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**SOUTHALL BLACK SISTERS SUBMISSION ON CHILD, EARLY AND FORCED MARRIAGE TO THE OFFICE OF THE UNITED NATIONS COMMISSIONER FOR HUMAN RIGHTS (OHCHR)**

**(Call for Evidence-15 Dec 2013)**

**Introduction**

Southall Black Sisters welcomes this opportunity to submit evidence to the OHCHR in preparation for its report to the Human Rights Council in the 26th session due in June 2014.

This submission refers to forced marriage (incorporating child and early marriage), the main terminology and focus of debates and measures in the UK for the last 10 years or so. The majority of forced marriage cases in the UK involve young women and girls. While the scale of the problem is unknown, in 2012, the Government’s Forced Marriage Unit[[1]](#footnote-1) dealt with 1485 cases, of which 82% were female victims. Also, 13% were below 15 years, 22% were aged 16-17, 30% were 18-21 and 19% were 22-25.[[2]](#footnote-2) Although forced marriage is experienced by women from several minority communities, the greatest number of reported cases, and in our caseload, are from South Asian and Middle Eastern backgrounds.

While there have been significant measures by the state to address the problem of forced marriage, the loss of services, legal aid, problems with immigration laws and lack of implementation of forced marriage guidelines, as well as the growth of religious fundamentalism (in all religions) or conservatism within minority communities, have combined to create extra barriers for minority women escaping abuse. Indeed, research shows that South Asian women, especially young women, are three times more likely to commit suicide compared to women generally, and have a disproportionate rate of self-harm, often linked to domestic violence and forced marriage,[[3]](#footnote-3) and of domestic homicide.[[4]](#footnote-4) The current preoccupation with the criminalisation of forced marriage, and immigration based solutions, have distracted attention and resources away from using an integrated approach to tackling forced marriage and violence against minority women and girls more generally which address multiple discrimination and promote women’s human rights.

Please see Appendix below for a case study which highlights some of the issues raised in this submission.

**About Southall Black Sisters (SBS)**

SBS is a leading minority women’s NGO, founded in 1979. We are based in Southall, West London, where there is a high South Asian, and an increasing Somali, population. We are nationally renowned for our expertise on violence against black and minority women and girls in the UK, particularly in relation to domestic violence, dowry abuse, forced marriage and so called ‘honour based violence’ (HBV) or honour crimes in South Asian communities. We run a specialist holistic information, advice, advocacy, counselling and support resource centre with a national helpline, and deal with about 3500 cases and enquiries per year from across the country. We receive referrals from a range of statutory and civil sector agencies, and working with lawyers, we undertake strategic litigation and provide expert reports for legal cases. We have been involved in several high profile cases of forced marriage, honour killings, including that of Banaz Mahmod[[5]](#footnote-5) and Surjit Athwal,[[6]](#footnote-6) domestic homicide, suicide and battered women who kill, such as the case Kiranjit Ahluawalia.[[7]](#footnote-7)

In addition to direct service provision, we also undertake campaigning, policy, educational, developmental and research work on violence against black and minority women and girls. Over the years, we have introduced reform on domestic violence, immigration and ‘no recourse to public funds’ law, homicide defences for battered women, the Forced Marriage (Civil Protection) Act 2007[[8]](#footnote-8) and statutory and practice forced marriage guidelines for professionals.[[9]](#footnote-9) We have also helped to produce the Association of Chief Police Officers[[10]](#footnote-10) and the Crown Prosecution Service (CPS) policies on domestic violence, forced marriage and HBV,[[11]](#footnote-11) and the Government’s strategy on violence against women and girls (VAWG).[[12]](#footnote-12)

SBS have previously and continue to sit on numerous government and non-government advisory bodies. We were originals members of the Home Office Working Group on Forced Marriage (1999), the first governmental body to examine this issue. We are now members of Partnership Board for the Forced Marriage Unit (FMU), a joint Home Office and Foreign and Commonwealth Office (FCO) unit (which we helped to set up in 2004 and which replaced the FCO Community Liaison Unit, established in the aftermath of the Working Group report). We are also members of the Home Office VAWG Steering Group. In addition, we have provided evidence to several inquiries and hearings, including the Home Affairs Select Committee (UK), the UN Working Group on Modern Forms of Slavery, the Council of Europe and Parliamentary Network responsible for the Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention), UN Commission on the Status of Women (CSW) and the UN Convention for the Elimination of All Forms of Discrimination against Women (CEDAW).

