force, coercion, pressure or duress is used to secure it. People without a capacity to marry or have sexual intercourse will not, by definition, understand the institution of marriage and its implications and responsibilities, and may not understand some or all of the dimensions of sexual intercourse, such as pregnancy, STIs, the associated health risks or how to communicate or deny consent.

There were four judgments in which the need for disability care was recognised as one of the key motivations for the marriage. Two of the people with disabilities were men and two were women. In a fifth case, a wife had significant care needs, but her husband had stated that he felt ‘duped’ or cheated into the marriage by the woman’s parents, and the court decided he could not provide effective care for his wife or their young child. While a data breakdown by gender for people with learning disabilities is only available since 2015, there is a gender symmetry that is quite unlike the gendered nature of forced marriage victimisation for able-bodied people.

The gendered dimensions of forced marriage for people with disabilities, as represented in the judgments, are complex. Research suggests that the motivation for forced marriages was often the need to find a carer for people with disabilities (Clawson and Fyson 2017), which was also found in the judgements. While this may indeed be an important context for the forced marriage of people with disabilities, one lawyer noted the complexities involved in such cases where the Local Authority may bring a case against the carers of a person with disabilities:

This case I had was a 17 year old boy with severe learning disabilities [...] the suggestion was that a bride was going to be shipped in from overseas to look after him. And the family were very upset about this, they were offended and felt they had been

discriminated against, they thought they were being targeted. The sister [whom the lawyer represented] was very articulate about the fact that this wasn't going on, but the family were happy to submit to whatever protective orders they needed to. So that is an example of local authorities taking action, but [...] that was a family who were prepared to listen and compromise and do what was necessary to effectively make the case go away. But they were very offended by it, and it's interesting to represent family members, because that's...when you get a sense about how targeted a family might feel. So in that case there were no allegations of physical abuse, sexual abuse or anything; simply a local authority having got some information via a referral about consent were a boy [lacked]capacity.

One of the lawyers who had represented several women with disabilities in cases of forced marriage noted:

I've represented people with physical and mental health issues where they just don't have capacity to consent, and in those situations it's a bit more tricky, because [...] the main drive behind the families wanting to get them married is because they want a long term carer... It is usually the local authority that brings the actions and then we'll end up representing the person who lacks capacity, but those dynamics are really tricky because it's an even more subtle nuance that actually once you then vilify the mother or the father, who is also the carer, you need to make sure that they can continue having an active relationship with this young person or the adult because they care for them.

Motivations of male spouses of women with disabilities were also linked to immigration, with two of the spouses urgently wanting to marry in order to bolster their leave to remain applications, after immigration appeals had failed. Overall, five marriages, four involving male spouses and one a female spouse, were suspected, by the court or the police, as having been undertaken for immigration reasons. Marriages involving women with severe intellectual disabilities sometimes resulted in pregnancy, which was a concern, given some women's inability to understand or consent to sexual intercourse or realise that it could result in pregnancy or STIs. Further, children born from marriages where the mother had severe disabilities risked involvement with child protection, as the mother was at a greater risk of being subjected physical or sexual violence by the father, due to the even greater power imbalance and potential for patriarchal control. Moreover, some of the mothers with particularly severe disabilities were unable to perform duties such as preparing feeding bottles or bathing infants, without significant support. This sometimes resulted in notifications regarding neglect.

People with disabilities can experience communication issues, which make it more difficult for them to provide consistent, linear accounts to the police and court. McGilloway et al. (2018) found that this led to frustration on the part of both the police and people with disabilities. Mental illness could also affect the police and court's perceptions. Women who engage in 'risky behaviours' or have 'behavioural health challenges', such as mental illness or substance abuse, are viewed as less credible (Morabito et al. 2019).

Gender intersects with other social relations of power to shape the nature and forms of domestic abuse as well as the impact of this abuse (Crenshaw 1989). Research documents that disabled women are twice as likely to experience domestic abuse and are also twice as likely to suffer assault and rape (Safelives 2017). One of the lawyers we interviewed recalled a particularly complex and long running case where they represented a disabled woman:

She is an adult with very serious disabilities, but she was living independently, she had her own advocates. There was disclosure of very long-term abuse that was alleged that was going back into her childhood, which is linked to the fact that perhaps the family had struggled to cope with their disabilities. But there were allegations of financial abuse, whether carer payments have been used to look after her. [...] She really was somebody that the local authority had quite badly let down. And then it wasn't until she was an adult, that this issue around forced marriage came up, and this was based on her confiding in her advocates that her parents were trying to marry her off, but alongside that she also made some really upsetting allegations that she had been sexually abused by members of the family. So that was a very complex case, there was a lot going on there, on the forced marriage element of it, we did get a protective order, we got it alongside a non molestation order, and then of course it went into the Court of Protection. And the Court of Protection was all about does she have the capacity to consent to a marriage? So first off get the capacity issue dealt with. Then we started to look at whether forced marriage was going to take place, so you can see where that becomes a complex case because there is a legal hurdle that you have to go over. And in the middle of all this you have a very vulnerable woman who is actually very bravely taking on her whole family in the court. And I remember one specific day, we were behind the screen with her advocate, and members of her family got very abusive and were shouting in court. So that case I would say had so many elements of physical violence, sexual abuse, financial abuse going way back into her childhood.

