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Understanding forced marriage in Scotland

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social research

Understanding Forced Marriage in Scotland

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Executive summary

In September 2015, the Scottish Government commissioned a 10 month study to better understand forced marriage in Scotland. This is the first forced marriage study that focuses exclusively on Scotland. The study had three research questions:

- What is the level and profile of service use relating to forced marriage in Scotland?
- How are services responding to forced marriage in Scotland?
- What is the impact of the interventions for forced marriage in Scotland?

Methods

The study focussed on six areas: Aberdeen, Dundee, East Renfrewshire, Edinburgh, Glasgow and Highland. An analysis of forced marriage policy in each of the six case study areas was undertaken, together with interviews with Protection Leads. One-to-one semi-structured interviews were carried out with a range of professionals including police officers, social workers, legal professionals and staff from Women's Aid organisations and other third sector organisations. Eight in-depth interviews were also conducted with survivors[1] of forced marriage. Additionally, a survey was distributed to 293 organisations – schools and women's organisations in the six study areas, and Women's Aid, minority ethnic and other support organisations throughout Scotland.

Key findings and recommendations

Level and profile of service use

Between 2011 and 2014, there were 191 cases[2] of forced marriage reported by survey respondents, with a fairly even spread across the years. Cases tended to involve young, female South Asian victims being threatened or coerced into marriage largely by their parents and extended families. Age and ethnicity were unknown for around a quarter and a fifth of cases respectively, indicating that better recording of cases is necessary. Of the cases where age was known, the majority of victims were aged 18-25, with under 18s representing around a quarter of cases and under 16s around 1 in 10 of cases. Victims were mainly from Pakistani backgrounds (more than half of cases where ethnicity was known), followed by 'other ethnicity', Indian and Black African. Just over a half of referrals came to the attention of services through referral from other organisations, with under a third self-referrals and the remainder referred by friends or family.

The interviews with the eight survivors of forced marriage echo the survey findings. The age range of when the forced marriage occurred was from 14-25. For five of

[1] The terms 'survivors', 'victims' and 'women experiencing forced marriage' are used interchangeably in this report

[2] A 'case' is a threat of, or actual occurrence of, a forced marriage that has come to the attention of one of the 293 organisations surveyed

the eight survivors the forced marriage was contracted with one survivor being forced into marriage twice. For two of the eight women, the experience of forced marriage was recent or ongoing (within the last two years). All the survivors interviewed were South Asian. All the women received help only when they came to Scotland – whether from abroad or another of the UK nations.

Responding to forced marriage in Scotland

Of the professionals interviewed, the majority had little direct experience of dealing with forced marriage but showed a sound understanding of forced marriage. However, those with direct experience of supporting victims of forced marriage had a deeper and more insightful understanding of forced marriage as a process rather than an 'event'. This was reflected at a policy level where there were differing levels of ownership and maturity of forced marriage policy, and where learning from forced marriage cases was identified as a means of improving responsiveness. Most professionals were aware that forced marriage took place in a range of communities, but it was seen as largely affecting South Asian communities in Scotland. This perception was confirmed by the survey findings, which found that the majority of cases where ethnicity was recorded related to South Asian communities. In both the policy analysis element of the study and in interviews with professionals, participants drew heavily from the Scottish Government's multi-agency guidance on forced marriage.

A wide range of interventions are currently offered to support victims of forced marriage, most commonly one-to-one support, central to which is risk assessment and safety planning. Person-centred approaches were often used, and the need for therapeutic and practical support was also highlighted. Two third sector agencies interviewed offered mediation (and they were of the opinion that this was an effective intervention), despite the fact that Scottish multi-agency guidance stipulates that mediation should not be attempted in forced marriage cases. In terms of the outcome of support offered, nearly half of survey respondents reported that support offered was effective, but a further third were unsure whether the support offered was effective.

Reported barriers to responding to forced marriage included 'race anxiety'; a need for more robust local authority procedures for supporting adult victims of forced marriage who have capacity (i.e. who do not meet the criteria to trigger access to adult protection); a need for further regular training for professionals; and a need for increased community education/public awareness on forced marriage. Multi-agency working was discussed both as very positive but also as a barrier – due to competing priorities and processes, with some agencies having more power than others to intervene and not always utilising the expertise available via specialists. A lack of training and learning opportunities on forced marriage was also identified as a barrier to responding effectively to forced marriage, despite forced marriage training being widely available. The survey results, policy analysis in some areas and interviews with some professionals suggest that a number of agencies and areas do not consider forced marriage a relevant issue for their organisation. This indicates that even with the provision of increased training on forced marriage, it might be challenging to recruit professionals to attend.

Community education was thought to be a way to raise awareness within communities to increase reporting, but this intervention can also serve as a preventive measure. Targeted interventions for different sections of communities e.g. young people and elders would need to be developed. Although there was wide publicity about the forced marriage legislation, a lack of public awareness of forced marriage was also cited as a major barrier to increasing reporting and providing support for victims. This links with survivors' accounts that they sought help from family and friends and feared contacting agencies due to perceived confidentiality issues, family pressure, uncertainty about the appropriateness of response, and uncertainty about whether what had or was happening to them warranted agency involvement.

There are examples of good practice at both a policy and practice level, including meaningful connections between child and adult protection leads and violence against women leads in some areas, proactive learning, person-centred support and in-depth expertise on forced marriage. Survivors reported that they had received excellent support from third sector organisations, but their accounts of other agencies were more mixed.

Impact of interventions

There was widespread support for civil remedies for dealing with Forced Marriage, from professionals interviewed and survivors of forced marriage. A number of issues were identified with regard to the implementation of civil remedies, relating to:

- a lack of consensus about what constitutes 'sufficient' evidence to justify granting a Forced Marriage Protection Order
- the onus of responsibility being placed on the victim, particularly where the victim is an adult who does not meet the criteria for accessing adult protection
- confidentiality of the victim not always being maintained

In relation to criminalisation, most professionals interviewed thought it sent a strong message to the public that forced marriage was unacceptable in Scotland. However, a number of professionals (including some who supported criminalisation) also raised concerns about the potential for forced marriage to 'go underground', as victims would not wish to criminalise their families. It is too early to say whether this concern is justified. All survivors welcomed legal protection, but most were not supportive of criminalisation. However, one survivor who had pursued an FMPO stated that criminal procedures should be used, but only as a last resort.

The impact of forced marriage on survivors of forced marriage included suicidal ideation, self-harm, eating disorders and other mental health problems. Survivors were frequently denied educational opportunities, impacting on their future careers and earning capacity. On a more positive note, survivors' experiences of forced marriage had engendered within them more liberal attitudes to parenting than those that they had experienced from their own parents. Survivors' experiences of statutory service response, including recent responses in Scotland, although positive in places, was patchy. However, it should be noted that some of the women were reflecting on historic cases stretching back a couple of decades and,

at times, referring to experiences that happened outside Scotland. Most of the women had had some contact with third sector specialist women's support organisations, and all reported this as an extremely positive experience, although it should be noted that most survivors were recruited through their engagement with the women's sector. For some of the women, this was the first time they had told their story; for all of them it was the first time they had received support.

Recommendations

1. Develop an innovative programme of further public/community awareness-raising activity, to prevent forced marriage and to encourage increased reporting
2. Develop further regular training on forced marriage for a range of professionals (including teachers, social workers, police officers, legal professionals and mental health practitioners), and ensure appropriate staff attend and the learning is cascaded and applied
3. Support the continued development of specialist women's sector organisations
4. Support the development of forced marriage policy in local authority areas, in order to increase ownership and consistency of approach at a local policy level throughout Scotland
5. Ensure that therapeutic and practical support is available to victims of forced marriage
6. Evaluate forced marriage interventions to develop better understandings of what types of forced marriage interventions work for whom
7. Address the issues the research identified in relation to implementing forced marriage legislation
8. Strengthen the statutory guidance of the Forced Marriage etc. (Protection and Jurisdiction) (Scotland) Act (2011) to make explicit local authorities' obligations to act in all cases of Forced Marriage
9. Improve record keeping of cases of forced marriage, as information about cases is key to developing learning and for future policy development

1: Introduction

Forced marriage is widely recognised at a national and international level as a violation of women's and children's human rights and as a form of violence against women and children. Globally, forced and early marriage takes place in large numbers of countries in Africa, Asia and the Middle East. Forced Marriage has also been a feature of many orthodox religious communities and of 'shotgun' marriages in the West (Hester et al, 2007; Chantler and Gangoli, 2011). In policy arenas, forced marriage is presented as distinct from arranged marriage. This is an important distinction, but it is also important to recognise the 'slippage' that can occur from arranged to forced marriage (Gangoli et al, 2011).

Within the EU there have been a number of legal interventions to combat Forced Marriage: i) civil remedies, ii) creating a specific criminal offence of forced marriage and iii) increasing the age of sponsorship and marriage for those marrying non EU nationals. Although the criminalisation of forced marriage is a requirement of the Istanbul Convention, it is a controversial decision and has been hotly debated in Scotland. In Scotland, the Forced Marriage etc (Protection and Jurisdiction) (Scotland) Act 2011 (which will be referred to, for brevity, as 'the 2011 Act'), which came into force on 28 November 2011, provides civil protection in the form of Forced Marriage Protection Orders (FMPO) for those at risk of forced marriage as well as those already in forced marriages. Although a civil order, breaching a FMPO is a criminal offence. A specific criminal offence of forcing someone to marry in Scotland was created under section 122 of the Anti-Social Behaviour, Crime and Policing Act 2014 (which will be referred to, for brevity, as 'the 2014 Act'), and came into force on 30th September 2014.

To date, 12 FMPOs have been issued in Scotland, and it is timely to investigate potential explanations for this relatively low take up of legal remedies. There are well documented personal, institutional, community and wider-level barriers to reporting forced marriage, and these may be heightened where legal remedies are proposed. It is also unknown whether breaches of FMPOs have been reported, and the consequences of reporting or not reporting. Further, the impact of criminalising Forced Marriage is as yet unknown, as is the relationship between civil and criminal responses.

Both the Statutory Guidance and Multi-Agency Practitioner Guidance were published to coincide with the commencement, on 28 November 2011, of the 2011 Act, and were updated in September 2014 to coincide with the commencement, in Scotland, of the 2014 Act[3]. The Statutory Guidance describes the responsibilities of chief executives, directors and senior managers within statutory agencies involved in handling cases of forced marriage. It covers roles and responsibilities, accountability, training, interagency working and information sharing, risk assessment and information sharing, risk assessment and record keeping. The Multi-Agency Practitioner Guidance is intended to inform all frontline staff and volunteers within agencies (statutory or third sector) who are likely to come across adults or children and young people threatened with or in a forced marriage and

[3] The guidance can be accessed via the Scottish Government website http://www.gov.scot/Topics/People/Equality/violence-women/forcedmarriage/Guidance

who are at risk of the abuse associated with this. It includes a Q&A section covering a range of questions, case studies covering a range of scenarios, and links to more detailed information.

This Guidance was developed in collaboration with a wide range of stakeholders, including representatives from the NHS and local authorities, Police Scotland, the Crown Office and Procurator Fiscal Service, Scottish Women's Aid, Shakti Women's Aid, Hemat Gryffe Women's Aid, Amina Muslim Women's Resource Centre and Roshni. It makes it clear that forced marriage is both a child protection and adult protection matter, and that specific forced marriage legislation should be used in conjunction with routine child and adult protection legislation. It explains how the civil and criminal legislation complement each other, adding layers of protection. It also sets out that if forced marriage is an issue, practitioners must never attempt family counselling, mediation, arbitration or reconciliation, or share information with family/friends/community members, because this can put victim(s) at further risk.

Within the UK context, the minority ethnic women's sector has been raising awareness of forced marriage over the last twenty five years (e.g. Southall Black Sisters, Karma Nirvana) based on a wealth of experience of supporting women experiencing forced marriage. In Scotland, key agencies such as Hemat Gryffe Women's Aid, Shakti Women's Aid and Scottish Women's Aid have been active in raising awareness of forced marriage and, along with Saheliya and Roshni, respond to victims of forced marriage and offer training to a range of professionals to increase awareness of forced marriage.

This study builds on previous work on forced marriage research in Scotland and England to better understand Scottish professionals' understandings of forced marriage and potential legal responses as well as barriers to working in this field. Scotland already has forced marriage legislation and guidelines in place, and training on forced marriage has been widely available. In view of these interventions, the study had three research questions:

1. What is the level and profile of service use relating to forced marriage in Scotland?
2. How are services responding to forced marriage in Scotland?
3. What is the impact of the interventions for forced marriage in Scotland?

2: Methods

A mixed methods approach was utilised to address the research questions and was carried out primarily in the following five locations: Aberdeen, Edinburgh, Dundee, East Renfrewshire and Glasgow. This selection was based on areas where the non-white minority ethnic population exceeds the Scottish national average of 4%. In addition, a sixth area, Highland (which has a lower than national average of minority ethnic population), was included as a point of contrast. Our third sector partners, Scottish Women's Aid, Shakti Women's Aid (Edinburgh) and Hemat Gryffe Women's Aid (Glasgow), facilitated recruitment and provided invaluable practice experience. An advisory group of key agencies was also established who commented on the research instruments and preliminary findings. Ethical approval for the study was obtained from the University of Central Lancashire's (UCLAN) Psychology and Social Work Ethics Committee.

The definition of a forced marriage case used in the research was 'A forced marriage (FM) is where one or both spouses do not (or cannot) fully and freely consent to the marriage, and duress is involved. In this study, a 'case' of FM can either be the threat of, or the actual occurrence of, a forced marriage. We are interested in cases reported in the period 2011-14, even if the forced marriage took place outside of this time frame'. This is the definition that has been used in previous forced marriage studies (see Hester et al, 2008; Kazmirski et al 2009).

2.1 Research question 1: Level and profile of service use

Surveys that generate quantitative data are generally recognised to be the most appropriate method to establish the level and profile of service use. A survey was therefore developed which had a national and local element. The local element refers to the six study areas mentioned above. In these areas the survey was sent to secondary schools and women's organisations. We had planned to send the survey to child and adult social services in the six study areas and to Police Scotland, but lengthy permission and access procedures meant that we were only able to send the survey to one local authority area within the time frame of the study. To establish a wider, national Scottish picture, local Scottish Women's Aid organisations and minority ethnic organisations throughout Scotland were sent the survey, as was Police Scotland. Minority ethnic organisations included women's organisations, mental health organisations, and support, rights and equality organisations. We also sent the survey to a disability group, an LGBT group, and generic victim support organisations. In addition, we had hoped to analyse redacted Forced Marriage Protection Orders (FMPOs), but permission for this was not given as the material was considered to be too sensitive.

The survey comprised 26 open-ended and multiple choice questions, and was designed to capture information from both local and national organisations on reported cases of forced marriage from 2011-2014, about the numbers of people affected by the issue of forced marriage, victim and perpetrator characteristics (gender, age, ethnicity), the nature of services available to support them and the organisational responses to and awareness of forced marriage and its various legal remedies. It also asked about the organisation's confidence in identifying and responding to cases of forced marriage, and what further interventions they

perceived as being required to better respond to forced marriage. The intention was that, by gaining a greater understanding of the extent of the problem, the nature of services available, and the awareness and use of legislation, appropriate changes to policy and practice that will further the support provided to victims could be recommended.

The survey was distributed via Survey Monkey in December 2015 and again in January and early February 2016. The initial response rate was poor and so follow up via telephone contact was started in late February. In total 293 surveys were distributed of which 109 organisations completed the survey. For organisations who had not dealt with any cases for forced marriage, the survey took five minutes to complete but this increased to thirty minutes depending on how many forced marriage cases they had come across. Whilst the time factor may have been an issue, the bigger issue is to with the generally low response rates to email surveys, particularly where there is no prior relationship or contact and perceptions of how salient the topic is to respondents (Sheehan, 2001). When non-respondents were followed up by telephone, it became apparent that many organisations did not see forced marriage as their responsibility or an issue that they had come across.