**History**

The Home Office Working Group on Forced Marriage report, *A Choice by Right* (2000),[[13]](#footnote-13) recognised forced marriage as an abuse of human rights. We called for the establishment of the Working Group in the context of high profile cases of the murder, such as that of Rukshana Naz,[[14]](#footnote-14) or violence and harassment of victims, such as ‘Jack and Zena,’[[15]](#footnote-15) as a result of pressure to have or stay in a forced marriage by extended families and the wider community, including by community and religious leaders.

When setting up the Working Group, the then Home Office Minister, Mike O’Brien, broke from a cultural relativist position which existed under prevailing multicultural policies. He advocated a ‘mature multiculturalism,’ and said: ‘multicultural sensitivities are no excuse for moral blindness.’[[16]](#footnote-16) Minority women’s NGOs like SBS which for long advocated greater state intervention within minority communities to address forced marriage and other forms of violence against minority women and girls, welcomed this new human rights based approach by government. Since then, we have witnessed some significant measures in improving state response to forced marriage, including more effective action by government to help British mono and dual nationals overseas by the FMU, and the introduction of the Forced Marriage (Civil Protection) Act 2007, which enables victims and third parties to obtain Forced Marriage Protection Orders (FMPOs).[[17]](#footnote-17) It also introduced statutory forced marriage guidelines, which, when combined with the updated pre-existing practice guideline (originally introduced after the Working Group report), aimed to improve practice among frontline agencies, including the police and social services.

In 2002, the debates of forced marriage were extended to include so called ‘honour’ killings and HBV, which incorporates forced marriage, particularly following the death of Heshu Yonis in 2002.[[18]](#footnote-18) Although there appears to some Improvements in the conviction rates of so called ‘honour killings,’ there is on-going concern about failure in the policing of routine cases of VAWG, as highlighted by serious failings in the case of Banaz Mahmood.[[19]](#footnote-19)

In 2004, the Home Office definition of domestic violence was extended to include forced marriage and HBV. These are also incorporated in the Home Office definition of VAWG and in child protection procedures. The Home Office Select Committee also investigated domestic violence, forced marriage and HBV in 2008.[[20]](#footnote-20) While we welcome that domestic violence, child protection and VAWG provides the framework for the state’s policy on forced marriage, we are concerned that this wider, inclusive approach is ignored where forced marriage in particular has been used by government to introduce regressive immigration laws. For example, in 2004, the Home Office introduced an age related immigration policy on the pretext of tackling forced marriage- initially, this meant an overseas spouse could not join their British or settled spouse in the UK until both parties were over 18 years of age. In 2010, this was increased to 21, despite research, commissioned by the Home Office, which had shown that the original policy had not prevented forced marriage (Hester et al, 2007).[[21]](#footnote-21) In October 2011, the Supreme Court overturned this policy in the cases of *Quila and Bibi*, in which we successfully intervened.[[22]](#footnote-22) The Court ruled that as there was insufficient evidence that victims benefited from this policy and that it undermined the right to family life. The tendency to increasingly collapse violence against minority women into HBV has also led to culturalist explanations for this violence, rather an understanding of gender inequality as its cause and consequence. This has undermined the states response to racism and its willingness to tackle intersectional discrimination.

In 2005, the Government consulted on the criminalisation of forced marriage. It decided not to introduce an offence due to our concerns, and those of many others, as it would be counter-productive since it will not only deter vulnerable victims from coming forward, but will also drive the problem further underground. Instead, there was wide public support for the introduction of the Forced Marriage (Civil Protection) Act 2007. However, in 2011, the new coalition Government announced that it would be criminalising a breach of the FMPO and its consultation to create an offence of forced marriage.