Disability is an important context for forced marriage and requires a complex, multi-agency response that balances the right to autonomy and a private life against arguments concerning protection from harm (Onstot 2019). While the professionals' assessments of risk and harm are central to the prevention and protection responses, it is also important to enable the voice of the disabled person to be heard. There is a need for a better understanding of the intersecting inequalities that shape the lives of people with disabilities in order to provide appropriate services that meet the needs of people with disabilities who face a threat of a forced marriage.

8.2 Issues relating to evidence and credibility

We now explore the process of decision-making in relation to the court cases on FMPOs or breaches of FMPOs. In the context of the court, in order to seem reliable and coherent, narratives are expected to be consistent, clear, and linear. Witnesses whose testimonies seem unclear, fragmented and changeable are often characterised as unreliable or untruthful. Angry witnesses are sometimes construed as 'hostile' witnesses, even in cases where anger might seem reasonable (i.e., neglect or abuse by a relative). In contrast, unemotional witnesses (especially women) are often cast as 'cold' or calculating, and therefore not believable.

However, in narratives involving violence, as most of these judgments do, the witnesses' memories may not be encoded in a way that is conducive to forming the clear, linear narrative that is required by the court (Crespo and Fernández-Lansac 2015). Shame and posttraumatic avoidance can also affect the accounts given, including the details and the way in which the disclosure is made (Herlihy & Turner 2015). According to cognitive theories, 'impaired voluntary recall of the event' (Crespo & Fernández-Lansac 2015, p.154) is central to PTSD, as are avoidance symptoms, which were associated with shorter narratives of the event in question in multiple studies (Crespo & Fernández-Lansac 2015). Short narratives may also seem evasive to the judges, who expressed, in

some of the judgments, that they thought the more detailed narratives sounded more credible. This accords with research on rape testimonies in courts in Norway, which found that words such as ‘detailed’, ‘nuanced’, and ‘neutral’ were used to describe the testimonies that the judges perceived as credible (Laugerud 2020).

Other factors have also been argued to affect the perceptions of credibility. Character evidence is often taken into account when forming perceptions of witness reliability and truthfulness, although the kinds of character evidence that are admitted in court differ across different jurisdictions. Factors such as gender stereotypes and the perceptions about people with disabilities also influence the perceived credibility of the evidence and witness (Herlihy and Turner 2015). The judges held preconceptions about credible claimant behaviour in traumatic situations (Herlihy & Turner 2015). Perceptions of credibility are based on a combination of perceived trustworthiness and the plausibility of the account (Tuerkheimer 2017). Credible claimants were seen to be those who provided consistent narratives across different situations (police reports, court hearings) and disclosed the incident promptly (Herlihy & Turner 2015).

Determining which accounts were most reliable was a complex matter for the judges. The witnesses and respondents often gave highly conflicting accounts, and many accounts contained multiple inconsistencies. Many, but not all, of the judges gave similar statements on the reasons for lying, acknowledging that witnesses might lie for many reasons, and one lie or inconsistency did not mean that all of their claims were false. In one judgment, a trauma expert was quoted. This helped to strengthen the idea that inconsistencies or confusion in evidence were not necessarily due to deliberate acts of deception.

We had some concerns regarding how evidence given by young or vulnerable witnesses was interpreted in court. In some cases, minor inconsistencies meant that the witnesses were treated as unreliable, or not believed. This seemed particularly the case when women with disabilities were alleging sexual assault. The judges often considered minor inconsistencies, such as issues with counting and numeracy, as arising from severe learning disabilities. However minor changes in the accounts of sexual assault by the same witnesses were sometimes taken to mean that the events had been fabricated.

For example, in a case involving a woman with a disability, who said that she had been abused by her brother, the judge found her evidence unsatisfactory. Although she stated that she had been interviewed by the police around the time when the alleged abuse occurred, the records were not supplied to the court. The main reasons the judge gave were that she changed the details—whether the abuse took place in the bathroom, or in the toilet, later saying it took place in both places, and failed initially to bring up the forced oral sex during an earlier police interview that pertained to other sexual abuse. In another case, concerning a minor whose sister said that she had been taken to Pakistan at the age of 16, forced to marry and then raped, the judge questioned the inconsistencies in the sister’s account:

Details and timeframes aside, it is simply not credible that an 18-year old girl who according to her evidence had no contact with her husband for over two years would plan a trip to Pakistan for a month in order to procure a divorce when her evidence was that the last time she saw her husband he raped her. It is also impossible to reconcile the two separate accounts one where she agrees to have sexual intercourse with her husband once under duress to obtain a divorce and the other where she has sexual relations with him for two and a half weeks before asking for a divorce.