Despite these issues, the response rate achieved in this study allows safe conclusions to be reached, as we ensured that we minimised non-respondent bias. However, we did not receive sufficient numbers of reported cases in the six case study areas to warrant a local breakdown by area or to conduct a prevalence study using the methodology used by NatCen in their 2009 study of forced marriage in England (Kazmirski et al 2009). Nevertheless, we are able to provide a robust analysis of reported cases of forced marriage in Scotland from 2011-2014. This is the first study that provides a detailed analysis of forced marriage in Scotland over a period of time.

2.2 Research question 2: Service responses to forced marriage

Two key approaches were used for this part of the study. The first was a policy analysis of available forced marriage policy documents and telephone interviews with adult or child protection policy leads in four of the six case study areas. In one area the violence against women lead was designated as the most knowledgeable about forced marriage, and in the last area no lead was identified. Interviews were recorded and a thematic analysis was applied to address the research questions.

The second approach involved semi-structured telephone interviews with professionals including police officers, social workers, legal professionals and third sector staff. The interviews inquired about four topic areas:

- knowledge of forced marriage
- experience of dealing with forced marriage including interventions offered, experiences of multi-agency working and barriers to working with forced marriage
- knowledge and experience of using legal remedies to support victims of forced marriage
- what further measures need to be in place to better support victims of forced marriage

Where permission was given, interviews were recorded and either transcribed or detailed interview summaries were produced from the recordings. Data analysis involved two researchers to check interpretations and develop the thematic framework. In large part, the analysis focused on the research questions but additional themes were also identified from the interview material.

2.3 Research question 3: Impact of interventions for forced marriage

This element of the study draws on the survey responses from organisations, interviews with professionals, and interviews with survivors. The survey and professional interview methods have been described above. For survivors of forced marriage, the study had planned to conduct a narrative analysis of redacted applications for forced marriage protection orders. The research team was unable to access redacted applications for FMPOs as the material was perceived to be too sensitive to be used for research purposes. The original plan had also been to interview victims whose experience of forced marriage was post 2011, to assess the take-up of civil or criminal legislation related to forced marriage. This was not possible in spite of having two key agencies who work with forced marriage as partners, creating a specific Facebook page, and extensive circulation (to over 70 organisations) of details of the study through a wide range of networks.

Eight in-depth interviews were conducted with victims of forced marriage, and their experiences of forced marriage spanned from ongoing situations to twenty years ago. Four of the eight victims were identified by our third sector partner agencies, one survivor was recruited via another survivor (snowballing), another was via a law centre and the other two were recruited via other Scottish Women's Aid local organisations. Victims were asked about their experience of forced marriage, help-seeking strategies and responses to asking for help, family relationships prior to and after the forced marriage, the impact of the forced marriage on them and their views about civil and criminal legislation in regarding forced marriage. Interviews were recorded and transcribed and analysed thematically. A separate chapter is dedicated to survivors to ensure that their voices are central to future developments.

3: Level and profile of service use relating to forced marriage in Scotland

A survey was developed to establish the level and profile of service use relating to forced marriage in Scotland. The survey comprised 26 open-ended and multiple choice questions regarding the number of forced marriage cases organisations came across between 2011 and 2014 (to capture pre- and post-FMPO introduction). It also captured information regarding the characteristics of victims and perpetrators, the response or support organisations were able to give (if any), and which services organisations may have referred victims on to (if any). It also asked about individuals' confidence in identifying and responding to cases of forced marriage, and what actions could help to improve this. Survey participants were given the following definition of what constitutes a 'case' of forced marriage:

> A forced marriage (FM) is where one or both spouses do not (or cannot) fully and freely consent to the marriage, and duress is involved. For the purposes of this study, a 'case' of FM can either be the threat of, or the actual occurrence of a forced marriage. We are interested in reported cases from 2011-14 even if the forced marriage took place outside of this time frame.

3.1 Respondents

The survey was sent out to 293 recipients in total, including 193 secondary schools across the six study areas of Aberdeen City, Dundee, East Renfrewshire, Edinburgh, Glasgow City and Highland, in addition to 53 domestic abuse (mostly Women's Aid) organisations, 37 minority ethnic organisations, and 9 support organisations across Scotland nationally. 109 organisations completed the survey in total, of which 54 were secondary schools, 36 domestic abuse organisations, 11 minority ethnic organisations and 8 general support organisations. See figure 1 for sample characteristics and Appendix 1 for full details.

Figure 1: Survey recipients and respondents

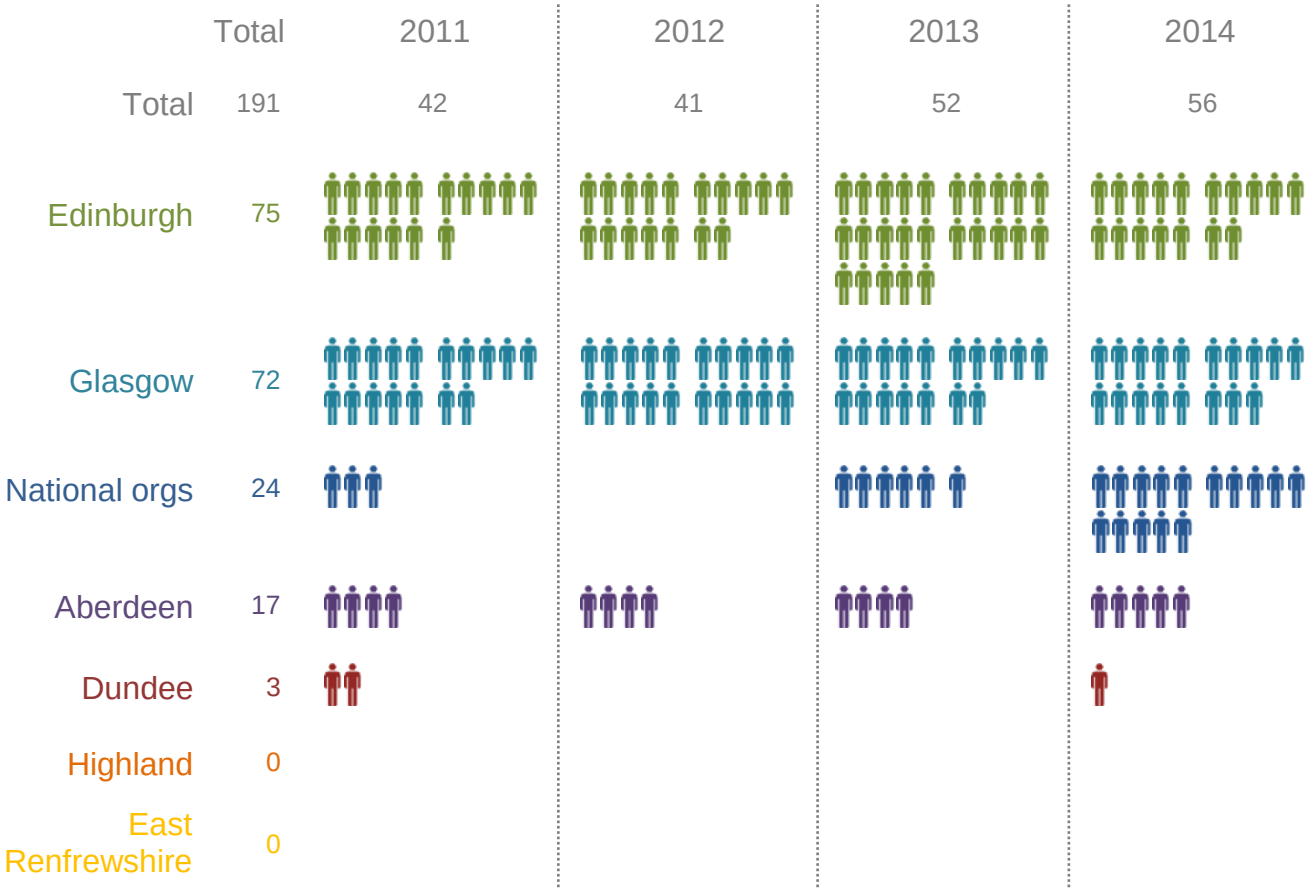
Only 54 out of 193 schools and 11 out of 37 minority ethnic organisations surveyed responded. This hampered our ability to draw conclusions regarding prevalence rates of forced marriage (see Prevalence section below for details).

3.2 Prevalence

Survey data at the local-level was intended to be used in conjunction with national-level data to estimate a national prevalence of reported cases of forced marriage in Scotland. Unfortunately, due to the low response rate of schools (54 out of 193), in addition to the low number of cases attributable to the six study areas (N=95 over the four study years), the statistical analysis required to do this was not possible. When examining the characteristics of cases, all local-level data (relating to 6 cases reported by schools and other local organisations) has been removed from the analysis, as it is likely that cases may also be represented in the national-level sample.

Between 2011 and 2014 there were 191 cases of forced marriage reported by survey respondents, with all cases coming from just 20 of the 109 participating organisations. Case occurrence was fairly equal across the four years, with the most recent year (2014) representing the highest number of cases (n=56). The majority of cases (92%) were reported by domestic abuse organisations, with the remaining cases (8%) reported by schools, minority ethnic organisations and general support organisations.

Figure 2: Reports by year and by area



As shown in Figure 2, Edinburgh had the highest reporting rate of the six study areas, with 75 cases spread fairly evenly across the four years[4], followed closely by Glasgow (who reported 72 cases). Aberdeen reported 17 cases (also fairly evenly across the four years), Dundee reported 3 cases, and East Renfrewshire and Highland reported no cases. The remaining 24 cases could not be linked to a specific study area, as they were reported by national organisations covering multiple or non-study areas. See Appendix 1 for a full breakdown.

Additionally, to understand the picture in Scotland, a crude measure was used to generate a rough idea of how many reported cases of forced marriage one might expect. Using Kazmirski's et al (2009) figure of 5,000-8,000 reported cases of forced marriage in 2008 in England and Wales as a benchmark, we produced a ratio for numbers of reported cases of forced marriage compared to the minority ethnic population in England & Wales (as of 2011 census). On the assumption that this ratio would apply to Scotland, we compared it to the 2011 Scottish minority ethnic population and found that the expected number of cases was between 129 and 207 per year (lower and upper limits respectively). This indicates that the number of reported cases in Scotland is much lower than expected. Clearly, this is a rough and ready range, and assumes the same rate of forced marriage cases as in England, so should be treated with caution.

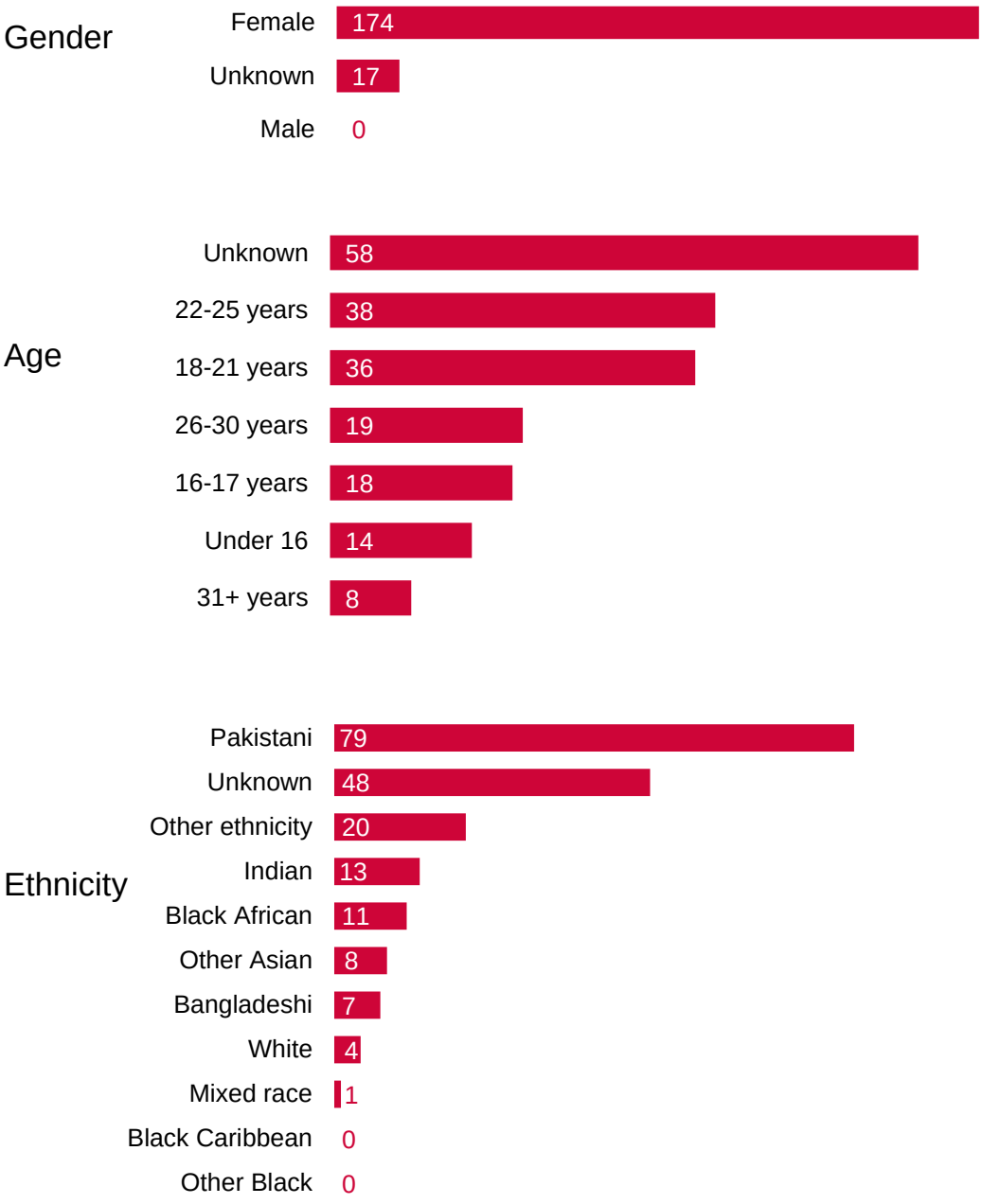
3.3 Characteristics of cases

Due to the small numbers of reported cases within each individual year and the fact that not all cases had information on victim and perpetrator characteristics fully identified and/or recorded, characteristics are reported for the full study period for all areas, rather than by individual year or area. Victims were female in nearly all cases, with the remaining cases indicating the gender was 'unknown'. No reports involving male victims were recorded. This may be at least partly explained by the fact that the majority of cases were reported by Scottish Women's Aid organisations, compared to other types of organisations surveyed. The majority of victims were aged between 18 and 25 years of age at the time of their forced marriage, with under 18s representing around a quarter of cases where the age was known. Of particular concern is that in around 1 in 10 of the cases where age was known, the victims were children under 16 years of age. The majority of cases involved victims of Pakistani origin, with Indian and Black African representing the next largest proportions. A small number of cases were reported involving White victims. See Figure 3 (and Appendix 1) for a full breakdown of victim demographics.

Only four cases involved victims with disabilities and just three cases indicated sexual orientation of the victim as a factor. Around two thirds of perpetrators were parents, with just under a quarter being members of victims' extended family. Perpetrators were also siblings and family friends.

[4] Although numbers of reports appear to have risen slightly over time, the changes are not statistically significant, due to the small numbers of cases reported each year. As a result, there is insufficient evidence to assess with confidence whether the Forced Marriage etc. (Protection and Jurisdiction) (Scotland) Act has had any impact on levels of reporting of cases of forced marriage.