**Current Situation**

The current focus on criminalisation of forced marriage, and immigration based solutions, has distracted attention and resources away from tackling the problem in a holistic, integrated way which creates effective, longer-term change. We believe that this way requires the effective implementation of the statutory forced marriage guidelines, supported by training programmes, and more funding, resources and rights for victims as well as prevention work.

**Criminalisation:** The UK Government is currently in the process of criminalising forced marriage in the Anti- Social Behaviour, Crime and PolicingBill. We are not opposed to the criminalisation of forced marriage in principle. We support the proposal to criminalise any breach of a protection order obtained under the Forced Marriage (Civil Protection) Act, because perpetrators would have been placed on notice. We understand too that the criminal law can have symbolic value but we question whether it will be workable or viable as a deterrence measure. Our experience shows that few if any vulnerable young persons are willing to come forward to report a forced marriage if they believe that their parents will face criminal prosecutions and possible imprisonment. However, due to its symbolic and deterrence value, we support the proposal to introduce forced marriage as an aggravating feature during the sentencing stage of criminal proceedings- this recommendation have been supported by an amendment to the Bill by Baroness Scotland in the House of Lords.[[23]](#footnote-23)

We are also concerned about the poor consultation process employed by the Government. In May 2011, the Home Affairs Select Committee on Domestic Violence, Forced Marriage and ‘Honour’ Based Violence came to the view that the Government should introduce a criminal offence of forced marriage.[[24]](#footnote-24) This recommendation, however, was based on the evidence of one organisation and two individuals associated with the organisation. It would appear that the views of other key women’s organisations and individuals working in the field of forced marriage were not canvassed. In July 2011,[[25]](#footnote-25) the Government responded to the Select Committee’s recommendation by stating that whilst it was timely to review the issue of breaches of FMPOs, it would monitor developments in Scotland where such breaches were due to be criminalised in late 2011. The Government actually acknowledged several difficulties connected with the criminalisation of forced marriage and referred to the fact that the matter had been fully debated in 2005. However, the Government also stated that it was willing to consider any new evidence about the effectiveness or otherwise of existing civil measures, and the experiences of other jurisdictions in applying criminal sanctions.

The Government’s stated reservations about the criminalisation of forced marriage included the following:

* the negative impact that criminalisation will have on victims who may feel let down by the justice system if charges are not brought or defendants are acquitted;
* the repercussions that might flow from a failed prosecution which can reduce the confidence of victims seeking to pursue a civil remedy;
* the difficulties in meeting the criminal burden of proof in many forced marriage cases which will have the effect of reducing the number of cases that can be dealt with in the criminal courts;
* the lack of clarity as to what can be achieved over and above what is already possible under existing criminal offences that might apply in circumstances of forced marriage.

In the light of the Government’s response to the Select Committee, we were somewhat bewildered by the Government’s sudden decision to consult on criminalisation in December 2011.[[26]](#footnote-26)

Our submission opposing criminalisation was supported by 33 organisations from across the country (see attached).[[27]](#footnote-27) The supporting organisations, such as Women’s Aid, for instance, represent the majority of NGOs dealing with domestic violence and forced marriage in the country, who speak on behalf of thousands of victims/survivors. Yet this submission was counted representing only one organisation,[[28]](#footnote-28) an issue which has raised as a matter of concern in the House of Lords by Baroness Scotland.[[29]](#footnote-29) Furthermore, SBS and other organisations opposing criminalisation were not invited to provide evidence to the House of Commons Public Bill Committee (SBS countered this problem by making its own written submission in June 2013- see attached).

Notwithstanding our objections, and that of many other practitioners and victims, the Government has proceeded with criminalisation, partly justified, as they claim, by the requirements of the Istanbul Convention. However, Article 46 specifically states that Governments can introduce aggravating circumstances in forced marriage and other violence against women situations in sentencing. Our proposal to make forced marriage an aggravating feature will not only satisfy this article, but also Article 37 (1), which calls for the necessary legislative or other measures to criminalise forced marriage.