(Female, minor, Pakistani background, Muslim, sister with a mild learning disability, Edinburgh)

The judge finally concluded that there was no evidence that the marriage had been forced.

In the case of a woman with a mental disability, the judge did not accept that she had been raped by her husband or faced more than one incident of domestic violence, due to inconsistencies regarding the number of times she claimed to have been raped:

Given the mother's difficulties with understanding numbers, I was less troubled by trivial numerical mistakes in the mother's accounts as to how many times the couple had sex, but it did seem to me that there was a world of difference between an account claiming that each rape resulted in a pregnancy and one which said that there were more regular rapes. The inconsistency could not be explained away and I suspected the mother recognised this at some level when she was cross-examined on behalf of the father, in that she became upset and left the witness suite. There were also inconsistencies in the mother's accounts of what had occurred during the alleged rapes and no account from her in her police interview that she had said to the father on each relevant occasion that she did not consent to sex with him (though she had earlier alleged she had tried to push the father off).

(Adult and minors, Kenyan/Somalian background, Muslim, some with disabilities, Thames Valley)

In these cases, the judge found that 'the father did not rape the mother' and also that her brother 'did not sexually assault' her. This was a strong finding that was couched in positive terms. In the majority of the other cases, it was simply stated that there was insufficient evidence to prove that the events had occurred, based on the standard balance of probabilities. This is quite a different claim than categorically stating that the events did not occur.

One of the lawyers we interviewed also noted the difficulties faced by women with disabilities in presenting an account to the court that is recognised as credible and consistent, precisely because of their disability.

It can be seen that women with disabilities, in particular, face more difficulties in providing evidence that is viewed as credible. This may be due to communication difficulties and problems with memory, but also to the perceptions of people with disabilities and their perceived lack of reliability.

8.3 Coercion and Consent

Finally, we explore the various ways in which consent is constructed in the judgments. The judges' definitions of forced and arranged marriages varied, although most of them demonstrated an understanding that both of these phenomena lay on the same spectrum. Anitha and Gill (2009) have argued that consent is often constructed in the context of power imbalances and gendered norms, crucially, often in the absence of explicit threats, and draw attention to the grey areas between coercion and consent.

In some cases, FMPOs have been granted as an add-on to other cases, with a limited discussion in the judgment of the reasoning behind their addition. In these circumstances, the FMPO seems like a precautionary measure. However, in other cases, the evidence has been seen as insufficient to meet the standards required, particularly in the case of hearsay evidence. In some cases, the witnesses, or the person to be protected themselves, overheard discussions about their own marriage or betrothal, but this evidence has not been seen by the courts as a sufficient indication of an intention to bring about a marriage. The perception of the risk of harm seems to vary between judges. One judge did not view a ceremony attended by the person to be protected (a 13-year old girl), in which she was promised to her cousin (an 'about 20 or 24'-year old male) as sufficient evidence of a risk of harm:

The mother gave a similar account in her statement [G251] although she says that she gathered her immediate family together who lived close by and told them that they liked each other and were boyfriend and girlfriend. [...] In N's interview [G146] she said that there had been a ceremony when everyone from the boy's family and the girl's family were there. She told DC Cherryman the boy and the girl get a ring and they each put it on each other.

(Male and Female, minors, Pakistani background, Muslim, West Sussex)

The judge elaborated further on his reasoning as follows:

Because the mother was in Pakistan in the bosom of the paternal family and reliant on them perhaps it suited her to enter a loose commitment or acknowledgement for N and B to perhaps marry in the future. But a loose commitment I conclude it was. N's description of a ceremony seems to me to be given in a way which doesn't speak of her recalling the emotions and details in a connected way - a lived experience as opposed to an observed experience [...]. If it had truly been an engagement a welcome or very unwelcome one it would have been one of the most significant experiences in her life and her connection with the event and the associated emotions would have been more real. N herself spoke of the consequences only in the sense of very loose obligations; quite unlike a formal engagement. I am fortified in the conclusion that it was not a formal engagement by the fact that it left no footprint in the family.