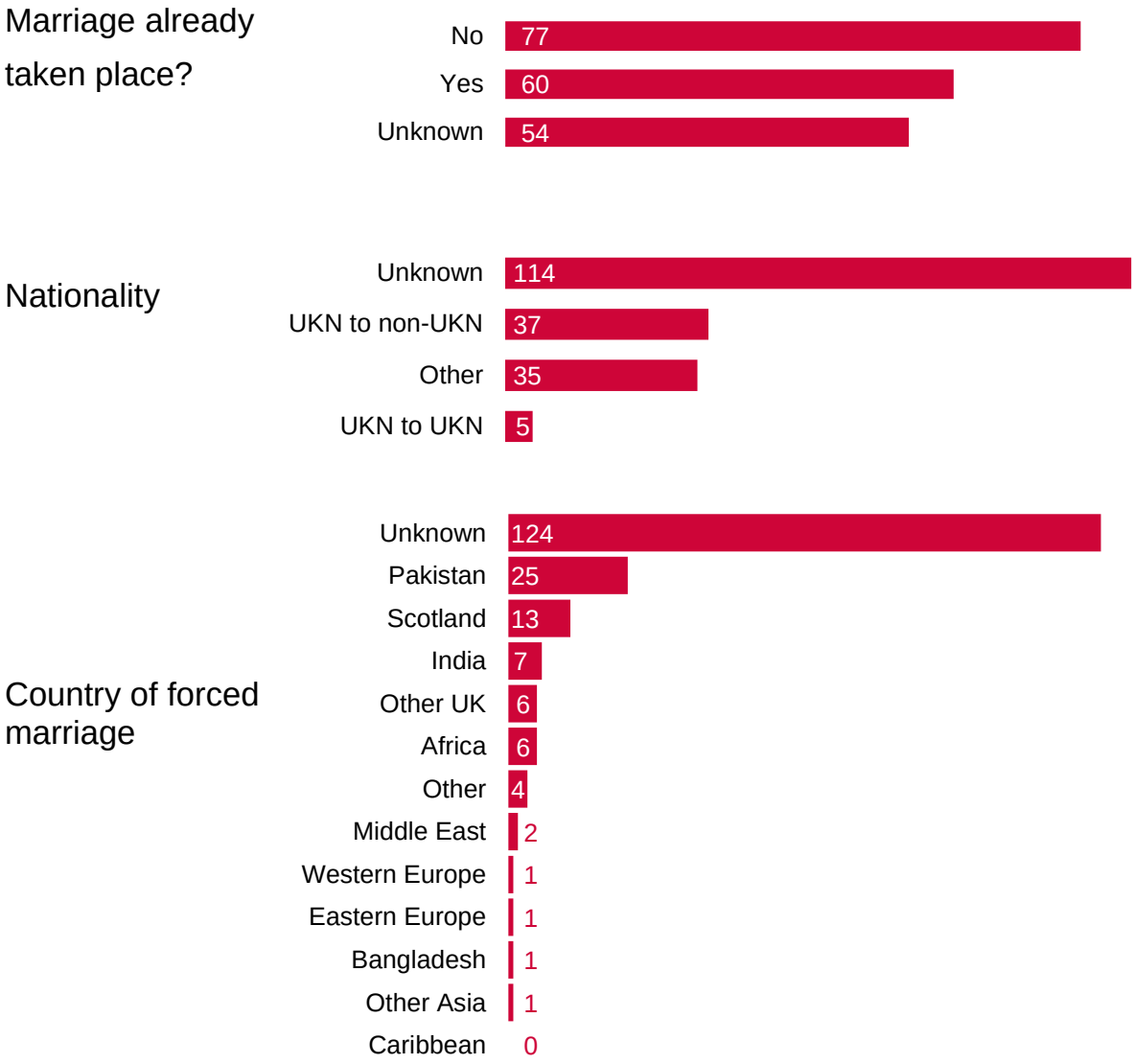
Figure 3 – Victim demographics



The nature of cases

More cases related to threats of forced marriage rather than cases where the marriage had already taken place, although in around a quarter of cases, the specifics were unknown. Cases were more likely to involve UK nationals marrying non-UK nationals than UK nationals marrying other UK nationals. However, almost half of cases where nationality was recorded were marked as ‘other’, meaning they most likely involved non-UK nationals marrying other non-UK nationals. For the vast majority of cases, the country in which the forced marriage took place or was due to take place was ‘unknown’. For those where the country was recorded, they most commonly happened in Pakistan, followed by Scotland, India, African countries and other parts of the UK. See Figure 4 (and Appendix 1) for details.

Figure 4 – Case characteristics



Referrals

The initial reason for referrals tended to be forced marriage, although domestic abuse and use of violence against victims was also commonly cited. Cases came to light via a number of other routes such as honour-based violence (HBV), female genital mutilation (FGM), sexual abuse, child abuse, and conflict in the home. Referrals were also made when a range of other initial 'indicators' of a possible forced marriage were identified, such as poor school attendance, victim mental health problems and a need for help with asylum claims, refuge accommodation and welfare/benefits. For the most part, referrals tended to come from other organisations (53%) or from victims themselves (29%). Friends (15%) and family (3%) also referred victims to services.

Summary

The number of cases of forced marriage reported over the four study years was relatively low (191), with numbers being generally consistent across the years. Cases tended to involve young female victims in their late teens to early twenties, from mainly South Asian backgrounds, being threatened or coerced into marriage by their parents. Victims came to the attention of services either through self-referral or, more likely, by other statutory services due to connected issues such as domestic abuse, mental health issues, and honour-based violence. Better recording of cases by agencies would have yielded more detailed information. Reporting rates appear to be lower in Scotland than one might expect given comparable data from England and Wales.

Only two minority ethnic organisations reported having received cases of forced marriage between 2011 and 2014. The low number of cases reported by schools is also reflected in the relatively small proportion of children under 16 years identified by specialist services.

4: Service responses to forced marriage in Scotland

This chapter draws from interviews held with a range of professionals, policy analysis in the six case study areas, interviews with Protection Leads and with survivors of forced marriage. Five key issues are discussed:

- understanding and knowledge of forced marriage
- responding to forced marriage
- policy responses to forced marriage
- the range of (non-legal) interventions offered
- barriers to responding to forced marriage.

4.1 Understanding and knowledge of forced marriage

Professionals generally had a sound understanding of the difference between arranged and forced marriage, raising issues of consent, duress, choice, expectations, and family reputation:

> Forced marriage is arranged and conducted without the consent of either one or both parties … If there's no consent, whether that's an inability to consent through ability or disability, or whether it's a young person who isn't of the age for marriage, so it's all encompassing within that.
>
> Case study area 5, third sector organisation 5B

Professionals with more experience of dealing with forced marriage demonstrated a more nuanced understanding, emphasising the long-term socialisation and inevitability of marriage, the impact of such 'grooming' on consent, and the process rather than event-based nature of forced marriage:

> … we would define forced marriage more as a process which is rooted in gender based violence so I would say that forced marriage is a process of grooming where someone is being prepared for a marriage and that over a period of time their ability to consent, or rather withdraw consent, is compromised.
>
> So for me FM is more than just the wedding it's a whole process of what comes before and what comes after that and duress within that is not necessarily as visible for both the victim/survivor as well as the professionals who are supporting or looking at such acts of violence.
>
> Case study area 4, third sector organisation 4B

These more nuanced understandings are crucial to deepening understanding of forced marriage and suggest that intervention strategies need to engage with

forced marriage as a process at both entry and exit points of forced marriage. Understandably, the current policy and practice focus appears to be on entry points i.e. to prevent a forced marriage from taking place, but the ability to exit a marriage without duress is also central to exercising one's human rights.

4.1.1 Communities in which forced marriage is practised in Scotland

Although the respondents made it clear that forced marriage is not specific to any one community, they reported it predominantly affects the South Asian community:

> Predominantly in the Southeast Asian community because it's been part of the culture for such a long time, and I think that culture from back home has sort of carried on here.
>
> Case study area 4, legal professional 4A

Forced marriage was also described as a universal issue that affects all communities simply where marriage exists:

> Forced marriage affects any community where marriage exists … it's about control in that particular family …
>
> Case study area 5, third sector organisation 5B

Since the available data illustrate that South Asian communities are those predominantly affected, professionals' understanding of forced marriage will be shaped and influenced by this factor, so it is not surprising that forced marriage was frequently seen as a 'South Asian issue'. This however, carries an attendant risk of overlooking the potential of the occurrence and threat of forced marriage in other communities:

> … in terms of forced marriage, I think people tend to automatically think of Asians and Muslims in particular, but you know, I know that actually it's more prevalent in African countries and other areas as well, so…I think that the lay person if you like…you know, the uniformed beat officer would probably be thinking of a woman in a sari for example as being a potential victim and might not think of a Gypsy/Traveller or you know, somebody like that.
>
> Case study area 6, Police

Other professionals with experience of working on forced marriage cases reported case work within the Roma community, Christian community, Jewish community and people with learning disabilities. This illustrates the importance of ensuring that understandings of which communities forced marriage is practiced in is not restricted to Muslim South Asian communities.

4.2 Responding to forced marriage

On the whole, professionals interviewed had very limited experience of dealing with forced marriage cases. For instance, 4 of the 9 third sector organisations spoken to had dealt with a forced marriage incident, and only 2 of the 9 third sector organisations described their organisations as dealing with forced marriage. However, the third sector organisations who had dealt with incidents of forced marriage had substantial in-depth expertise of forced marriage. Only one of the three legal professionals interviewed had dealt with a forced marriage case, one of the three social work staff interviewed and one of the six police officers had dealt with a forced marriage case. Whilst most professionals saw forced marriage for under-16s as a child protection issue, this was not universal, and a cultural framing of forced marriage was reported as impeding intervention:

> The biggest challenge is for people to recognise the risk of forced marriage, especially when they don't see it as child abuse and they see it as a cultural issue.
>
> Case study area 4, third sector organisation 4B

The cultural framing of forced marriage is discussed as a barrier in section 4.3.

Professionals raised a number of reasons for their lack of focus on forced marriage including the rarity of a forced marriage case, no organisational mandate to deal with forced marriage, lack of local or organisational forced marriage policy, and lack of funding. In general, professionals reported confidence in dealing with a forced marriage incident, but many professionals also highlighted the need for further training for themselves or other professionals. Survivor experiences of contacting agencies do not reflect this confidence except in the third sector.

4.2.1 Policy responses

Prior to conducting telephone interviews with adult or child protection leads and one violence against women lead in case-study areas, key contacts were asked to provide existing local policy or practice guides. These were summarised in advance of the interview which was then used to clarify current and planned approaches and the structures within which these had developed. In two of the case study areas, no local policy or practice documentation had been produced, despite the statutory obligation placed on local authorities in the 2011 Act. In the remaining four areas, local documents, some still in draft form, drew heavily on the Scottish Government multi-agency guidelines for forced marriage. In one case study area where no local documentation was made available, no designated policy lead was identified for interview. The following sections draw on available data from both written policy and interviews with participants. Three key sets of findings are discussed: perceived ownership of forced marriage policy; the maturity of existing policy; and a focus on learning as a means of improving organisational responsiveness.

Case study areas (as reflected in the views of the designated policy lead) were variable in the extent to which the lead officer felt prepared to 'own' local approaches. Shared ownership of local processes felt apparent in case study 2 and 4; in area 6 the lead officer interviewed clearly felt individual ownership but

appeared less sure that this ownership was distributed across key stakeholders (see below on multi agency working). In case study areas 3 and 5, there was less evidence that Forced Marriage was being taken forward as a recognised and key aspect of the interviewee's job.

> FM is not part of our remit … we have it as an offshoot of our work, I'm not sure why.
>
> Case study area 3, Policy Lead

In area 5, when asked about the absence of local policy documentation, the lead officer said that before the interview she had 'double-checked' and that they worked 'off the Scottish document'. In areas 3 and 5, the leads reported that when they knew they were to be interviewed they had checked to see if there had been any cases of Forced Marriage reported or FMPOs requested; they reported that there had not been any such cases.

Levels of ownership had some degree of overlap with a stated need to raise staff awareness of forced marriage and how to respond to it. Areas 2, 4 and 6 all highlighted the need for 'cultural' change within organisations and professions, to effectively respond to forced marriage and other such harmful practices.

> I've tried to find out what's happening with FM. I've spoken to [ ], our child protection co-ordinator, and she said as far as she knew there hadn't been any.
>
> Case study area 3, Policy Lead

Specifically, they discussed how responding to forced marriage was very different from responding to other forms of abuse, and was often contrary to their usual professional practice. This related in particular to the requirement not to discuss cases with family members.

> [The legislation] turns everything on its head… [it's] like going back 20 years to child protection.
>
> Case study area 4, Policy Lead

However, there was a real sense of these study areas taking on board these new ways of working in relation to forced marriage.

> Contrary to most social workers' training – go and talk to the family.
>
> Case study area 2, Policy Lead

In contrast, in case study area 5, where ownership of the forced marriage agenda by the policy lead was less apparent, the necessary practice for responding to forced marriage response was viewed as congruent with the generic skills of frontline social workers at least. No forced marriage cases had been reported to the policy lead (although forced marriage incidents were recorded by other agencies in this case study area, including statutory services), indicating that recording and information sharing are likely to be barriers to effective intervention.

Where local documentation existed it was variable in terms of the detail, but all used the 'one chance' checklist, had shared definitions congruent with Scottish

Government documentation, and provided local information relating to support organisations. The level of detail largely related to the maturity of the policies with areas 2 and 4 having the longest standing documentation. These areas were also those in which co-ordination across adult protection, child protection and violence against women services seemed at its strongest, not only in terms of existing structures, but also in terms of working relationships between lead officers.

Related to this is the extent to which case study areas described themselves as well placed to monitor and learn from cases. Again, areas 2 and 4 appeared best placed to maximise these opportunities, although other areas also identified that learning from individual cases are used to refresh adult protection policies, and emphasised that a learning mentality needs to go beyond formal processes.

> [We need a] non-corporate response to review – our antennae are up.
>
> Case study area 4, Policy Lead

> Something slides past you and you become an expert on it.
>
> Case study area 3, Policy Lead

Where local procedures were at the earliest draft stage, the importance of learning was also emphasised.

> We're more getting out the message of what are the signs of it and then reporting it and we do have some mechanisms for that but after that, getting down to the nitty gritty …. It will be fluid and learning as we go along.
>
> Case study area 3, Policy Lead

In the interviews with front line professionals in both statutory and third sectors, it was generally reported that there is no formal organisational forced marriage policy that respondents were aware of. If they had to deal with an incident they would follow the Scottish Government guidelines and the legislation:

> No formal policy because we follow the legislation and guidelines. We basically base our practice on that [SG guidelines] the difference is that because we are an HBV service we very much pay close attention to individual cases so we try to avoid the 'one size fits all' model.
>
> Case study area 4, third sector organisation

The police, however, have Standard Operating Procedures for honour based violence that cover forced marriage.

4.2.2 Support offered to staff

Protection leads discussed two main types of support for staff that are offered through local areas. The first is via the various policy and practice documents, where these exist. For example, case study area 2 provides staff with examples of more generic risk assessment tools that might be utilised in determining FM specific

risks whilst case study area 3 has developed tailored guidance for their Call First workforce recognising the generic nature of their contact with the general public.

The second is staff training – both mandatory and voluntary. Most areas, though not all, had provided their own training or made training available (usually in conjunction with a specialist third sector organisation). Such training was generally conducted within a wider suite of 'harmful practices' awareness training. Positioning awareness of, and responses to, forced marriage within a broader 'protection' context was argued to be important – not just as a means of covering more legislative ground within one training session but also because, as a matter of principle, staff should be encouraged to take a broad perspective on risk assessment. For example, one participant said:

> It's not about FM being top priority – it's about staff recognising what they're seeing when they see it … it's up there with all the other harms they might be seeing – like financial harm.

However, some described uptake of such training, where voluntary, as patchy.

The survey showed that organisations provide a wide range of support (see Table 5), most commonly one-to-one support, refuge accommodation and referrals on to other specialist agencies. Other more practically-focused support such as legal and financial aid also featured.