The following is a summary of our more detailed reasoning for opposing criminalisation based on our submission to the Government’s consultation on criminalisation in March 2012 and evidence to the House of Commons Public Bill Committee, 2013:

* Although it is difficult for young women and girls to report their parents, they are nevertheless coming forward to seek protection for themselves. Our experience shows that the Forced Marriage (Civil Protection Act) 2007 has been a very effective protection mechanism and is being widely utilised. However, we fear that the criminalisation of forced marriage will deter vulnerable persons from coming forward and will lead to a vast reduction in the use of this and other civil remedies (and thereby erode the availability of legal aid).
* For many young persons, talking the step to support the prosecution of those who they love in what are often complex family relationships will be perceived too drastic a step to take because it will permanently close the door on any future rehabilitation, however tenuous that may be. Many young women and girls who come from closed communities in particular, are psychologically unprepared to live independently and require considerable support to do so. Acute isolation and lack of adequate support structures are often the most cited reasons for young women returning to their families following reports of forced marriage. If such women and girls are forced to support criminal proceedings, they may think twice about reporting a forced marriage since they will not want to risk being isolated without any hope of rehabilitation in the future.
* The problem with the criminalisation proposal is that it takes control and choice away from the victim. For example what will happen if the victim withdraws her allegations and decides not to support a prosecution? What happens if she turns into a ‘hostile victim’? It is unclear how the police and CPS will deal with this situation. We are also concerned that prioritising criminal proceedings will result in more pressure being put on victims by family and community members to make them withdraw reports to the police.
* Protection orders obtained under the Forced Marriage (Civil Protection) Act 2007 offer much better potential for prevention because the orders can be more finely tuned to fit an individual’s circumstances and needs. What they are designed to do is to ensure that a victim can obtain immediate emergency protection. It also gives some respite to a victim to think through her options in respect of her long term needs which she cannot do if a prosecution proceeds since it will remove any space that a victim may have for manoeuvre. Sometimes proceedings of this kind force perpetrators to understand that they cannot impose their will and so change their minds and in other cases, civil proceedings provides a victim with the space she needs to build her own life but with the option of establishing some sort of relationship with her family in the future. This option will be taken away if the State insists on prosecutions in circumstances where she is reluctant or unwilling.
* Criminalisation of forced marriage is not about prevention since it is important to also note that by the time criminal proceedings take place, the forced marriage will already have taken place, probably abroad by perpetrators seeking to circumvent this jurisdiction. A case may have got so far that it may be too late to do anything about it. That is why the most effective measure is to focus on prevention by providing the resources and training to those who are in a position to do something before it occurs – the teacher or social worker who notices that a particular child has been absent from school or a slump in academic performance, or any one of a number of the published indicators and can therefore put protection measures in place. This has to be the main priority. Our fear is that the criminalisation route will force key professionals to give priority to the criminal route and this will also add to the trauma experienced by a vulnerable person who is likely to fear the prosecution of their parents or the process of going through a criminal trial.
* We are also concerned that innovative projects on preventing forced marriage will cease if the focus shifts to criminal law. For example we are working jointly with the Forced Marriage Unit on a repatriation project providing support to young women and girls rescued abroad and repatriated to the UK. Whilst these women and girls have requested support in re-building their lives once in the UK, none have expressed any desire to have their families or relatives prosecuted, despite often being subject to adduction, imprisonment and violence abroad. The repatriation project has also involved working on an innovative pilot project aimed at identifying vulnerable young girls or persons who find themselves at ports of exit and entry in the UK.
* Our view is that the focus should be on existing civil and criminal laws and guidelines on forced marriage to ensure that they are robustly implemented. Inconsistent enforcement of the current law remains the most problematic aspect of state response to forced marriage. Improved enforcement will also serve a symbolic and educative function in creating a culture of zero tolerance towards forced marriage. There is for example no specific criminal offence of domestic violence but that has not prevented a culture of zero tolerance on domestic violence from emerging – this has been achieved through awareness raising campaigns, better policing and monitoring, early intervention projects in schools and colleges and the establishment of specialist refuges and other services all of which are now under immense threat due to public spending cuts.
* It should be noted that forced marriage often involves a number of criminal offences, such as assault, rape, unlawful imprisonment, kidnapping and child abuse which can be utilised to prosecute perpetrators. Although awareness and enforcement of gender based violence cases remains patchy or inconsistent throughout the police services in the UK, it is not so lacking as to result in no attempt at prosecution. We are of the view therefore, that the government should carry out research into why forced marriage cases in the UK have not resulted in any prosecutions under the existing criminal law before introducing a law that may not work.
* Also, our concern is that by extending criminalisation to forced marriage does not guarantee better law enforcement- indeed, it should be noted that although female genital mutilation was criminalised since 1985, there has not been any convictions of this crime in the UK. The symbolic value of any criminal law on forced marriage will be greatly diminished if perpetrators know that it will not be used. They will continue to flout the law with impunity.
* There is also concern that the criminal standard of proof may be too high for successful convictions in forced marriage cases, particularly in cases which only involve ‘emotional blackmail’ or the subtle pressure to marry, such as the threat of being disowned, which are more common than physical duress.
* This is one area where a law cannot remain ‘resource neutral’ mainly because adequate support structures need to be in place to ensure long term protection and independence. Without these no vulnerable person would be willing to risk coming forward to support criminal prosecutions. The cost of pursing criminal prosecutions for victims is potentially life threatening. However, the massive cuts in legal aid, welfare and housing benefits and educational grants that we have witnessed will deter young people from coming forward to report their families, particularly as most are wholly and financially dependent on them. Our view is that they will not support criminal proceedings if they are no viable alternatives to living with their family and if it means that by doing so they sever all hope of future contact with their families and communities. The Government has only allocated £500,000 towards implementation of the criminalisation.[[30]](#footnote-30) There is a board consensus amongst women’s NGOs, and many statutory agencies, this is a wholly inadequate in improving the infrastructure required to tackle the problem.
* We are concerned that the government is pressing ahead with the proposal to criminalise forced marriage in England and Wales, when it has yet to examine the impact of laws criminalising forced marriage in other jurisdictions including Scotland where a law on the criminalisation of a breach of a forced marriage order exists.[[31]](#footnote-31) To our knowledge, since the introduction of the law in Scotland, no criminal proceedings for a breach of a forced marriage protection order has been brought. This may be due to variety of reasons such as a lack of awareness on the part of the police and prosecution services or because there have been no or relatively low level breaches of such orders but it could also be the result of victims simply being unwilling to come forward to report a breach or give evidence in support of a prosecution. At the very least, we would expect the government to examine the effectiveness or otherwise of the criminalisation of forced marriage in other jurisdictions before introducing such laws in England and Wales.