(Male and Female, minors, Pakistani background, Muslim, West Sussex)

By contrast, in another case involving girls aged 12 and 14 in Northern Ireland, the judge specifically forbade betrothals or engagement ceremonies, evidently treating these as an attempt to plan for or force someone to marry. The conditions in the order were seen by the judge as proportionate, as they considered the risk involved due to the girls' young age and need for additional protection:

The prohibition to the parents is that they will not enter into any arrangements for engagement or marriage without the leave of the court. Accordingly they have to seek permission before entering into any arrangements. [...] Accordingly the requirements in relation to them should be that they notify the Official Solicitor in writing within 14 days of entering into an engagement and thereafter seek the leave of the court prior to any ceremony of betrothal or marriage.

(Female, minors, Pakistani background, Northern Ireland)

In the cases above, the meaning of particular cultural practices seem to have been interpreted very differently. For example, a public declaration that a 13-year old girl and her older cousin are ‘boyfriend and girlfriend’ may be insignificant in a Western context, but evidence presented in this report on the everyday gendered control of female sexuality and notions of honour and shame suggest that such a declaration is clearly significant. A greater understanding of the contexts and nature of forced marriage is needed, to facilitate a more consistent interpretation of the risk and level of protection needed.

In some cases, high evidentiary standards were required to declare a marriage as forced based on the balance of possibilities, in order to initiate a protective injunction. In some cases, where the victims themselves alleged that their marriage had been forced, their statements were not taken as reliable evidence.

In the case discussed above, the judge reflected on the spectrum between arranged and forced marriages (see Anitha and Gill 2009), but decided that the betrothal ceremony that took place in Pakistan, involving a 13-year old girl and her cousin, who was in his early 20s, had been ‘consensual’, as the parents had claimed that she would not be married until she reached the age of 18 and the judge felt confident she would be able to refuse at that time. This was a complex case, as the children retracted their statements or were said to have exaggerated some of them. However, given that they met the threshold for being taken into care, and the parents had taken their daughter out of education completely in Pakistan, the judge did not seem to provide evidence of his satisfaction that the parents would respect their daughter’s wishes regarding marriage in the future:

In terms of Sir Nicholas Wall's observations about the distinction between consensual arranged marriages and forced marriages involving serious human rights abuses this was far closer to the arranged marriage end of the spectrum but taking the form of a loose commitment not undertaken with N's consent but not with the intention subsequently of her being forced to marry B whether she wanted to or not. The nature of the arrangement was such that had it endured to an age when she might legally have married I am satisfied she would have had a say and had she not wished it, it would not have proceeded. That may beg the question of if had she remained in Pakistan whether and how she would then have been able to express her true feelings but that stage has not been reached.

(Male and female, minors, Pakistani background, Muslim, West Sussex)

This framing arguably fails to take into account the very wide age difference which is uncertain, but at least seven years, as the girl was 13 and the man was variously described as being 20 or 24. Further, betrothal during a public ceremony at such an early age makes a later refusal more difficult due to the commitments made by the families and potential loss of face if the woman backs out. In similar cases involving early betrothal, the women have been made to go through with the marriage as soon as is practical, such as on completing secondary school or turning 18, giving them little opportunity to consider whether or not they wish to marry their betrothed.

In another case quoted below, a woman with a disability, C, claimed that her marriage was forced, but the judge found that it had been arranged. The judge said that they would consider the

circumstances of C's sisters' marriages, as these were pertinent to the case. One of her sisters, B, had said earlier in a police statement that she had also been 'persuaded' to marry but was unwilling to, and that her mother kept 'telling her' to get married. However, in her oral evidence, she denied saying she did not wish to marry. The judge opined that:

Standing back and doing the best I can with the evidence available to me, I have concluded that the mother's marriage to the father was not forced as she claimed. However, I was not satisfied that this was a love match entirely free from family influence as was suggested. [...] That the mother's marriage was arranged rather than forced fits more neatly with the evidence that the mother and father got to know each other on the telephone and met on a couple of occasions before the marriage ceremony.

(Female, adult and minors, Kenyan/Somalian background, some with disabilities, Muslim, Thames Valley)

In a case involving a woman, M, who had both a disability and a severe mental illness, who said that she was forced into marrying her husband, MS, the judge accepted her aunt's evidence that her father had said that he would 'make her' get married. He also heard evidence regarding MS, who was concerned about his immigration status, asking, while in a group of men, if he could marry anyone's daughter, to which M's father had replied 'my daughter'. The local authority argued that 'little, if any, consideration was given to M's wishes and feelings.' Similarly, the Official Solicitor stated that, "a clear picture emerged indicating that AB [the father] wanted to arrange a marriage for M because he considered it to be culturally and religiously imperative. Her wishes as to the choice of a marital partner did not feature prominently in his thinking. M herself was not in any position to make much of an informed choice because she was only introduced to MS a few days before the wedding." However, the judge found that the marriage was not forced:

On a balance of probabilities, I accept HT's evidence that on 15 August 2013 she told AB that M did not want to marry MS and that AB responded "I'll make her". There is, however, no evidence of any pressure being exerted on M and, in the light of my finding that it is impossible to discern M's true wishes and feelings on that day, however, I do not find that AB did in fact force M to marry MS.