Table 5: Support responses to forced marriage

	N
One-to-one support	19
Referral to specialist support	17
Refuge accommodation	13
Support groups	6
Mediation	2
Financial	3
Legal	2
Other intervention	3
Community support	4
Training	4
Other	8

For those 19 organisations providing support to victims of forced marriage, 13 indicated that 'all cases were offered support', with only two indicating they needed to place victims on waiting lists or refer them on. Just one respondent felt there was no process in place for dealing with cases, and the remaining three felt that the

question was not applicable to them. In terms of the outcome of that support, nine of the organisations providing support (just under half) felt that support was always successful in addressing the needs of victims. Just under a quarter (four) felt that support was successful in either some, or in one or two cases. The six remaining organisations reported they were not sure whether or not support was successful in addressing victims' needs. As a means of preventing forced marriages from taking place, three organisations felt that support was always successful in achieving this, with five organisations feeling it was successful in either some, or in one or two cases. Just one organisation felt that support was not successful in preventing forced marriage, although five organisations were unsure.

Risk assessment and safety planning

Interviews with professionals identified that risk assessment and safety planning were key. The level of risk determines the type of intervention offered:

> Again, it's very dependent on that person's circumstances at the time. Some people are definitely more at risk than others, some people are at immediate risk in which case the best intervention as far as we're concerned is to try and completely remove them from that risk…and…with other people it's more of a concern rather than immediate risk, it's something that they think may happen… and for those kind of…instances it's all about arming that person I think with information about who they can speak to, that they can come to us any time, other roads they can go down, agencies…
>
> Case study area 5, Police

Practice which focussed on risk assessment using a person-centred approach and judgement free support was also emphasised in many of the interviews. Judgement free support was described as being aware of one's own cultural values and beliefs, and keeping an open mind about their impact on attitudes and stereotypes and being guided by the young person's wishes:

> My role is to support the young person and give them a safe space to listen and to look at the options … make sure they have been heard in a safe environment … their personal safety is the key priority.
>
> Case study area 2, third sector organisation 2D

> Be led by them [the young person] and support them to do it
>
> Case study area 2, third sector organisation 2C

> People are most keen to access the therapeutic and practical support…this works for us it a very person-centred way of working with people …following that some people might be looking for mediation or they are looking for restorative practices… for support, for advocacy or consultancy meeting with us
>
> Case study area 4, third sector organisation 4C

The need for therapeutic support was also highlighted by survivors.

> I think psychological help would be a big bonus because most of the time this happens to girls that are quite young so you make a big decision like running away you do need a bit of psychological help and it's not just a physical running away

Survivor 5

Mediation

> I know that mediation and restorative justice have a really bad press when it comes to HBV but we would never provide a service that we know is high risk unless we were perfectly sure that that risk was manageable.

Case study area 4, third sector organisation 4C

Whilst the Scottish multi-agency guidance is clear that there should be no contact with the family, a minority of professionals were of the opinion that dialogue and mediation with the family can be an effective intervention. Mediation was offered by two agencies. One respondent provided an example of when dialogue with the family, by utilising Islamic evidence of what constitutes a valid marriage contract, was helpful in getting the victims feelings across to her family, and also making the family question their actions from an Islamic perspective. Islamic clerics were also mentioned as an avenue by which families may be deterred from forcing young people into marriages, as:

> … their voice might be heard, maybe over a professional person.

> Conservative Muslims families will not want to talk to a white middle-class woman about the status of their daughter, it's never gonna happen … Islamic clerics will have a far greater chance talking to the parents and have them listen to them than anyone else who will go into a conservative Muslim household

Case study area 5, third sector organisation 5A

However, most respondents adhered to the 'no contact' guidance.

> … we do not…do not…try to intervene with the family because that potentially puts her at more risk…and now…we may feel we might like to go round and wag our finger and say 'you can't do this'…but…you know, it's just not possible to do, we do not try and mediate between families

Case study area 4, Police

4.2.3 Multi-agency working

The policy analysis showed that, where a case study area had written documentation of local policies and procedures, it was evident from this documentation that that multi-agency working was expected as part of the processes for addressing Forced Marriage. This was particularly true in relation to social services and the police. Specialist third sector organisations appeared, either as part of 'response' flowcharts, or as organisations from which advice and support might be sought, either by frontline workers or as part of safety planning.

However, the interviews with policy leads revealed more variation in the extent to which multi-agency working takes place in practice. In one area, multi-agency working extended beyond a single local authority area, and the development of local policy had been explicitly multi-agency from the outset; furthermore, the policy was described as being closely aligned to, and developed in parallel with, other policies on Honour Based Violence and Female Genital Mutilation. The Scottish Government guidance was used as the basis for local plans and built upon:

> We had to make sure the language and definitions was singing from the same hymn sheet.
>
> Case study area 2

In this case, the links between adult protection, child protection and violence against women leads appeared to be paramount and third sector groups were described as being full members of strategic groups. This level of routine multi-agency worked was described also in case study area 4. In areas 3 and 5, however, there was considerably less of a sense of specialist third sector engagement; in area 6, where the designated policy lead was from the Violence Against Women Partnership, relationships with other committee structures were felt to be suboptimal – the lead said, for example:

> VAW makes a concerted effort … I don't necessarily feel that it works the other way.
>
> Case study area 6, Policy Lead

In this case, the drafting of local policy had come from the Violence Against Women Partnership rather than from the broader public protection structure.

In relation to practice settings, in interviews with professionals, multi-agency work was mentioned by all as a crucial part of supporting a victim of forced marriage, and factored into the risk-assessment and safety planning process.

> … we get support from outside agencies that know more than we do, if we need to.
>
> Case study area 2, third sector organisation 2C

The point was also made that different agencies might take the lead depending on the circumstances:

> Who's best placed to support? Is it social workers? Is it Shakti Women's Aid? Is it Saheliya? Who can support this female or this male in moving forward?

Case study area 4, Police

Multi-agency work was generally thought to work very well in relation to forced marriage, for example:

> 'The multi-agency work is very positive in Dundee and in Scotland … the training sessions I have been on, there have been a number of multi-agencies involved, so everybody and all professionals are aware of this'

Case study area 2, third sector organisation 2A

There were differences, as illustrated by:

> Sometimes there is a lack of communication between agencies, but that is something which can be worked upon, but most of the time it is very, very good. You are able to communicate with other agencies.

Case study area 2, third sector organisation 2A

Within the survey, 18% of respondents indicated that they referred cases on to other organisations. These included Shakti Women's Aid and other Scottish Women's Aid services (for specialist support), police, immigration, solicitors and law centres, embassies, and the Crown Office & Procurator Fiscal Service. Referrals were also made to other third sector organisations such as women's support groups and minority ethnic organisations; national units such as the Home Office Forced Marriage Unit (FMU); and statutory sector agencies such as education, health, housing, and social care. Respondents indicated that processes such as the Multi-Agency Risk Assessment Conference (MARAC) also provided a conduit for increased multi-agency working.

4.3 Barriers to responding to forced marriage

Reported barriers to responding to forced marriage can be divided into two main categories, each of which is discussed in turn:

- professional and organisational barriers
- public awareness

4.3.1 Professional and organisational barriers

The designated policy leads reported four main barriers to responding to Forced Marriage. First, the vicious circle whereby a lack of familiarity with Forced Marriage, and a lack of training or engagement to address this, means frontline workers are sometimes unaware of the warning signs and symptoms. As one respondent put it:

> Where people have seen it, they see the value in it … part of the problem is they're not seeing it so it feels out there rather than here.

Case study area 6, Policy Lead

Second, and related to the first, it was apparent from responses that the reported absence of organisational experience in dealing with forced marriage cases, and the implications for local learning opportunities, could act to stall the development of local process and structures.

Third, in some areas there was concern that some cases might fall between cracks of adult and child protection, where these two structures and their associated processes did not work closely together. Likewise, in interviews with most professionals it was clear that dealing with a forced marriage case was rare and therefore for most expertise had not developed:

> Already the South Asian community is small, and within that is even smaller the proportion of people that are going to be affected by forced marriage, so I think you are even talking about a handful of people in Scotland. Because of that, because it's not very common, I think dealing with it, for people that have to deal with, it's going to be quiet a novel thing to deal with. Some of them might not know how to address it.

Case study area 4, legal professional 4A

Finally, some respondents also cited a lack of appropriate services, both for psychological and legal support.

> 'I do think there is quite a serious lack in terms of service provision around how to support people who are in that situation …

Case study area 2, third sector organisation 2B

Race anxiety

Many professionals reported colleagues' discomfort about dealing with issues of race and culture, for fear of being labelled racist or culturally insensitive. This has been termed 'race anxiety' in previous work (Chantler et al, 2001).

> Framing it as a cultural issue can be problematic and is not helpful – it can silence people who fear they may be seen as being culturally insensitive or racist – professionals have this anxiety.
>
> Case study area 4, third sector organisation 4B

> … when a practitioner is dealing with someone from a different community and culture, they're not going to want to be non-PC or say anything that's taboo, they're going to want to be sensitive or be respectful to cultural sensitivity. A lot of them are scared of offending people or being culturally insensitive.
>
> Case study area 4, legal professional 4A

Several police officers also mentioned race anxiety:

> I think…people are a little bit frightened of being called racist and when it comes to dealing with, you know, particular religions and cultures, people are very frightened to stick their hand up and say 'I think there's a cultural thing going on here' because they're afraid well 'you're just saying that because we're Muslim' or 'you're just saying that because we're Indian.' But there's definitely I think an element of that exists and…and people are more wary than they should be in terms of highlighting concerns and it's a very closed community as well and can be a secretive community…
>
> Case study area 6, Police

The quotes illustrate not only the discomfort, but also suggest that 'race anxiety' may impede accurate assessments.

> Fear of racism is a racist attitude because effectively professionals… argue that I'm not going to intervene because it looks like I'm going against your culture, or ethnicity or religion so the reasoning is that I'm prepared to help a white child but not a child who is not white.
>
> Case study area 4, third sector organisation 4C

Multi-agency working

As reported above, multi-agency working was generally reported as working well, but there were also a number of barriers identified to joint working. First, the issues identified above regarding race anxiety can impact negatively on co-working.

Second, the survey respondents reported that knowledge and training was often located only within one individual, rather than being shared collectively, and this acted as a barrier. Survey respondents suggested that improving inter-agency communication and relationships would assist in smoother, more effective responses. Third, it was clear that different agencies had a different status within multi-agency fora, which in some cases meant the third sector reported their contribution to be less valued than it perhaps ought to be. It was also reported that different agencies accorded forced marriage a different priority, leading to a difficulty in genuine partnerships. However, two key third sector agencies reported that their strongest links were with the police whilst relations with social work were weaker. Weaker relations between the police and social work were also discernible in one of the case study areas as reported by this police officer:

> We're also…we're trying very desperately to get a good relationship with social work about these things, but that's easier said than done because of their processes…and how they work, you know, we're speaking to someone different, you know, we've…their referral process is just quite ad hoc, so it depends on who gets a referral and what their experience and how they're used to dealing with it because you know, forced marriage doesn't actually fall under any of their umbrellas if you like…so it's…it's…I think it's quite difficult for them to…to figure out who's best to deal with something like that.

Part of this tension also relates to the different styles of working with victims of forced marriage. For example, some social workers reported that the police were more inclined than they were to pursue a FMPO and/or criminal proceedings.

Training

Interviews with professionals strongly indicated their need for training, to allow them to better respond to forced marriage. A lack of awareness of legal interventions to protect victims of forced marriage was highlighted as a specific barrier to intervention. Protection leads discussed difficulties of filling training places for forced marriage, despite recognising the need for training. Many in the third sector reported the need for training for themselves:

> We need more training and how each step is carried out within the protocol – training given to all staff members so all staff members are confident and competent, knowing what to do and what steps to take.
>
> Case study area 2, third sector organisation 2A

Those with experiences of working with forced marriage, including the police, also highlighted the need for training not only within the police force, but also of other professionals. This was echoed by some Scottish Women's Aid local organisations, who stated that forced marriage training should be mandatory for all statutory agencies and this was also indicated by at least one policy lead.

When survey respondents were asked about barriers to responding to forced marriage and how organisational capacity in this area could be improved, many schools asked for more training, but also pointed out that heavy workloads make it difficult for staff to attend training. Some Women's Aid organisations highlighted the need for refresher training for themselves as well as others. Other respondents indicated the need for training, particularly in terms of identifying the signs of forced marriage, and suggested that this could possibly be embedded within other compulsory training, such as child protection.

Inconsistent recording of forced marriage cases

Of those 55 organisations who did respond to the survey question asking how their organisation classifies forced marriage, 'forced marriage' was the most common term used (N=25), although 'domestic violence/abuse' (N=15), 'honour-based crime/violence' (N=10), and 'child protection' (N=5) also featured. Other indicators such as various types of abuse (e.g. emotional, sexual, and financial) were also listed, including female genital mutilation (FGM). A number of 'N/A' responses were given, indicating that respondents didn't consider forced marriage a relevant issue for their organisation. This could also be the case for the remaining 54 organisations that did not provide any response.

Of the 83 organisations who responded to the item regarding the recording of forced marriage cases, the majority (N=39) use a database, with 12 organisations relying solely on paper files. Just over a third (N=32) of respondents indicated that they either had no method of recording cases, or did not know how cases were recorded by their organisation. Staff also indicated that improving record-keeping would enable them to have a greater understanding and management of cases.

4.3.2 Public awareness

Some survey respondents identified public awareness raising as a means of enabling more victims to come forward, as a lack of public awareness maintains forced marriage as a 'hidden problem'. Similarly, in many of the interviews, professionals reported that a key barrier to working with forced marriage was the difficulties victims experience in reaching out for help alongside a lack of public awareness:

> What's lacking here is a middle step and that is educating a community, particularly elders, as to why such persuasion is not good, not only on a social aspect but also within their family.
>
> Case study area 4, legal professional 4B

This sentiment was echoed by others, who saw 'community awareness' or public awareness as a preventive measure as well as potentially increasing recognition and reporting of forced marriage. In the interviews, fear of repercussions as a result of contacting agencies was recognised, and it was suggested that more public awareness not just about increasing awareness of forced marriage, but also as an opportunity to highlight what support is available and what the implications of accessing support are, would be helpful:

I think it's just…it's…very difficult I think for women to report it and I think sometimes it's difficult for women to even recognise that they're in an abusive situation…or that there is anything that can be done to help them. I think they're so frightened of the honour based violence that you know, if they were to leave…or try to leave or try to in some way disrupt what's happening, you know, not only are they threatened, but their family, their younger siblings might be threatened and people in other countries might be threatened and I think it's so incredibly difficult for them to know where to go…

Case study area 6, Police

This also accords with the accounts of some of the survivors, who were unaware of what help is available and whether their experiences warranted contacting the police or other agencies:

The reason I didn't think of contacting the police, because honestly I didn't think it was a matter the police would have dealt with, because it wasn't that my parents were shipping me off to [south-Asian country] to get married, they weren't holding a gun to my head. I know that sounds a bit extreme but, or the wedding wasn't taking place the next day. … I didn't think of it being a matter the police would get with because I wasn't, it was just, there was no evidence, no proof that this was actually happening.

Survivor 3

Lack of trust was also identified as a major issue by both the police and social work, as communities' perceptions of these agencies might act as a barrier to reaching out:

… there is a distrust…a mistrust [with] …particular ethnic communities in relation to engaging with the police and I've experienced that both first hand and consequently in my current role where they won't necessarily won't want to trust you.

Police Scotland B (multiple areas)

Similarly, social work also mentioned public perceptions, based on stereotypes of them as 'taking children off people', acted as a barrier to engagement.