**Immigration based solutions:** It is well recognised the motives for forced marriage are varied and complex. By and large they stem out of and reflect patriarchal forms of control in which family and community members, including some women collude. At the heart of forced marriage cases is the perceived need to control female sexuality which is why it is often associated with the issue of HBV. For this reason, we would urge utmost caution on making a direct link between forced marriage and the desire for immigration to the UK. In the cases of *Quila and Bibi* in 2011,[[32]](#footnote-32) the link between forced marriage and immigration concerning under 21 year olds was examined in depth. It was accepted by the Supreme Court that that there are a variety of motivations behind forced marriages, and without empirical evidence that immigration is the (or at least a) primary motivation, it may be difficult to categorically determine that an immigration based deterrent is the solution. The apparent focus on immigration as a fundamental aspect of forced marriage is therefore, on the evidence available, an incorrect approach to addressing the problem of forced marriage and potentially counter-productive and dangerous for the victims.

Given that there are there are many motivations for forced marriage - including issues of familial control, hiding mental disability or homosexuality and the attempt to seek redress for perceived dishonourable behaviour - to focus specifically on the immigration aspect is to distract from understanding the root cause or causes which may lead to a continuation of the practice. It is, of course, correct that immigration may impact upon forced marriages resulting in movement of the victim (or alternatively the spouse) from a non-EU country but it has no effect upon forced marriages taking place in this jurisdiction or between a UK national and another with residence in the EU and so entitled to travel. It also does not prevent a potential spouse from being brought into the jurisdiction on an alternative visa (for example a visitors or students visa) and married whilst here. Analogous evidence suggests that this has been the experience in Denmark following changes to their immigration policy.