(Female, adult, Somalian background, person with a disability, London)

Taken together, the above examples show that marriages considered to be arranged, rather than forced, include those where the bride does not seem to be given any choice, or where her consent to the marriage was not sought. Additionally, in the above cases and others, the bride or prospective bride is vulnerable, due to being very young, or having a limited capacity or severe mental illness. In retrospective cases, where the women are already married, it must be proved that the bride lacked capacity at the time of her marriage in order to find that the marriage had been forced. It was difficult to prove, in the case of M, that she lacked capacity at the time of her marriage, despite at the time of the proceedings having a very low IQ and being involuntarily held in a mental hospital. C, according to the first quote in this section, also had 'very significant learning disabilities' and, according to the psychologist who assessed her, it was 'likely' that she 'met the DSM 5 criteria for Post-Traumatic Stress Disorder, Depression and General Anxiety with panic attacks'.

The judgements raise important questions about how the concept of consent is constructed in court cases. There seems to be a requirement for evidence of a directly articulated threat or emotional

pressure, and a clear statement indicating a refusal of consent by the party to the wedding. The coercive pressure created by the socio-cultural norms which may operate in conjunction with other intersecting disadvantages created by age or disability do not always seem to be taken into account.

8.4 Conclusion

An analysis of the judgements provide us with an insight into judicial decision-making processes and the considerations in relation to credibility, consistency and evidence that inform these decisions. When examined alongside the narratives of victims/survivors, police case files and practitioner accounts, they point to a need to understand retraction and changing statements as a norm not an exception. They also point to a need to understand consent and coercion in a marriage decision by examining the ‘total coercive burden’ (Feinberg 1986). The judgements also raise important questions about the extent to which the needs and experiences of vulnerable witnesses are taken into account in court processes and decision-making in a way that serves their interests and does not unduly disadvantage them.

9. Life after forced marriage

This chapter ends our report with an outline of the medium- and long-term outcomes for the survivors of forced marriage by drawing upon the life history interviews with victims/survivors and the police case files, some of which document the follow-up welfare checks that took place from a few months to a couple of years after the police were initially contacted.

In Case file 4, the 20-year old Indian woman tried to stay in the family home after securing an FMPO but eventually left because of the continued hostility of her parents. She does not seem to have considered going to a refuge, although she was given information about the sources of support earlier in the process. Aged 20, she found a job and managed to rent a place. During a welfare check conducted by the police about a year later, she confirmed that she had married her boyfriend about a month previously. He knew about the previous problems with her family and she stated that he was unconnected with her family. The case file closes with the observation that the police met the husband and that both seemed happy and well.

There were a few similar cases where a welfare check was conducted by the police when reviewing cases or a welfare check had taken place at an airport due to a marker attached to a passport, as the FMPO may have been ongoing. The notes in the case files indicated that there were no welfare concerns and that the subject of the FMPO was travelling for leisure or had since married someone unrelated to the original FMPO. It was at this point that those cases were closed.

A fuller account of the impact of forced marriage and its medium- to longer-term outcomes was obtained from the life history interviews with the victims/survivors.

Nabeela, a 28-year old Pakistani woman, went on to get a university degree and recounted the process of rebuilding her life and relationships:

I felt, right, okay when I get my degree, they will know that I'm not just some stupid girl that left home because you know—for a boy or you know left home and got pregnant but to get an education, that's what I wanted, and that's why I left you. And now I've got it, now you're going to embrace me again. But that wasn't the case. [...] Eventually I got back in touch with my family. [...] My auntie's friend, she recognised me and she followed me to my house, and the next thing I know that my aunty is at my door, and then my mum and my dad are there. [...] I was in my second year at university. My dad hugged me. And he goes, 'So are you married now?' and I was like, 'No. I'm at the university. I'm studying'. [...] He didn't care. And then he said, 'Look I'm going to ask you a question. You have to make a decision', and he says, 'Come back home. Do what you're told and I'll be a part of your life. Well, carry on as you are and I'm not going to be a part of your life. Which one do you want?' [...] I said, I think I will just carry on. And he said fine, and me and my dad have never spoke since.

Nabeela re-established contact with her aunts who were supportive of her and, in her mind, constituted her birth family. She was also very close to her foster family and regarded them as her 'second family'.

