

Criminalising forced marriage fails to protect girls

The law makes forced marriage a criminal offence, but who protects the young victims who bring dishonour on their family by going to the police when they return home?

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Five years ago, Sajida Khan, 35, fled from a forced marriage in which she had been subjected to multiple rapes and life-threatening domestic violence. She took her four daughters with her. Afraid that her husband would take the girls to Pakistan and marry them off against their wishes, she went to court to ensure their safety.

Thanks to Khan's courage and determination in the face of enormous family opposition, her girls, now aged from nine to 17, are all the subject of forced marriage protection orders (FMPOs). These legally binding orders set out any requirements the court believes necessary to prevent a forced marriage, including requiring passports to be relinquished. In Khan's case, the judge ordered that the girls could not be engaged or married against their will, and until the age of 18 are not permitted to leave the UK with anyone but their mother, who is the only person allowed to hold their passports.

Despite the supposed security offered by the orders, Khan (not her real name) doesn't believe her children are completely safe. "There are risks to them still, the way their dad and his family is," she says. "They could coerce them and try to turn them against me." She isn't imagining the danger: relatives from the extended family have in the past waited for her daughters outside school and tried to talk to them. "I had to take [further] injunctions out," Khan says.

And this week, an inquest into the death of an Asian model, heard how Nadia Menaz, 24, took her own life because she feared her parents would force her into marriage, despite having taken out a FMPO. Since 2008, when FMPO legislation was introduced, 861 orders have been issued, according to the Ministry of Justice (MoJ). Until June 2014, breaching an order was a civil offence: since then it has become a criminal offence.

FMPOs can be applied for by local authorities, police or individuals. A judge can attach any conditions the court believes necessary to prevent a forced marriage, including requiring passports to be relinquished. "When the orders are served on a victim's family, they are warned that they are at risk of up to five years imprisonment if they breach the order, explains Kathryn Wright, solicitor at family law firm Ayres Waters in Stockport, Greater Manchester, who regularly applies for them. "The order can forbid any marriage or

engagement anywhere in the world, and can forbid the perpetrators [usually parents or other relatives] from attempting to locate the victim or come near the place they are living.”

Potential victims are often taken into police protection for up to 72 hours while the order is sought. But if an order is issued on a minor, that child may well return to the family home. So what happens when the girl - and it is overwhelmingly girls - goes home, after an FMPO has been served on her parents and other family members?

“When they go back [home], that’s the most critical time,” acknowledges Detective Inspector Tanya Kitchen, who heads up Greater Manchester police’s public protection team in the south of the city. A forthcoming Channel 4 film, *Forced Marriage Cops*, follows Greater Manchester police over the course of a year as Kitchen’s unit works to prevent victims being coerced into marriage.

Reporting your parents to the police, having refused to marry the person you’ve been promised to, risks triggering “honour-based” violence. Jasvinder Sanghera, a survivor of forced marriage and founder of charity Karma Nirvana, observes that FMPOs are “the only injunction where we send the victim back to multiple perpetrators”.

“The majority of people who have these orders [on them] will return home - and you will also often be naming other people on that order - a five-year-old, a 12-year-old, siblings, cousins,” says Sanghera. “So who is safeguarding that person when the front door closes?”

But Kitchen says she uses FMPOs as just one of a number of tactics to disrupt family networks intent on marrying their children off against their will: she firmly believes they can protect young people at risk, and has just issued 14 FMPOs on children aged from one year old to 18, who live in two large, related families. Children can be “engaged” to marry from birth, so FMPOs have no minimum age restrictions.

Rachael Aplin, a researcher at Leeds Beckett University, who is tracking 100 cases of “honour-based” violence, says that one girl in her study, whose parents were served with an FMPO while she was at school “got home and was battered for two weeks” before being able to call the police. No strategy or package of measures had been put in place to ensure her safety, she says.

“Girls are at risk if the FMPO isn’t used properly, with a joined-up approach from partner agencies, predominantly police and children’s social care,” says Aplin. “You have to make sure the police know [there’s an FMPO] and you have to make sure children’s services are involved. There are pockets of very good practice, but it is patchy.”

Gladys Rhodes White, interim strategic director of children’s services at Manchester city council says it is re-evaluating its work in this area “to ensure everyone working with young people has a clear understanding of the issue and how best to keep young people safe from harm, including after a forced marriage protection order has been made”.

Since their introduction in 2008, there have been only 14 civil prosecutions for breaching FMPOs, of which only two were proved. An MoJ spokesman says: “We have made forced

marriage a criminal offence to better protect victims and send a clear message that this unacceptable practice will not be tolerated.” Yet last year just two criminal prosecutions were brought.

Sanghera believes FMPOs need to be issued with stringent conditions attached. “There needs to be a plan for monitoring the implementation of the order. Even after criminalisation, we are concerned about how breaches are being monitored, if authorities are not engaging consistently with the victim. Because it’s only the victim who is going to know if a breach is happening.”

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