4.4 Examples of good practice

There were many examples of good practice identifiable in local documentation and/or discussed in interviews by designated policy leads. These included the following components in local documentation:

- clearly stated 'one chance' checklists (all cases)
- guidance for frontline workers and, separately, for their line managers (for example, case study area 2)
- clear articulation of signs, symptoms and commonly encountered 'excuses' for Forced Marriage (for example case study 3).

In terms of more discursive examples, good practice included:

- meaningful connections between leads for child and adult protection and for violence against women, for example, joint production of documents and local policies (particularly in case study areas 2 and 4)
- proactive engagement with third sector organisations
- a proactive approach to learning from cases and to reviewing local process accordingly (for example, case study areas 2,4 and 6)
- a stated intention to learn from other local authorities (case study 3).

At a practice level, some practitioners, especially in some of the Scottish Women's Aid organisations illustrated a sophisticated level of awareness and engagement with issues of forced marriage and recalled a number of cases where they had effectively supported victims of forced marriage. Statutory agencies such as police officers and social workers also discussed cases where effective support had been offered. All these cases illustrated an understanding of the complexity of individual cases of forced marriage, an accurate assessment of risk and the tension between supporting the victims in a victim-centred, person-centred way and using the legislation to support victims. Survivors reported that they had received excellent support from third sector organisations; their accounts of other agencies were more mixed (see Chapter 6 for details).

Summary

Professionals interviewed showed a sound understanding of forced marriage, but those with direct experience of supporting victims of forced marriage had a deeper and more insightful understanding which highlighted forced marriage as a process rather than an 'event'. Most professionals were aware that forced marriage took place in a range of communities, but it was seen as largely affecting South Asian communities in Scotland. The majority of professionals interviewed had little direct experience of supporting victims of forced marriage, but those that did had developed greater skills and understanding of forced marriage. This was reflected at a policy level where there were differing levels of ownership and maturity of forced marriage policy and where a focus on learning from forced marriage cases was identified as a means of improving responsiveness. In both the policy analysis element of the study and in interviews with professionals, participants drew heavily from the Scottish Government multi-agency guidance on forced marriage.

A wide range of practice interventions are currently offered to support victims of forced marriage, most commonly one-to-one support, central to which is risk assessment and safety planning. Person-centred approaches were often utilised, and the need for therapeutic and practical support was also highlighted. Two agencies interviewed offered mediation, despite the Scottish multi-agency guidance making it clear that mediation should not be attempted in forced marriage cases. In terms of the outcome of the various types of support offered, nearly half of survey respondents reported that the support offered was effective, though a further 32% were unsure of its effectiveness.

Reported barriers to responding to forced marriage included 'race anxiety'; a need for more robust local authority procedures for supporting victims of forced marriage

in some areas (see also related section on onus of responsibility); and multi-agency working (despite multi-agency working generally being described very positively). The barriers in relation to multi agency work included competing priorities and processes with some agencies having more power than others and not always utilising the expertise available via specialist organisations. A need for further regular training and learning opportunities on forced marriage was also identified as a barrier to responding effectively to forced marriage, despite forced marriage training being widely available. Perhaps more significantly, the survey results, policy analysis in some areas and interviews with some professionals suggest that a number of agencies and areas do not consider forced marriage a relevant issue for their organisation. A need for increased public awareness was also cited as maintaining forced marriage as a 'hidden' problem.

There are examples of good practice at both a policy and practice level including meaningful connections between child and adult protection leads and violence against women leads in some areas; proactive learning, person-centred support and in-depth expertise on forced marriage. Survivors reported that they had received excellent support from third sector organisations; their accounts of other agencies were more mixed.

5: The impact of civil and criminal legislation for forced marriage

In efforts to respond to forced marriage the Scottish Government has introduced both civil and criminal legislation relating to forced marriage. The Forced Marriage etc (Protection and Jurisdiction) (Scotland) Act 2011 provides civil protection in the form of Forced Marriage Protection Orders (FMPO) for those at risk of forced marriage as well as those already in forced marriages. Breaching a FMPO is a criminal offence. A specific criminal offence of forcing someone to marry in Scotland was created under section 122 of the Anti-Social Behaviour, Crime and Policing Act 2014 and came into force on 30th September 2014.

5.1 Civil legislation

A substantial minority of professionals interviewed reported that they did not have much information about potential civil remedies:

> I don't know a lot about that, no.
>
> Case study area 2, third sector organisation 2A

> I am aware of it, but I have not fully read it.
>
> Case study area 2, third sector organisation 2D

However, when the legislation was explained, most professionals interviewed supported the creation of civil legislation. Most of these respondents also said they would routinely inform victims of forced marriage of FMPOs, although respondents also reported that this should be done in a sensitive manner, where appropriate rather than routinely. Just under half (47%) of organisations who participated in the survey and who provided forced marriage support reported that FMPOs were discussed, and discussed successfully, with victims; however 20% indicated they were not discussed at all. One organisation indicated that they were discussed but rarely successfully and just over a quarter (27%) felt unsure as to whether they were discussed or not. One organisation took the view that:

> If we can support a woman without a FMPO, we will.
>
> Case study area 5, third sector organisation 5B

But generally, the respondents reported that a FMPO is a positive tool of support not only for the safety of the victims, but as a resource for practitioners. One respondent described it as:

> …brilliant…deterrent for parents and 'safety net' for victims.
>
> Case study area 5, third sector organisation 5B

The FMPO's capacity to act as a 'safety net' was central to one survivor who did lodge an FMPO. Her family members have challenged it, and at the point of the interview the case was still ongoing, but she reported feeling more protected having the interim order in place:

> It feels a lot safer just having the interim order. I obviously don't like that it's temporary but it does help quite a lot.
>
> Survivor 5

> I would have considered it because I really didn't want to get married…but I might have even threatened my parents with it, saying 'listen, I don't want to do this and there's legislation' I think.
>
> Survivor 2

Other survivors also largely supported civil remedies

> [in relation to FMPOs] Oh, that's really good, I mean that is really good. At least it's the law going to deal with them so the child doesn't have to marry.
>
> Survivor 6

Service providers generally spoke of victims being routinely informed about FMPOs, but being reluctant to pursue it:

> She was baffled by it at the start. She didn't want anything legal against her family, and then obviously with it making them aware where she was living, she didn't want it either.
>
> Case study area 2, third sector organisation 2A

However, most survivors were concerned about elements that included criminalisation (discussed below). In general, there was widespread support for civil remedies, but those who had experience of the process discussed a number of difficulties of implementation.

Difficulties of implementation

Whilst the idea of civil legislation was widely welcomed, its implementation raised several issues that act as a deterrent to using the legislation. Interviews with professionals showed that it is a minority of organisations who have experience of dealing with forced marriage, and these professionals articulated a nuanced and sophisticated view of the civil legislation. In particular, reference was made to the decision in the case of The City of Edinburgh Council v S (Sheriff Court, Edinburgh, 3 March 2015[5]), which was thought to make it more difficult to bring future cases forward. One participant's reading of the judgement was that it shifted the evidential threshold required in civil legislation to the test applied in criminal proceedings, and

[5] https://www.scotcourts.gov.uk/search-judgments/judgment?id=87a9cca6-8980-69d2-b500-ff0000d74aa7

that it minimised the violence experienced by the women because of cultural framing of this behaviour. It was argued that this would probably make it more difficult for local authorities to apply for FMPOs.

> They [social workers] would be very nervous to use the law, because the test applied is 'beyond reasonable doubt' rather than 'balance of probabilities', and also from a very cultural perspective rather than a GBV perspective.
>
> Case study area 4, third sector organisation 4B

This suggests that how the civil legislation is interpreted is central to its successful up-take. Given the difficulties that victims have in coming forward and in pursuing legal remedies, a refusal to grant an order or an interim order on the basis of insufficient evidence, as well as potentially not stopping that forced marriage going ahead, may also deter victims from pursuing legal remedies in the future. Some respondents were of the view that that too high a threshold has been applied for sufficient evidence to grant a FMPO, and that this is due to some legal professionals conceptualising forced marriage as an event rather than a process of 'grooming' or socialisation.

> The biggest flaw we have around our understanding of forced marriage and how the law has been used in specific cases, particularly the legal profession's understanding, is that they are too focused on a wedding, and we don't see risk as a wedding. Because they are saying 'where is the groom?' and 'where is the bride?' and 'when is the wedding date?', and I find that highly problematic. But I think social workers, and to some extent police officers, are increasingly able, where they have had some intervention and discussion on it, able to look at FM more as a process rather than an event.
>
> Case study area 4, third sector organisation 4B

Finding an experienced solicitor was also an issue for Survivor 5, whose situation was complicated by her immigration status:

> We were still trying to get things moving for the Forced Marriage Protection Order. I think, also because my solicitor wasn't experienced about matters and I think there were very few cases at the time so very few people had knowledge about Forced Marriage Protection Order as well, so most of the time were trying to find a good solicitor who… who knew about the Forced Marriage Protection Order.
>
> Survivor 5

Other professionals discussed that:

> There needs to be an easier pathway to implement the legislation, because right now it requires umpteen meetings, numerous meetings to decide who's going for a FMPO. So for me it should be as easy as getting a children's order but it's not.

Case study area 5, third sector organisation 5B

Others doubted the legal process and judicial understanding of forced marriage:

> Even if we get it all the way to court, what is the understanding of the judge?

Case Study area 5, third sector organisation 5B

Onus of responsibility

The multi-agency statutory guidance on forced marriage makes it clear that local authorities have an obligation to offer support to those experiencing forced marriage. However, it appears that some local authorities are unwilling to discharge their duties as Relevant Third Parties under the forced marriage legislation, or are not aware that they do, in fact, have such duties. Respondents' experience is that local authorities are only willing to become involved in seeking a FMPO through the courts, or offer support, where they are compelled to intervene under other existing statutory obligations, namely those involving child and adult protection. Responses under other statutes are taking precedence over responses due under the forced marriage legislation.

The survey component of the study revealed that most reported cases of forced marriage in Scotland involved people over 16, so processes to support adult victims of forced marriage are crucial. The Adult Support and Protection (Scotland) Act 2007 stipulates the roles and responsibilities of all agencies regarding adult protection, but each local Adult Protection Committee is responsible for developing their own guidance and training. Section 3(1) of the 2007 act defines 'adults at risk' as adults who i) are unable to safeguard their own well-being, property rights or other interests; ii) are at risk of harm; and iii) because they are affected by disability, mental disorder, illness or physical or mental infirmity, are more vulnerable to being harmed than adults who are not so affected. All three criteria have to be met to trigger access to adult protection.

> It's very, very difficult…there's criteria that have to be filled as far as social work are concerned and your typical, if you can call it that, forced marriage victim, will probably not tick correct criteria for that…if it's an adult I mean.

Case study area 5, Police

A number of interviews with professionals and the policy analysis illustrated a lack of robust local authority procedures for supporting adult victims of forced marriage who have capacity (i.e. who do not meet the criteria to trigger access to adult protection).

Forced marriage per se does not, of course, elicit an automatic adult protection response, unless the legislative criteria of the 2007 Act are met. However, a common perception was that the local authority would only intervene in cases of forced marriage where an adult lacked capacity or where a child was being forced into marriage. Importantly, the 'capacity', or otherwise, of a person at risk of forced marriage should not be seen as a barrier to local authority intervention, as to do so would further undermine those at risk. The issue of 'capacity' in this sense is, in fact, immaterial since local authorities already have the power to act in relation to adults with capacity, under the Relevant Third Party provisions of the Forced Marriage legislation.

However, a few participants also discussed that one's capacity to consent to a forced marriage might be compromised even without other risk factors. Both the professionals quoted below had direct experience of supporting a victim of forced marriage, and were arguing for a different understanding of capacity than that stipulated in the 2007 Act:

> Does this person have capacity to consent in the context of her family?
>
> Case study area 4, third sector organisation 4B

> …it's a different scenario, it's not like the person's not able to make a decision like…you know, lacking capacity…what they're having to do is to turn their whole…upbringing upside down and say 'I can no longer be…forced into certain situations that I don't want…they're going against the family, there's notions that they've been brought…of dishonouring the family…completely alien to them to do that…I think it's a far more difficult situation for an adult than a normal…you know, lack of capacity as …I would look at it, where someone can't decide on a decision
>
> Case study area 5, social worker

However, as illustrated above, there is confusion about what the appropriate local authority response should be towards victims of forced marriage, despite the forced marriage legislation being clear that local authorities are empowered to intervene under the Relevant Third Party provisions. The misconception that local authorities can intervene only if there are child or adult protection matters needs to be addressed as a matter of priority. The current situation leaves the onus of responsibility for pursuing a FMPO either with another third party to apply on their behalf and meet the costs, or, in the majority of cases, with the victim. Hence, if the local authority considers that it has no locus to act in terms of adult protection and the adult at risk of forced marriage is ineligible for civil legal aid to pay for their application, then they will be required to pursue the FMPO personally (albeit with the opportunity to access support in doing so from the various organisations mentioned). In essence, they will be 'largely on their own', as explained by this police officer:

… a stumbling point for females who have capacity …is that they…have to apply…make that application on their own…in their own name…and finance it.

Case study area 4, Police

The bigger reason is probably that people don't understand the risk and how forced marriage plays itself out and also we are still in an environment where it is only when the young person or the adult at risk says 'I'm at risk' that's when people are getting involved so they find it easier when the child is defining it and its more complicated or difficult to see the continuum of control and abuse that leads to and that is not happening yet and if that was recognised we might use the legislation better.

Case study area 4, third sector

At a time when victims are feeling vulnerable and when it appears that legal expertise in this field is relatively new, the notion that a victim might pursue a FMPO on their own is doubtful. In a similar vein, interviews with professionals highlighted that any breaches of FMPOs have to be acted upon by the victim in terms of re-contacting the relevant authorities. The following quote advocates the importance of being aware of the elements of actual or implied force, threats, manipulation and control, enabling earlier intervention and support.

Given the identified lack of public awareness of forced marriage, it is difficult to envisage victims coming forward and self-identifying as victims of forced marriage in this context.

As emphasised above local authorities already have the power to act in relation to adults with capacity, under the Relevant Third Party provisions of the Forced Marriage legislation. Therefore, one potential way of ensuring that these powers are exercised consistently would be to strengthen the existing forced marriage statutory guidance, to make it clear that local authorities are obligated to provide support (legal or other) when any adult or child at risk of forced marriage is identified. This should include cases where the adult concerned has capacity, and also those where the adult concerned does not want to proceed to a FMPO, but does require other forms of support: emotional support and safety.

Maintaining confidentiality

One survivor reported that, while she was pursuing a FMPO, her family had succeeded in extracting information about the survivor, including her whereabouts, from statutory sector professionals involved in her case. This example serves as a reminder to uphold the highest professional standards and to recognise the lengths to which perpetrators of forced marriage will go to undermine the victim. If the victim is pursuing a FMPO under her own steam, then the application for the Order, as part of the court process mean that documents sent to the perpetrators and their lawyers, will reveal her address, unless the solicitor is sufficiently aware, or is so instructed by the victim, and possibly the organisation supporting her, (depending on their own understanding of legal process and organisational-generated risk) to put her address as c/o the solicitor. Failure to understand the need for confidentiality and to 'think outside' routine procedures when dealing with forced

marriage and information sharing increases risk to the victim's safety and well-being. Victims' concerns about the potential for confidentiality to be compromised therefore represent a further barrier to them pursuing FMPOs.