Case file 1, a 22-year old Somali man was still living with his parents while maintaining a relationship with his wife in secret. During a welfare check with the police, he reflected on the influence that his parents still wielded over his life but reassured the police that he was strong-willed and intended to make his own decisions, as he saw fit. He planned to move in with his wife in the future. At home, the pressures continued in some form:

It doesn't feel alright though. We [the family] don't communicate properly. [...] Mum said that I should write up this paper and take it to the police and Home Office that I don't live at their address anymore. If mum wants me out of the house, then fine. Life goes on.

When the police case file was closed, he felt that he was safe but still in the process of negotiating his relationship with his family. Several victims/survivors had re-established some form of contact—with varying degrees of intimacy—with their parents but a few wanted nothing further to do with their family, as in the case of Urmila, a 28-year old Indian woman. She recalled her father's attempt to get in touch:

One time my dad did actually try to e-mail me saying, 'I'm so sorry, come back home', but I knew that was all fake, and I said, 'look, you said I'm dead for you. I'm never going to come back'. I know he is trying to be like all nice, let us get back together. He is probably doing all that so he can start off again with my marriage plans. To his friend's son, you know, I said, 'what you've done to me I can't forgive'. So ever since that he didn't reply.

After Mira, a 32-year old Indian woman left her family home in order to escape a forced marriage, she spent the first few months in a hostel, then took a succession of low paid, temporary jobs. She managed to rent a room in a shared house, then decided to resume contact with her family because she wanted to get in touch with her brother. The pressure on her to return home and marry resumed; at this point, she called the police and moved into a 'by and for' refuge. She was eventually rehoused and found a stable job. She later married a person of her own choosing. Farida, a 26-year old Pakistani woman, was also rehoused after spending time in a 'by and for' refuge, then moved into her own place and found work that enabled her to live independently.

However, not all of the survivors had a smooth trajectory on their journey towards rebuilding their lives following a forced marriage.

Having left home when she was 17-years old, Hasina, a 29-year-old Bangladeshi woman moved into a 'by and for' refuge. When she was rehoused, she initially shared a flat with another ex-resident of her refuge. She recalled:

Yeah, it was really happy time because everybody could come down, our friends from college used to come, friends from the refuge, they used to come as well—it was such

a lovely time at the house. [...] After a year the landlord gave us a letter which said the housing benefit scheme has been changed, if you don't pay your full amount, you're going to have to leave the house or if you don't want to leave, you have to pay the top-up for the rest of the rent from your own money.

They ended their tenancy and rented a room in a shared house, but then ran into difficulties:

So the second house was a mixed house, several people were renting the house, you were living with everybody. [...] There were bedbugs in the house and they bit me everywhere, it was disgusting. And then there was a rat in the house, so what happened, some girls they decided to call the council and then the council people said the house was not safe to live in at all. They contacted the landlord to fix the house, the landlord said, 'I am not going to fix anything', so they closed the down the house. [...] We went to every landlord, we went to every estate agent—you can't imagine at that time I had exams, it was such a bad time. I couldn't even revise for my exam. If you know you won't have a roof over your head, you just don't think about exams or nothing. [...] Everybody said there is a house here, there, but the landlords, they didn't accept housing benefit, it was so hard.

Their next tenancy only lasted three months, as the house was sold:

I thought, you know, in like two years I have had to move the house three times, how many times god knows I'm going to have to move. I am going to go back, I have no choice. I just can't move around with this housing situation like that. One day I will have to stay in the street... which is going to be more convenient for me, to live in the street, homeless, or go back? What do I do? I'd rather live with the violence than have to live on the street. Let me just go back where I came from [home].

Housing was one of the key factors that facilitated or hindered the women's efforts to rebuild their life having exited an abusive relationship, as noted in previous research (Kelly et al., 2014). Research on domestic abuse indicates the significance of housing for women, as domestic violence creates a lack of freedom and insecurity in the very space that should offer the greatest safety and comfort: one's own home. Recent policy changes in relation to Housing Benefit have further disadvantaged young women who are survivors of forced marriage.

Housing Benefit (now being incorporated into the Universal Credit) is restricted to a Shared Accommodation Rate (costs of a room in a shared house) for most single people under the age of 35, but there is a higher, one-bedroom/studio flat rate for people who need to rent solo housing. This includes care leavers and young people aged 17 assessed in need of care, who can claim this rate till they turn 25. However young women fleeing forced marriage who access refuge services aged 16-17 are not eligible for this higher rate – so survivors of forced marriage are effectively penalised for seeking support from specialist refuges rather than generic provisions from social services. This has also led to some specialist refuges limiting provision for 16-17 year-olds facing forced marriage, for (among other things) fear of damaging their longer term housing prospects. There is no justification for this lack of parity and the policy around housing needs to be amended urgently to achieve equitable provision for young victims of forced marriage.

After leaving the family home with her child from a forced marriage and moving into a refuge, Barsha, a 28-year old Bangladeshi woman, was rehoused and began the process of recovery. When we interviewed her, she had a stable job and had (re-)married, with three children including her oldest child born from the forced marriage. However, the forced marriage that she had suffered cast a long shadow:

Recently, what's happened is that, basically, because her [mother's] nephew is here on illegal grounds, on sponsored visa and stuff. What he would do is, every time that his status is about to sort of like, visa expiry thing was coming to place, every time that would happen, he would make an application for contact to show the immigration that he's been a regular father to her. [...] But then I refused contact and at the moment, I'm actually going through like a court case and stuff. It's so expensive.

Because of their income, they were not entitled to Legal Aid, but she was determined to protect her child from this man.

Hasina, who returned to her family home because of a lack of safe, secure housing, reflected on her family relationships and dynamics after her return:

Of course, my brother, sister and my mom they were happy. But my dad, I don't know, he always says that I left the house, I gave the family a bad name. I have, like, more freedom than before now, because unless I was going to school or something, I was never allowed to go out of the house. But this time I went to college without asking him. It's like I know what I am doing. And I think he realised that studying, by going to college I wasn't getting bad. And I also have a part-time job. [...] I think, okay, if I want to leave then I know the route, but I am more comfortable now, it's not like before. [...] It's like after I left, things have changed at home. So in some ways me leaving, it changed things.

Two interviewees reflected on the somewhat less stringent gender norms that governed their sisters' life after they challenged their forced marriage and noted, with some pride, the change that their own actions had wrought.

We end with a reflection from Farida on her journey:

I think I've come a long way, you know, and I'm happy where I am. I have made a life for myself, I love my work, my children are secure, we are strong together [in her new relationship]. It's just that, you know, there are demons too there that take you back sometimes, that I have, like, no maternal family, no paternal family and that does make you sad.

10. Conclusion and recommendations

Childhood contexts and the victims/survivors' location within the social relations of power, based on their gender, sexuality, disability and other types of vulnerability, are crucial for understanding the 'total coercive burden' that can vitiate consent to a marriage. FMPOs represent an important remedy that can prevent a forced marriage, protect potential victims and assist those who have already been forced into a marriage. However, FMPOs can also simultaneously increase the risk of HBV and other forms of abuse being committed by the parents and wider family against those seeking its protection.

Factors such as a lack of knowledge about the complex coercive pressures on the victims/survivors, fissures between the agencies, mis-steps in multi-agency working and the gatekeeping of services due to financial constraints often impeded the provision of effective support. Where the agencies worked together and practitioners understood the complex lived realities of the victims/survivors, the risks associated with FMPOs were minimised. Where FMPOs were accompanied by a package of support provided by the agencies, this empowered the victims/survivors and enhanced their safety. Our research found that the injunctive remedy offered by FMPOs has great potential, but there remains much work to be done in order to realise this potential fully.

Recommendations for change

Addressing forced marriage requires a holistic, coordinated approach that recognises the complexity of the issue and the need for a broad social, community and justice response. Coordinated work on multiple levels would be expected to include, in general, more effective protection systems and mechanisms, improvement in how cases are dealt with and investigated in the criminal justice system and the courts, better training for agencies and professionals, and community awareness-raising and education programmes.

To maximise multidisciplinary support responses, professionals need to be aware that communities facing historical social injustices might experience suspicions of majority systems and may feel anxiety about engaging with professionals. It is particularly important that providers see victims/survivors for who they are as individuals instead of as stereotypes. Our research identified the following issues that these recommendations are designed to address:

1. Overall lack of awareness of the dynamics of coercion in forced marriage and effects of this violence.
2. This includes a lack more robust investigation of older siblings' previous forced marriage experiences, whether an FMPO was secured or not, given the clear patterns of repeat victimisation and low reporting rates.
3. Lack of inter-agency coordination (which most often involved a lack of risk assessment, risk management and safety planning practices with respect to vulnerable adults and children), particularly after the serving of FMPOs.
4. Barriers to forced marriage-specific service provision, including lack of funding; lack of appropriate support to meet the needs of young people experiencing coercive control in relation to forced marriage and lack of follow-up services for vulnerable adults (e.g., intergenerational trauma, PTSD counselling).
5. The need for practitioner vigilance, particularly over the coming two years, to enable disclosures of forced marriage and to support victims (especially those who were aged 16-

18 during the pandemic) who have been deprived of their usual routes to disclosure and help-seeking through their school.