5.2 Criminal legislation

Most respondents from the interviews with professionals described the criminal legislation as a positive step forward in tackling forced marriage:

> It shows that the government are taking the matter seriously, that they are in tune with the minority population, that they understand certain issues
>
> Case study area 4, legal professional 4A

Survivor 5, who had an interim order FMPO, also advocated criminalisation, particularly as an instrument of last resort:

> I think it's kind of a good idea because, I hope, and I don't want anyone to be put behind bars but just making it a civil case, giving them a fine or something like that, it's not really going to stop them. I think when you've exhausted every other option then that's the only option you have left…
>
> Survivor 5

However, respondents also reported that the move to criminalise carries risks and new dangers for victims. For instance, some respondents reported that criminalisation will not increase the number of victims coming forward:

> Forced marriage shouldn't be criminalised … we don't think it will bring any more people forward
>
> Case study area 5, third sector organisation 5B

> The danger is when you criminalise something, particularly something of this sort, that it tends to go underground a lot more. The majority of victims that are going to come forward, their perpetrators are going to be, for example, parents or guardians or elderly, siblings and it could be very difficult for victims to speak up.
>
> Case Study area 4, legal professional 4B

The majority of service providers discussed victims' reluctance to use legal measures, and this was echoed by most of the survivors (apart from Survivor 5), who described their views on criminalisation as 'definitely not' (Survivor 8). The potential criminalisation of perpetrators, which are most likely to be parents, was reported as the main issue:

> … it's very difficult to get anyone to actually tell you that that is what's happening to them purely because they know that someone in their family or whatever is going to be criminalised for that. And that's where the difficulty comes in.
>
> Case Study area 5, Police

> Can I prosecute my mum? Can I prosecute my dad? Can I face the fact that my dad might go to prison?
>
> Case study area 2, third sector organisation 2A

> Because you love them, you know, there's no way you're gonna, I don't know, put a criminal record against them or want to do something that will, you know, they get letters through the courts or anything.
>
> Survivor 1

Survivors were generally supportive of some form of legal protection, but were not convinced that criminalisation is an appropriate response or something that victims would consider, due the ramifications of pursuing this. Referring to civil protection, this survivor reported that she would have used it:

> An Act where it would make an offence for them to take me out of the country, I would definitely, I would have gone for that.
>
> Survivor 3

But in relation to criminalisation, she continues:

> Whereas the prison thing… I'm thinking it from my emotional lens, you don't want people that you care for to be sent to prison…Because you're in that group, you're going to be, feel pressure from them… everybody saying 'don't do that, don't do that'.
>
> Survivor 3

Other than such pressure, both professionals and survivors mentioned the fear of ostracisation and isolation as a barrier to using forced marriage criminal legislation.

Summary

There was widespread support for civil remedies for dealing with Forced Marriage from professionals interviewed and survivors. A number of issues were identified with regard to the implementation of civil remedies. These related to:

i) a lack of consensus about what constitutes 'sufficient' evidence to justify granting a Forced Marriage Protection Order

ii) the onus of responsibility being placed on the victim, particularly where the victim is an adult who does not meet the criteria for accessing adult protection

iii) confidentiality of the victim not always being maintained

In relation to criminalisation, most professionals interviewed thought it sent a strong message to the public that forced marriage was unacceptable in Scotland. However, many professionals also raised concerns about the potential for forced marriage to 'go underground', as victims would not wish to criminalise their families. It is too early to say whether this position is justified. All survivors welcomed legal protection but most were not supportive of criminalisation. However, one survivor

who had pursued an FMPO stated that criminal procedures should be used, but only as a last resort.

6: Help-seeking and impact of forced marriage on survivors

This chapter presents the experiences of the eight survivors of forced marriage who were interviewed for the study. To protect anonymity of participants, most of the identifying features of the survivors (all women) have been removed. Ethnicity is referred to as South Asian rather than Indian, Pakistani etc. and place names in the UK have also been removed. The participants are referred to as Survivor 1 etc. rather than with pseudonyms. Children are referred to in non-gender specific ways and ages are also concealed.

Seven women with experiences of forced marriage participated in the study. Their ages ranged from 21 to 49 years. All were from South Asian families. The spousal partners were also South Asian but from different countries of origin. Most of the women had children. Of the eight women, three women managed to escape before the marriage happened. In this context we refer to these women as having escaped the forced marriage and the other five as having the marriage 'contracted' which means the marriage and wedding ceremony took place. One of the women was forced to marry twice. The women were married from age 14 to age 25. One of the women was seeking asylum in Scotland.

Of the eight women, most were from England and fled to Scotland for safety reasons, and the majority of cases were historic. Only two of the women's experiences fell between the time-line of our project 2011-2014. However, given the range of experiences and that most of the women were now receiving, or recently received, support from women's sector organisations their experiences were still very relevant to informing understanding of this issue. It is also worth reporting that for all the women it is more appropriate to consider their experiences of forced marriage as a pattern of events rather than as a discrete act of being made to marry someone. All the women experienced severe and prolonged abuse, violence and control including psychological abuse, torture, imprisonment, isolation, sexual violence, control and surveillance.

6.1 Survivor experiences of accessing formal and informal support

Most of the interviews with survivors reveal many missed opportunities for offering help and intervention to protect them from forced marriage. Most of these experiences occurred prior to 2011 and most of the women were living in England at the time of their forced marriage and escaped to Scotland for safety. Nevertheless this data offers an understanding from survivors' perspectives accessing formal and informal support. The quotes below illustrate the range of formal and informal support that the women accessed. Some survivors turned to family and friends, others contacted statutory services, and some women did not contact anyone for help. The reasons for not seeking help from agencies were mostly either due to fears about confidentiality and inappropriate responses, or not realising that help was available and that they qualified for help.

I didn't really go to anyone … I think I just thought I'm doing something wrong, I didn't think they were doing something wrong, it was like I was doing something wrong'.

Survivor 1

Of the eight survivors, six of them received support from third sector organisations in Scotland, and these six women all reported this help to be of critical importance. Five of the women were put into contact with the third sector organisation by statutory services (which included a school counsellor, police, social services, and a GP), and the sixth woman self-referred. Almost all the help received which was perceived as successful was from third sector women's organisations, although there are also some positive examples of statutory service involvement.

Friends and family

Friends and family responses varied from helpful to unsupportive. For example, Survivor 2 only accessed help after she revealed to her friend that her husband was keeping her imprisoned, and the friend issued an ultimatum that either she contact the police to report that she was being kept captive or her friend would do so on her behalf. Survivor 2 had also asked her family for help, but this served to reinforce the pressure she had originally experienced in resisting the marriage:

So that just made me call the police, I called the police and then the police came up and then I just took my belongings and I just went and stayed with my friends and I told my parents that he was being controlling and hitting me and not being nice to me… So they [parents] came across from [country] and they tried to diffuse the situation and they basically told me that if I was a good wife then he wouldn't hit me, basically, you know, it was up to me to change my behaviour so that he wouldn't hit me. And then they [parents] went back to [country] and then they wanted me to go back and live with him, but I wasn't having any of it.

Survivor 2

In contrast, when Survivor 7 told her friend what was happening, her friend's response was to confirm that this was a common experience for a lot of the girls in their community. The normalisation of this experience meant, for Survivor 7, an acceptance of the inevitability of it:

I told my friend. But …I think that a lot of Asian people where I live…they start getting their daughters married. So our friends, my friend that I was talking to she said 'I'm in the same situation'. So there was a lot of people in the same situation as me, but some people got away, some people ran away before they went to [south Asian country], some people got married but left their partners.

Survivor 7

Statutory services

Mixed reports were received of interactions with statutory services. Some survivors were not aware of any help at the time of their forced marriage as these were up to 20 years ago and support was minimal:

> Now I know there's like sort of services that providing refuge space, providing support for girls, you know, they're making sure the girls are kept safe. You know, at that time I didn't know that was available. … Obviously at that time there wasn't a forced marriage helpline or anything who you could talk to. The Government I don't think, took it so seriously at that time.
>
> Survivor 1

Survivor 4 experienced abuse from her brutally violent husband for nearly 20 years after her forced marriage. Despite the abuse and violence her family warned her not to tell anyone what was happening for fear of bringing shame onto herself and her family. However, after a particularly violent attack it was the police who recognised that something was wrong and pursued it:

> I was so scared for telling anybody that I just took it and took it and plus I couldn't because any time I told my family, they'd say 'be quiet because people will say this and people will say that'. … And then what happened is that he hit me, he beated me up so badly, he tried to kill me and he got my hand, my throat and he slit my wrist, my hand, so the police had to come. So when the police come they asked me, but I told them I did it myself, but you know, looking at, look, the police know, they're not stupid so when they looked at everything, they said 'no, there's something going on here' so they called the social services in and then that's when I started to talk a little bit.
>
> Survivor 4

Survivor 5 was originally studying with a student visa in another UK country and then to escape the forced marriage she came to Scotland. The trauma of her experience led to mental ill-health and when the police found her, following an attempted suicide, they got her admitted to a mental health institution where she stayed for a number of months. She reported feeling safe and cared for when in the institution as she had a team of support including medical professionals, social workers and police:

> You feel protected to have so many people, just to know you have so many people looking after you, you feel protected.
>
> Survivor 5

However, she experienced a number of breaches of her confidentiality, with her telephone number and subsequent address being passed to her parents despite explicit guidance that there was to be no contact with parents or other family members. It is not known who breached this confidentiality as she was being supported by health service professionals, social work and the police. Despite this, she reported receiving a high level of care, but that the statutory professionals who were supporting her did not know how to proceed with her care:

> My psychiatrist was very nice and the police officer as well. Because I was here on a student visa it was a bit tricky as well to know what to do, and to where I would go as well, if I was discharged from hospital. So that's why they kept me in hospital for that time, because they knew I was a vulnerable adult.
>
> Survivor 5

In contrast, Survivor 6's experience with medical professionals was not so successful. Her experiences were in England and a few years prior to Survivor 5, but in this case her husband and his family convinced the health visitor that after the birth of both children she did not need any health intervention, and falsely claimed that they were the victim's own mother and immediate family and would provide her with care. As a consequence, when she did try to disclose the forced marriage, violence, abuse, child abuse, neglect and control, her husband's family convinced them that she had mental health problems and was herself the source and instigator of the problem.

Survivor 7 was 15 when she was taken out of school and forced into a marriage in a south Asian country. None of the school staff inquired into her whereabouts, because not only had she been told not to tell the teachers what was happening but was taken abroad during the school the summer holidays when her non-attendance at school would not be noticed. However, Survivor 7 discussed the deep impact this had on her and her feelings of being 'unwanted':

> No, I mean we didn't come back to school, I think by the time we come back school was all over. I mean I think that's why I was more hurt, the fact that no-one come looking for me, you know a doctor, no-one and I was really, really hurt. The fact then, more and more I thought that you know what? I was an unwanted person in this world, I had stupid things in my head thinking that 'look, how come no-one even asked for me? How come no-one found me?
>
> Survivor 7

She further describes the impact of being let down by statutory services:

> At the time when I was going through all this I mean somebody could have put a stop to it …all. Somebody could have saved me from getting married, you know and then when I was gone for a year, I mean somebody could have got me back and said 'you know what? No' but just never happened… I was that girl in [south Asian country], getting beat up, crying, asking for help and no-one heard me …
>
> Survivor 7

In contrast, Survivor 3, whose forced marriage experience was more recent, explained that she told her school teacher that she was being forced into marriage. The teacher referred her to a school counsellor, who contacted a third sector women's organisation in Scotland. For all of the women, it was only when they came to Scotland that they were either referred to, or made contact themselves with, third sector women's organisations, and for the majority of them it was via a referral from a statutory service. In all of the cases, it was third sector women's organisations that offered survivors long-term, effective support, and all the women spoke of the different organisations that they had been in contact with in the highest regard.

Reasons for non-disclosure

Survivor 5 did not disclose to anyone until she was in a crisis situation. Survivor 1 discussed the concerns about confidentiality as a reason for non-disclosure:

> I thought 'there's no way, they know my family!' … I wouldn't go, there's no way, you know, they would gossip about me or they would tell my mum where I am!
>
> Survivor 1

She also explained that there was a general view that problems should be kept within the family, and a view that women just had to tolerate whatever was happening to them:

> Because the view, generally, not just in my family, is that information isn't kept confidential, and that people might find out what has gone on and then people will talk and it looks bad on the family. So I don't think I would have accessed any services. … It's the whole notion of women being seen and not heard and not having a voice and just getting on …to just put up with it
>
> Survivor 1

Many of the survivors did not contact statutory services for fear that they would not respond appropriately, because they did not think their situation warranted statutory intervention, or because they did not want to report their family to the authorities. Also, where survivors did engage with the statutory sector, at times the responses were inadequate and/or increased the risk to survivors, largely in England, but also in Scotland. However, for the majority of survivors it was through a referral from a

statutory service that they made contact with the third sector organisation, which did then result in them receiving help and support.

6.2 Impact of forced marriage

The impact of forced marriage on survivors was significant and key elements included negative outcomes for mental health, education and employment. The main positive outcome was that survivors were keen to ensure that their children would have the freedom to make important life choices such as marriage partners and education for themselves.

Impact on mental health

All the survivors discussed the impact of experiencing forced marriage on their mental health. For some the trauma led to quite serious mental distress. Many adopted coping mechanisms that involved transgressing parental boundaries, self-harm, suicide ideation and eating disorders. For example, Survivor 1 developed an eating disorder to deliberately make herself ill:

> I would think, right, nobody wants to marry an ill woman.
>
> Survivor 1

Survivor 8 also developed an eating disorder as her husband wanted her to be slim whilst at the same time wanting her to get pregnant:

> So, I was confused as to what he actually wanted because if he wanted me pregnant then I would need to make sure I looked after myself and ate properly, so, I ended up having an eating disorder while I was married to him because the only way that I could lose weight, that I could think of at the time was to not consume food.
>
> Survivor 8

Survivor 5 also discussed in detail the negative impact of her forced marriage experience on her mental health, which appeared to develop into an eating disorder and depression:

> …towards the end there was like no lunch at all… And it was the same with dinner. … By this point I was getting very, very lonely and depressed as well so my mental…health had deteriorated because at some point I was thinking to myself 'like what exactly is the point of studying so hard if at the end of the day you're just going to throw it all away?... I wasn't going to class very much, I was waking up at odd times of the day and going to sleep at odd times of the day.
>
> Survivor 5

She usually went home during the holiday periods, but she was so worried that her parents would proceed with the marriage ceremony that she contrived to stay in the UK over the Christmas holiday period, which led to an attempted suicide:

> December was fast approaching, my mental health started going very, very bad as well and then I started getting suicidal as well, I was having suicidal thoughts at the time…
>
> Survivor 5

It was only after many years of extreme violence that Survivor 4 escaped to Scotland and was put in touch with a women's organisation that she realised that there was help available:

> I sort of give up on life…I've tried to commit suicide so many times because I sort of give up on life. I didn't know there was help out here, which I've just come to Scotland…
>
> Survivor 4

She discussed how at the age of 15 she was taken abroad and forced to marry and was then left there with her husband's family. She was forced to become pregnant, and whilst pregnant with her second child her husband was killed. It was at this point, due to her severe mental ill health and suicidal ideation, that her parents finally came to take her back home to the UK:

> Yeah because I was…very, very mentally disturbed…so my mum …said to my father-in-law that 'I'm taking my daughter back because she's very disturbed and if she stays here she'll probably die here, so I'm taking her back.' So she brought me back…I just couldn't stay there. I said to my mum 'you've got to take me out, if you don't take me out I'll just kill myself'. So my mum brought me back.
>
> Survivor 4

Even where the forced marriage experience had occurred many years in the past, long-term mental health impacts continued to manifest themselves.