General recommendations

1. Develop training to enable professionals to better recognise the nature and forms of coercion, including indirect forms of coercion.
2. Provide regular research-informed training to help practitioners understand any changes in the forms of coercion, such as institutional incarceration.
3. Develop protocols for taking statements to develop trust with victims/survivors and obtain relevant information for effective safeguarding and prosecution measures.
4. Clearly justify any decision to obtain an undertaking rather than an FMPO, in light of the lower threshold of protection this measure offers.
5. Offer safeguarding training on forced marriage risk management, multi-agency protocols, and inter-agency collaboration and collaborative case management.
6. Develop strong relationships with ‘by and for’ domestic violence services, which have specialist knowledge of forced marriage and the skills to meet the needs of its victims/survivors.
7. Strengthen professionals’ understanding of the complex contexts shaping victim retraction, thus enabling delivery of effective protection and prevention responses to forced marriage.
8. Respond to dual victim needs of protection and prosecution.
9. Develop protocols to effectively manage victim risk when obtaining and serving FMPOs and thereafter.
10. Develop mechanisms to flag up the expiry of an FMPO.
11. Improve data recording practices currently in place within the criminal justice system, such as recording age, gender and ethnicity for forced marriage victims.
12. Improve support from all relevant professionals (i.e., services, police, etc.) for vulnerable witnesses.

Recommendations on risk assessment and information sharing among agencies

- Forced marriage cases cannot be dealt with uniformly—rather, they must be addressed on a case-by-case basis. This means that cases must be reported across multiple agencies, allowing staff to exercise their professional judgement about the presence of a significant risk of harm and appropriate safeguarding responses.
- Recognising that domestic violence, forced marriage, HBV and child abuse in the context of family violence frequently co-exist, together with recognising the harmful effects of exposure to such intersecting forms of family violence on children, requires an urgent need for improved collaboration between statutory safeguarding services and specialist VAWG services.

The police and other criminal justice bodies need to work with specialist ‘by and for’ services to determine the right service and response.

Recommendations for criminal justice agencies

- Police and legal professionals must gather evidence with the dual aims of both protecting the victim via an FMPD and imposing criminal justice sanctions on the perpetrator(s), as victim protection is a crucial aspect of policing—and from the perspective of victims/survivors, it may often be the key aim of reporting.
- Criminal justice professionals must continue to consider victim preferences, the evidence available, the prospect of conviction and the public interest when deciding whether to prosecute. However, they should also be prepared to respond accordingly, even if the victim preferences change quite late in the process.
- There is a need to monitor reasons on the part of CJS professionals behind decisions not to prosecute so that any differences in attrition rates can be analysed to determine if these rates vary depending on the type of VAWG perpetrated.
- Criminal justice professionals must be apprised of the health consequences of forced marriage, female genital mutilation and HBV. This knowledge must be passed on to relevant services and is critical to recognising the impact of trauma when gathering statements.

Recommendations for health services

- Invest in follow-up services for vulnerable adults (e.g., intergenerational trauma, PTSD counselling).
- Understand the effects of violence in the context of complex and multiple traumas that have long-lasting emotional and psychological consequences, including post-traumatic stress disorder, depression and substance misuse, and offering the appropriate advocacy, support and referral to health services in light of this knowledge.
- Professionals must probe for abuse, including forced marriage, when a young person presents with mental health issues.
- Safety planning should address both internal and external circumstances—for example, the state of a victim's mental health and the psychological burden of the coercion. Holistic responses, such as body therapy and group work, should be provided to address the effects of trauma on the body.
- The needs of gendered violence survivors are best met via services that are survivor-centred, gender-specific and trauma-informed and that give victims decision-making autonomy. A trauma-informed perspective means practitioners are alert to the power dynamics of the nexus between forced marriage and family abuse in a particular relationship and context, the impact this has on victims and those victims may have coped with it.

Recommendations for 'by and for' domestic violence services

- Ensure that victims who have disclosed forced marriage can make informed decisions about reporting this form of abuse to the police and that they receive ongoing specialist support to improve their experience of disclosure and help-seeking.
- Offer independent support through qualified and specialist case workers. This is critical to improving survivors' awareness of their rights and options, increasing their confidence in the criminal justice system and criminal justice processes (including the role of statutory agencies), improving their immediate and long-term safety, and ensuring that they are given the means to access all the support they require.

Recommendations for domestic violence, children and adult social services teams and teachers

- Raise awareness of the dynamics of forced marriage and effects of this violence.
- Identify and remove barriers to forced marriage–specific service provision, including lack of funding; lack of training and awareness by service providers; lack of appropriate support to meet the needs of young people experiencing coercive control in relation to forced marriage.
- Offer training about accessing appropriate resources for victims.
- Implement more robust investigation of older siblings’ previous forced marriage experiences and whether an FMPO was secured in these instances, given the clear patterns of repeat victimisation and low reporting rates
- Improve practitioner vigilance, particularly over the coming two years, to enable disclosures of forced marriage and to support victims (especially those who were aged 16-18 during the pandemic) who have been deprived of their usual routes to disclosure and help-seeking through their schools.

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