> When I think back I still get scared, thinking that 'oh my god, will this happen to me again?' But I know it won't because, you can't get that thought of your head, the fact that you've been through it and you've … I have nightmares still about it, I mean I wake up shouting at night and you know sit there and cry because you don't know, you had no-one to talk to at that time and you know, no-one to help you out.
>
> Survivor 7

Impact on education

The impact on education was frequently discussed. This was in relation to girls being taken out of school and in cases where young women were permitted to study, this was within very prescribed and controlled circumstances, and with no prospects of being permitted to work post marriage. Survivors recognised the links between education and empowerment, or lack of empowerment where educational opportunities were denied:

> Yeah, it upsets me 'cause I can't read, well, I can read, but I can't…spell, I can't write and it really hurts because I shouldn't have been out of school at that age. And even though we did go to school, we used to go to school for a day and then mum used to not let us go for weeks because at that time you could get away with it. they [family] said 'oh…Muslim girls shouldn't be allowed to go to school because they get communicating with boys…so we wasn't allowed to go to school as normal girls.
>
> Survivor 4

> Yeah, I was at college, but they took me out of college, so I would try to go back to college, they would take me out, didn't want me mixing. I was actually taken out of school when I was 12. …. Yeah, because they didn't want me to have an education because that makes the women more empowered.
>
> Survivor 1

Survivor 8 was encouraged to complete her university education, but only because it would make her more eligible for marriage:

> Well, I was the first female in the family to go on to further education, so in that sense my family were supportive in pushing me into getting as high up the academic ladder as I possibly could, so I was the first in fact the first in the family to go to university, let alone the first female, so they definitely wanted me to finish my degree and I wanted to finish my degree as well, that was one of the conditions [of the marriage contract].
>
> Survivor 8

Impact on parenting

For those women with children, they discussed the impact their forced marriage experience had on how they raise and parent their own children. They discussed how they would give their children more choices and freedoms in their lives than they had experienced regarding friends, clothes, education and so on:

I've got two [children] and I'm never going to let them go through what I've been through. I'm trying to give them the confidence...I'm going to give them the confidence of marrying who they want and who they love and let them educate themselves in doing what they want. And trying, you know, I'm never going to get in the way, never, and I'm going to try and let them have an education what I didn't have.

Survivor 4

Yeah, I think I'm more like, I want them to have more freedom to have than I did, you know, choices, options, it's more not, so, I don't know, authoritative to my children, … I want [them] to understand that [they have] as much choices as [others].

Survivor 1

Whilst their own experiences of being forced to marry by their parents led the survivors to parent differently it also raised questions about not comprehending how their own parents could do that to them:

It's your parents, exactly and then after having my own kids, I just think, how could they do that? I just don't understand how they could do that.

Survivor 2

Summary

The eight survivors who took part in this study showed extraordinary resilience, courage and optimism despite experiencing severe abuse. The age range of when the forced marriage occurred was from 14-25; for five of the eight survivors the forced marriage was contracted, with one survivor being forced into marriage twice. For two of the eight women, the experience of forced marriage was recent or ongoing (within the last two years). All the survivors interviewed were South Asian. All the women received help only when they came to Scotland – whether from abroad or another of the UK nations. It could be tentatively suggested that Scotland does have a better response to forced marriage than other parts of the UK, although some of the survivors were talking of experiences many years ago. The impact of forced marriage included mental health problems and survivors were frequently denied educational opportunities. On a more positive note, survivors' experiences of forced marriage had engendered more liberal attitudes to parenting than those that they had experienced.

Survivors sought help from family and friends, and feared contacting agencies due to perceived confidentiality issues, family pressure, uncertainty about the appropriateness of response, and uncertainty about whether what had or was

happening to them warranted agency involvement. Statutory service response was patchy and whilst positive in places, it was mostly inadequate. However, it must be reiterated that some of the women were reflecting on historic cases stretching back a couple of decades and, at times, referring to experiences that happened outside Scotland. Most of the women had had some contact with both statutory and third sector specialist women's support organisations. Statutory sector agencies largely referred women to third sector services, and contact with latter was reported as extremely positive.

7: Conclusions and recommendations

Recommendation 1: Develop an innovative programme of further public/community awareness-raising activity, to prevent forced marriage and to encourage increased reporting

The survey found that reporting rates in Scotland are lower than might be anticipated, which indicates that increasing reporting rates should be a priority. In interviews with professionals and survivors, a lack of public awareness of forced marriage was cited as one of the key barriers to increasing reporting of forced marriage cases. Innovative public/community awareness raising activity that is directed at increasing understanding of forced marriage, and that also informs communities of what support is available and the consequences of using either civil and/or criminal legislation, is likely to be helpful in enabling victims of forced marriage to come forward. This might also be a useful intervention to prevent forced marriage from occurring. Police officers and social workers reported that communities are likely to be distrustful of such agencies, either because of negative prior experiences or negative perceptions of such agencies.

Public awareness-raising activities need to be tailored to specific groups within practising communities (e.g. elders and parents or young people), and to take into account communities' experiences of dealing with statutory agencies. It is also important that the programme of awareness-raising activity is not restricted solely to minority ethnic community events, but also includes activity in other relevant settings, such as schools and colleges. Clearly, encouraging increased reporting needs to be accompanied by ensuring that agencies are able to respond appropriately to the potential increased demand for services.

Recommendation 2: Develop further regular training on forced marriage for a range of professionals (including teachers, social workers, police officers, legal professionals and mental health practitioners), and ensure appropriate staff attend and the learning is cascaded and applied

Alongside public awareness, another key barrier to responding to forced marriage was cited as an increased need for forced marriage training. This was found in the survey, policy analysis and in interviews with professionals. Perhaps more significantly, the survey results, policy analysis in some areas and interviews with some professionals suggest that a number of agencies and areas do not consider forced marriage a relevant issue for their organisation. Such a misconception is a clear barrier towards organisations identifying forced marriage as a training need, actively seeking to have their staff trained, encouraging attendance at training and proactively identifying training opportunities or creating their own in partnership with specialised, third sector organisations.

Although training on forced marriage has been widely available in Scotland, the fact that this was reported as a gap, or that organisations do not see it as within their remit, suggests that increased training is desirable. Whilst interview participants

had a basic understanding of forced marriage, it was clear that many were unaware of how the forced marriage legislation works and their agencies role in responding to forced marriage. Further, the issues uncovered in this study relating to race anxiety need addressing via training.

Multi-agency working was generally reported as positive. However, difficulties were also cited relating to the different priorities accorded to forced marriage and the impact of differential power relations within multi-agency settings. In some cases the expertise of relevant third sector organisations was not being harnessed as it might. However, specialist third sector organisations reported very good working relationships with the Police, although concerns were expressed that the creation of Police Scotland may detract from the local relationships already established. From the account of the one survivor interviewed in the study who had pursued the FMPO route, it is clear that whilst the police and mental health services had been excellent in this case, the search for a solicitor with the relevant knowledge and skills was problematic.

It is therefore recommended that increased training for professionals in a multi-agency setting be developed, and this training should be mandatory. The training should address the following: understanding of forced marriage as a process of manipulation and control; working with 'race anxiety'; the complications of irregular immigration status; and the processes and implications of the available forced marriage legislation. Mandatory training for legal professionals is also recommended, as they are often not part of adult or child protection multi-agency fora. Senior staff should take responsibility for promoting this training, and ensuring appropriate staff attend and the learning is cascaded and applied.

Further training is also indicated for staff in third sector organisations, some of whom reported offering mediation despite the multi-agency guidance being explicit that practitioners must never attempt mediation in cases of forced marriage.

Recommendation 3: Support the continued development of specialist women's sector organisations

Of the 191 cases of forced marriage reported via the survey, it is noteworthy that all of these were reported by only 20 of the 109 respondents. This indicates that forced marriage cases are more likely to be brought to the attention of specific types of agencies, largely domestic abuse third sector agencies. However, this sector had the highest response rate (36 of the 54 surveyed responded) and so was well-represented in the respondent sample. Only two minority ethnic third sector organisations reported having received cases of forced marriage between 2011 and 2014, which might be explained by the fact that only 11 (out of 37 surveyed) responded. Despite the low proportion of schools who responded to the survey (54 out of the 193 surveyed), schools still comprised a large proportion of the respondent sample, yet the number of cases reported by them is low. We were able to get data from only one social services area, and no police data has been made available. Hence, the reported cases are largely from the third sector and schools.

With these caveats, it is concluded that domestic abuse agencies clearly have a central role to play, and those agencies with specialist knowledge of forced marriage especially so.

Recommendation 4: Support the development of forced marriage policy in local authority areas, in order to increase ownership and consistency of approach at a local policy level throughout Scotland

Complementing the survey results, the majority of professionals interviewed had little direct experience of supporting victims of forced marriage, but those that did had developed greater skills and understanding of the issues. This was also reflected at a policy level where there were differing levels of ownership and maturity of forced marriage policy and where a focus on learning from forced marriage cases was identified as a means of improving responsiveness. It is clear from the interview material that the police are seen as the key statutory organisation, but this ownership needs to be extended to encompass other statutory agencies, particularly local authorities. In both the policy analysis element of the study and in interviews with professionals participants drew heavily from the Scottish Government multi-agency guidance on forced marriage rather than on their own formal, localised policy. At a policy level, it is recommended that all Protection Committees are supported to develop their forced marriage policy to ensure consistency across Scotland.

Recommendation 5: Ensure that therapeutic and practical support is available to victims of forced marriage

The survivor narratives emphasised that victims who contact agencies for help require support for historic forced marriage as well as recent or ongoing situations, and that different types of intervention may be required for these two groups. Alongside legal remedies for forced marriage, therapeutic and practical support is essential. There may be a danger in current cases, that by focussing on legal interventions, therapeutic and practical support may be overlooked. Survivor accounts in this study also illustrate that suicidal ideation, self-harm (as elsewhere e.g. Bhugra & Desai, 2002; Chantler et al, 2003), eating disorders and depression are outcomes of the process of being forced to marry. This emphasises the need for therapeutic and mental health support and, therefore, for raising awareness of the impact of forced marriage among mental health staff.

Recommendation 6: Evaluate forced marriage interventions to develop better understandings of what types of forced marriage interventions work for whom

A wide range of interventions are currently offered to support victims of forced marriage, most commonly one-to-one support, central to which is risk assessment and safety planning. Person-centred approaches were often utilised and the need for therapeutic and practical support was also highlighted. Scottish Government guidance makes it clear that mediation should not to be attempted in forced

marriage cases, but two third sector agencies offered mediation as they believed this was an effective intervention. In terms of the outcome of support offered, nearly half of survey respondents reported that support offered was effective but 32% were unsure whether the support offered was effective. The survivors' accounts and interviews with professionals demonstrate that each case of forced marriage is unique. However, it is possible to look across cases to identify commonalities which should be used as a basis of intervention.

The Scottish Government multi-agency practice guidance offers detailed background information on forced marriage, the appropriate legal frameworks, 'warning signs', 'one chance rule' and specific agency guidance. However, as yet, there is no specific forced marriage intervention and, as a substantial minority of organisations are unsure of the impact of support offered, it is recommended that forced marriage interventions be evaluated over a period of time, to develop better understandings of what types of forced marriage interventions work for whom.

Recommendation 7: Address the issues the research identified in relation to implementing forced marriage legislation

The findings show widespread support from professionals and survivors interviewed for civil remedies for dealing with Forced Marriage. A number of issues were identified with regard to the implementation of civil protection. These related to i) a lack of consensus about what constitutes 'sufficient' evidence to justify granting a Forced Marriage Protection Order; ii) the onus of responsibility being placed on the victim, particularly where the victim is an adult with capacity (see below); iii) confidentiality of the victim was not always being maintained. Victims' concerns about the potential for their whereabouts to be disclosed highlight the importance of ensuring that the victim's address is never shared with family, friends or community members (e.g. by including it on the papers sent to the people against whom an FMPO is being made). This should be addressed in relevant guidance, protocols and training courses.

In relation to criminalisation, most professionals interviewed thought it sent a strong message to the public that forced marriage was unacceptable in Scotland. However, some professionals (even those who supported criminalisation) also raised concerns about the potential for forced marriage to 'go underground' as victims would not wish to criminalise their families. It is too early to say whether this fear is justified and none of the professionals interviewed had been involved in cases involving criminal allegations of forced marriage. All survivors welcomed legal protection but most were not supportive of criminalisation. However, one survivor who had pursued an FMPO stated that criminal procedures should be used, but only as a last resort.

Recommendation 8: Strengthen the statutory guidance relating to the Forced Marriage etc. (Protection and Jurisdiction) (Scotland) Act (2011) to make explicit local authorities' obligations to act in all cases of Forced Marriage

A key finding of the study relates to the need for a more robust response to adult victims of forced marriage who have capacity (i.e. who do not meet the criteria to trigger access to adult protection set out in The Adult Support and Protection (Scotland) Act 2007).

Local authorities clearly have the power to act in relation to adults with capacity experiencing forced marriage, under the Relevant Third Party provisions in section three of the Forced Marriage etc. (Protection and Jurisdiction) (Scotland) Act (2011). The issue is that they do not, however, appear to be exercising these powers consistently.

It is therefore recommended that the existing statutory guidance be strengthened, to make it clear that local authorities are obligated to provide support (legal or other) when any adult at risk of forced marriage is identified. Hence, should any adult (regardless of capacity) experiencing forced marriage contact the local authority for support, this should trigger appropriate protection under the Relevant Third Party provision. This should also apply if other agencies contact the local authority on the adult's behalf. Monitoring the impact of strengthening the guidance will aid future policy and legislative development.

Recommendation 9: Improve record keeping of cases of forced marriage, as information about cases is key to developing learning and for future policy development

Age and ethnicity were unknown for around a quarter and a fifth of cases respectively, and data from many other variables was missing indicating that better recording of cases is necessary. Consistency of recording across agencies will enable better use to be made of data for future research and policy development.

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APPENDIX 1: TABLES

These tables relate to Chapter 3: Level and profile of service use relating to forced marriage in Scotland

Table 1: Survey recipients and respondents

	N Received (% of those approached)	N Responded (% of final sample)
Secondary schools	193 (66%)	54 (50%)
Domestic abuse orgs	54 (18%)	36 (33%)
Minority ethnic orgs	37 (13%)	11 (10%)
Gen. support orgs	9 (3%)	8 (7%)
Total	**293 (100%)**	**109 (100%)**

Table 2: Cases reported by study year and area

	2011	2012	2013	2014	Total*
Aberdeen City	4 (10%)	4 (10%)	4 (8%)	5 (9%)	**17 (9%)**
Dundee	2 (5%)	0 (0%)	0 (0%)	1 (2%)	**3 (2%)**
East Renfrewshire	0 (0%)	0 (0%)	0 (0%)	0 (0%)	**0 (0%)**
Edinburgh	16 (38%)	17 (41%)	25 (48%)	17 (4%)	**75 (39%)**
Glasgow City	17 (40%)	20 (49%)	17 (33%)	18 (32%)	**72 (38%)**
Highlands	0 (0%)	0 (0%)	0 (0%)	0 (0%)	**0 (0%)**
National sample	3 (7%)	0 (0%)	6 (12%)	15 (27%)	**24 (13%)**
Total*	**42 (100%)**	**41 (100%)**	**52 (100%)**	**56 (100%)**	**191 (100%)**

* Totals may not equal 100% due to rounding

Table 3: Victim demographics

	N (%)
Gender	
Male	0 (0%)
Age	
Under 16	14 (11%)
16-17 years	18 (14%)
18-21 years	36 (27%)
22-25 years	38 (29%)
26-30 years	19 (14%)
31+ years	8 (6%)
Ethnicity	
White	4 (3%)
Black African	11 (8%)
Black Caribbean	0 (0%)
Other Black	0 (0%)
Pakistani	79 (55%)
Bangladeshi	7 (5%)
Indian	13 (9%)
Other Asian	8 (6%)
Mixed race	1 (1%)
Other ethnicity	20 (14%)

* Totals may not equal 100% due to rounding

Table 4: Case characteristics

	N (%)
Threats	77 (56%)
Marriage contracted	60 (44%)
UK nationals (UKN)	
UKN to non-UKN	37 (48%)
UKN to UKN	5 (6%)
Other	35 (45%)
Country of forced marriage	
Scotland	13 (19%)
Other UK	6 (9%)
Western Europe	1 (1%)
Eastern Europe	1 (1%)
Middle East	2 (3%)
Africa	6 (9%)
Caribbean	0 (0%)
Pakistan	25 (37%)
Bangladesh	1 (1%)
India	7 (10%)
Other Asia	1 (1%)
Other	4 (6%)

* Totals may not equal 100% due to rounding

APPENDIX 2: RESEARCH INSTRUMENTS

Survey
Policy Analysis Template and Topic Guide
Interview Schedule (Professionals)
Topic Guide (Survivors)

Understanding Forced Marriage in Scotland Survey

Participant Details

Unique Identifier: ……..

Organisation name:
……

The area/s of Scotland (relevant to our study) it covers (please tick):

Aberdeen	☐	City of Edinburgh	☐	Dundee City	☐
East Renfrewshire	☐	Glasgow City	☐	Highland	☐

Other (please specify local authority area):
……

Your role:

Section 1: The number and characteristics of cases

1. Between January 2011 and December 2014, **how many** cases of forced marriage (threats or actual) were received by, reported to, or identified by your organisation **each year**?

2011	
2012	
2013	
2014	
Don't know	☐
No cases are reported to us	☐

2. How does your organisation store this information? (Please tick all that apply)

On a database	☐
In paper files	☐
It doesn't (so just from memory)	☐
Don't know	☐

3. If this information is recorded, how are forced marriage cases categorised (e.g. 'Forced Marriage', 'Domestic Violence', 'Honour-Based Crime' etc)? (Please list all categories used if there are multiple)

If your organisation received no reports of forced marriage between 2011 and 2014, please go directly to question 20.

4. Of those cases of forced marriage reported to you between 2011 and 2014, **how many** were threats of forced marriage and how many were actual cases of forced marriage? (Please specify numbers for each)

	2011	2012	2013	2014
Threats				
Actual				
Unknown/Not sure				

5. Of those cases of forced marriage reported to you between 2011 and 2014, **how many** involved female victims and how many involved male victims? (Please specify numbers for each)

	2011	2012	2013	2014
Female victim				

Male victim				
Unknown/Not sure				

6. What were the ages of victims in those cases of forced marriage reported to you between 2011 and 2014? (Please specify numbers for each)

	2011	2012	2013	2014
Under 16 years				
16-17 years				
18-21 years				
22-25 years				
26-30 years				
31+ years				
Unknown/Not sure				

7. Of those cases of forced marriage reported to you between 2011 and 2014, **how many** involved victims with disabilities? (Please specify numbers for each)

	2011	2012	2013	2014
Unknown/Not sure	☐	☐	☐	☐

8. Of those cases of forced marriage reported to you between 2011 and 2014, **how many** involved issues regarding sexual orientation? (Please specify numbers for each)

	2011	2012	2013	2014
Unknown/Not sure	☐	☐	☐	☐

9. What was the ethnicity of victims in those cases of forced marriage reported to you between 2011 and 2014? (Please specify numbers for each)

	2011	2012	2013	2014
White Scottish				
White European				
White Gypsy/Traveller				
White Other				
Black African				
Black Caribbean				
Black Other				
Pakistani				
Bangladeshi				
Indian				
Other Asian				
Mixed race				
Other ethnicity (please specify)				
Unknown/Not sure				

10. Of those cases of forced marriage reported to you between 2011 and 2014, **how many** involved UK nationals? (Please specify numbers for each)

	2011	2012	2013	2014
UK nationals being forced to marry **non-**UK nationals				
UK nationals being forced to marry **other** UK nationals				
Other (Please specify)				
Unknown/not sure				

11. Of those cases of forced marriage reported to you between 2011 and 2014, which of the following countries/areas were victims threatened to be or actually married in? (Please specify numbers for each)

	2011	2012	2013	2014
Scotland				
Other UK				
Western Europe				
Eastern Europe				
Middle East				
Africa				
Caribbean				
Pakistan				
Bangladesh				
India				
Other Asia				
Other				
Unknown/Not sure				

12. Of those cases of forced marriage reported to you between 2011 and 2014, who were those responsible for instigating the forced marriage? (Please specify numbers for each – there can be multiple instigator categories per case)

	2011	2012	2013	2014
Parents				
Brothers or sisters				
Extended family (grandparents, uncles, cousins etc)				
Friends of the family				
Unknown/Not sure				

13. Of those cases of forced marriage reported to you between 2011 and 2014, was forced marriage always the initial reason for referral/reporting? If not, please state any other primary referral issues/presenting problems (e.g. domestic violence, mental health problems, eating disorders, self-harm)

14. Of those cases of forced marriage reported to you between 2011 and 2014, **how many** do you estimate were also reported to national specialist organisations such as the Forced Marriage Unit (FMU), Scottish Women's Aid, domestic abuse helpline etc?

2011:		2013:	
2012:		2014:	
Not sure/Don't know:	☐		

Section 2: How are cases identified and dealt with?

15. Of those cases of forced marriage reported to you between 2011 and 2014, how were they identified/reported? (Please specify numbers for each)

	2011	2012	2013	2014
Self-referral				
Referral from victim's family				
Referral from victim's friends				
Referral from another agency/organisation				
Identified by your organisation (e.g. through community outreach or during assessment)				
Other (please specify)				
Not sure/Don't know				

16. When forced marriage cases are reported, how do you (as an organisation) respond to them? (Please tick all that apply)

One-to-one support	☐
Temporary safer accommodation/refuge	☐
Group-based support	☐
Mediation	☐
Financial aid	☐
Legal aid	☐
Other intervention work (please specify)	☐
Referral/signpost to other agencies or organisations	☐
Community-based prevention work/awareness raising	☐
Offering professional training on forced marriage	☐
Other (please specify)	☐
Not sure/Don't know	☐
No cases reported	☐

17. Is your organisation able to provide support to all reported cases of forced marriage or is there a waiting list to receive support? (Please tick just one option)

All cases are offered support	☐
Some cases are offered support but some go on a waiting list	☐
Some cases are offered support but others are referred on	☐
All cases are referred on	☐
There is no process in place for dealing with cases	☐
Not sure/Don't know	☐
Not applicable	☐

18. Would you say the support provided is successful in addressing the issues raised by the victims of forced marriage (threatened or actual)? (Please tick just one option)

Support is successful in all cases	☐
Support is successful in some cases	☐
Support is successful in one or two cases	☐
Support is not successful	☐
Not sure/Don't know	☐
Not applicable	☐

19. If support is provided to victims of threatened forced marriage, how often is this support successful in preventing an actual forced marriage from taking place? (Please tick just one option)

Successful in all cases	☐
Successful in some cases	☐
Successful in one or two cases	☐
Successful in no cases	☐
Not sure/Don't know	☐
Not applicable	☐

20. Within your service/organisation is the option of an FMPO (Forced Marriage Protection Order) ever discussed with the victims of threatened forced marriage? (Please tick just one option)

Yes, successfully	☐
Yes, but rarely successfully	☐
Yes, but never successfully	☐
No	☐
Not sure/Don't know	☐
Not applicable	☐

21. When forced marriage cases are reported to you, which other agencies or organisations do you inform/refer on to (if any)? (Please list in order of frequency – most common to least common)

Section 3: Staff understanding of forced marriage

22. How confident do you personally feel in identifying cases of forced marriage? (Please tick just one option)

Very confident	☐
Somewhat confident	☐
Not very confident	☐
Not at all confident	☐
Not sure/Don't know	☐

23. How confident do you feel in knowing how to respond to cases of forced marriage? (Please tick just one option)

Very confident	☐
Somewhat confident	☐
Not very confident	☐
Not at all confident	☐
Not sure/Don't know	☐

24. Do you feel there are adequate training, policies and processes (including multi-agency protection processes) in place to help you understand how to identify and respond to forced marriage in your role? (Please tick just one option for each column)

	Training	Policies	Processes
Yes	☐	☐	☐
No	☐	☐	☐
Not sure/Don't know	☐	☐	☐
Not applicable	☐	☐	☐

25. If "Yes", what training, policies and processes are in place?

26. If "No", how do you think this could be improved?

Please feel free to add any further comments you may have below.

Would you be willing for us to contact you in the event we have questions regarding any of your responses? (Please tick)

YES ☐ NO ☐

If ‘Yes’, please enter your preferred contact details below.

Thank you for your time. You contribution is extremely useful.

Further information about forced marriage can be found overleaf.

Scotland-based organisations that can help with forced marriage are listed at:

http://www.gov.scot/Topics/Justice/law/forced-marriage

Forced Marriage Unit

Email: fmu@fco.gov.uk

Telephone: 020 7008 0151

From overseas: +44 (0)20 7008 0151

Monday to Friday, 9am to 5pm

Out of hours: 020 7008 1500 (ask for the Global Response Centre)

Template for Policy Analysis of Local Area Documentation

Area:

Existence of Policy Statement relevant to FMPOs	
Roles/actions specified for: Child and Adult Protection Committee	
Roles/actions specified for: Public Protection Committee	
Roles/actions specified for Community Safety Partnership	
Roles/actions specified for: MARAC	
Roles/actions specified for: Violence Against Women Partnership	
Alignment of Policy Statements(s) with Scottish Government Statutory Guidance	
Consistency of Local Policy Statement(s)	
Lead Individual(s) identified and role specified	
Content/alignment of Policy Statements	
Designated person for promoting awareness	
Designated person for developing and updating policies	
Designated person for case handling, monitoring and recording	

Referral and accountability statements	
Monitoring cases – nature and outcome	
Information for staff on ‘one chance checklist’	
Information for staff on safety and protection	
Information provided for staff on legal context for tackling Forced Marriage	
Definitions of Forced Marriage provided for staff	
Information on effective multi/interagency working and information sharing	
Use of Scottish Govt MA Guidelines	

Interview schedule – Forced Marriage Leads or Child Protection/Adult Protection Committee Leads within each case study area

Purpose of interviews: to explore progress/challenges in implementing national and local policies/multi-agency working, relationship between statutory and voluntary sectors.

Background of individual:

- Role (including leadership of multi-agency partnerships)
- Length of time in post

Forced Marriage within local multi-agency structures (explore barriers and facilitators)

- Formal discussion of Forced Marriage and local responses?
- Where have cases been discussed locally?
- Do you know who the FM leads are in your area?
- Relationship between FM leads and Protection Committee lead?
- Routes into multi-agency structures?
- Membership of multi-agency structures?
- Key players/sleeping partners?
- Examples of good multi-agency working?
- Examples of less well embedded multi-agency working?
- Relationship between statutory and third sector organisations?
- Shared training?
- Shared definitions?
- Shared operation of mandatory action?

Perception of Forced Marriage as a priority within the context of child/adult protection and violence against women?

Perceptions of Forced Marriage as a mature/fully embedded set of policies and practices

What more needs to be done?

Interview Schedule – Professionals	
Questions	**Probes**
1. What is your role? 2. Geographic location 3. Type of agency	Length in role?
Topic 1: Knowledge of Forced Marriage	
1. What is your understanding of the term forced marriage?	i.e. difference between forced and arranged/lack of consent/duress/knowledge of SG guidelines etc.
4. What do you consider to be the warning signs for a possible forced marriage incident?	
5. In which communities do you think FM is an issue? Why?	
Topic 2: Experience of Dealing with FM	
1. Do you know if your organization has a policy on FM?	If yes, what is it?
2. Can you describe the work, if any, your organisation does in relation to FM?	
3. What do you think your role is, if any, in tackling forced marriage/supporting victims of forced marriage?	
4. Have you ever dealt with a FM incident/case?	If yes, probe about this – details and outcomes …
5. Do you feel confident dealing with FM cases?	
6. What support does your organisation offer?	i.e. interventions offered, onward referral ...
7. How would your organisation handle a case of FM?	Would they refer? Who are they most likely to refer to? Reasons for onward referral.
8. What barriers do you/your organisation experience in working with victims of FM?	i.e. sufficient knowledge and training, fears of being labelled culturally insensitive, organisation support/mandate to act.
9. How do you try to overcome these barriers?	
10. What is your experience of multi-agency working re: forced marriage?	
Topic 3: Interventions	
1. The SG introduced FMPO in 2011/12. Do you know about this approach? How comfortable do you feel about interpreting/using the guidance if you had to deal with a FM incident/case?	
2. In what circumstances would other legal interventions be used? What might these be?	i.e. staff attitudes to FMPO (regarding the

	practicalities/feasibility of FMPO) vs other forms of legal redress/interventions.
3. Would you routinely inform victims of FMPO? What have their reactions been to this?	
4. What kind of impact, if any, has this had on your work with victims of FM?	Has it improved it; created more barriers such as legal costs and reluctance to prosecute family members.
5. What are the limitations of FMPO in your view?	Costs, victims' attitudes to FMPO, staff attitudes to FMPO (regarding the practicalities of FMPO).
6. What are the strengths of FMPO in your view?	
7. What do you think accounts for the relatively low number of FMPOs (n=12) over the last four years?	
8. The SG created a specific criminal offence of forcing someone to marry which came into effect in Sep 2014. What do you think of this?	
9. Has this impacted on your work with victims of FM?	Increased/decreased number of victims coming forward/increased awareness of FM/increased staff confidence.
10. What kinds of intervention do you think work best with victims of forced marriage?	
Topic 4: Improvement/Way Forward	
1. Based on your experience, what do you think is required to better respond to FM?	Legislation, third sector support, better resources, training, awareness raising amongst young people around their options and protection, changing attitudes of families and communities.
2. What are your and your organisation's needs in better dealing with FM?	More training/better awareness and education of the issues.
3. As part of this study, we will be interviewing survivors of FM – would it be possible for you to put us in touch with any survivors please, if it is safe to do so?	

Forced Marriage Survivor Topic Guide

Thanks for agreeing to talk with me / Consent form/confidentiality.

Demographic data:

• Age

• Ethnicity

• Citizenship

• Employment/student

• Disability

• Marital/Relationship Status

Understanding and Experience of Forced Marriage

1) Can you tell me something of what the term forced marriage means to you?

2) By agreeing to take part in the interview, you have identified yourself as a victim/survivor of forced marriage. Please can you tell me what happened/ or is currently happening?

[prompts: role of family – immediate and wider family and wider community]

3) What was your relationship with your parent(s) before the experience of forced marriage?...and after?

4) Did siblings have similar experiences?

Impact of and Coping with Forced Marriage

5) How did it/does it affect you?

(Prompts: education, employment, family relationships, wider social networks, emotional impact)

6) How did you/do you cope with that?

Disclosure and Help-seeking

7) Who did you first tell about your experience of forced marriage? e.g.

• Friends

• Family

• Helping agency (e.g. college, university, voluntary agency?)

• Police/school staff/ healthcare worker/social worker

• Religious organisation

• Other

8) If you asked for help from family/friends or an organisation, can you tell me about your experience of asking for help? (prompts: what happened after you told the first person? E.g. onward referral? Did you receive the help you wanted? Difference between help from family/friends and more formal support)

9) If you didn’t ask for help from anyone – (friends, family or organisation) - please can you say why you decided not to? Interventions (Civil and criminal legislation)

10) In 2011, the Scottish Government introduced civil legislation to protect victims of forced marriage. One of the main parts of this was the Forced Marriage Protection Order.

Have you heard of a FMPO? Did anyone mention a FMPO to you? (prompts: Was it explained what it was? / How it could be used?) Explain what an FMPO is if necessary.

11) Did you take out an FMPO?

- If yes, was it helpful?

- If no, why not?

12) What are your views on FMPOs?

13) The Scottish Government created a specific criminal offence of forcing someone to marry which came into effect in September 2014 and this can be used at the same time as FMPOs.

What are your views on this? (prompts e.g. if your experience of forced marriage was before 2014, would criminalisation have affected where or what support you might have considered?)

Improving Interventions

15) Can you tell whether existing support available to survivors of forced marriage meets their needs?

16) What could be improved?

17) What else would have helped you or other family members?

18) Is there anything else you’d like to say?

Thank participant for their time, check whether further support is required, give debrief sheet etc.

How to access background or source data

The data collected for this social research publication cannot be made available by the Scottish Government for further analysis because it is not held by the Scottish Government.

social research

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