Although the immigration aspect may in *some* cases be a possible root cause of the forced marriage, it is similarly distinctly possible that the immigration aspect, and particularly sponsorship of any necessary spousal visa, is a necessary *result* of the initial forced marriage whatever the root cause for that might have been. Practical experience also shows that the coercive process may continue past the point of the marriage and through the immigration process. However the use of immigration controls will not necessarily serve to remove the possibility of a forced marriage, and may simply exacerbate the problem by increasing the length of time for which those who would force the victim to marry exercise control over them.

We would therefore call for the abolition of immigration law and rules which impact negatively on victims of forced marriage. For instance, under the marriage rules in immigration law, spouses to a marriage have to be at least 18 years of age before they are allowed to come to the UK as the partner of a settled spouse. Parents circumvent this rule by taking children abroad, forcing them to marry and then maintain strict control at least until they turn 18 and can sponsor their spouse to the UK. Less restrictive immigration controls more generally, will make it easier for victims to protect themselves from abuse, since pressures to sponsor spouses into the UK will decrease. This will enable many to escape family pressures to stay within a marriage

**Solutions**

This section discusses what we would regard as alternative, more effective, solutions to the problem of forced marriage in the UK.

**Forced Marriage Guidelines:** The monitoring and enforcement mechanisms for the guidelines are inadequate and need to be improved to ensure proper implementation and accountability on the part of statutory bodies. A recent Government review, published in 2012,[[33]](#footnote-33) on the implementation of the statutory forced marriage guidelines highlighted many shortcomings: a lack of commitment within agencies to address the issue of forced marriage, an inconsistent approach to training and disparity in the way different agencies and individual departments within those agencies handle and monitor cases of forced marriage. For example, social care services have difficulties responding to cases of forced marriage involving children aged 15 and under, but departments had even greater difficulty providing an appropriate level of response to persons aged 16 and 17 facing forced marriage. Many children’s social care departments found it hard to find appropriate housing or foster placements for this vulnerable age group. The review also found that agencies wanted an audit tool and performance indicators to monitor and improve their response to forced marriage. The review recommends that OFSTED (schools), HMIC (police) and CQC (health) and other inspectorates consider an agency response to forced marriage as part of each inspection. It is unclear how far the current HMIC Inspection of policing of domestic violence will address the issue of forced marriage.[[34]](#footnote-34)

**Training for Professionals:** In order for the guidelines to be more effective, there is a need to compulsive training on forced marriage and VAWG in frontline agencies as part of their professional qualifications and continuous professional development. This training should be delivered in conjunction with or informed by in experts within minority women’s NGOs.

**Immigration and asylum:** We are concerned about the plight of victims with an insecure immigration status. Spouses of British or settle partners under the five year settlement route (commonly referred to as those on spousal visas on a five-year probationary period) can apply to stay in the UK under the ‘domestic violence immigration rule,’ (2002) and claim benefits and social housing while they make this application under the Destitution Domestic Violence concession (2012).[[35]](#footnote-35) However, victims on other dependant visas, and those in abusive relationships who are undocumented or in the UK as unidentified trafficked women, are not entitled to public funds or settlement in the UK. They are also not entitled to legal aid. The extension of the probationary period from 2 to 5 years in 2012 also traps victims in violent relationships for prolonged periods, making them more vulnerable to escalating violence. In addition, victims who claim asylum when escaping forced marriage and other gender related persecution overseas find it difficult to obtain refugee status.[[36]](#footnote-36) We are also concerned the Immigration Bill currently going through Parliament will undermine victim’s ability to appeal against refusal of their immigration applications, and to access housing and health care.[[37]](#footnote-37)

Reform is urgently needed. In 2013, CEDAW Committee report on the UK said: *‘Extend the concession to the “no recourse to the public funds” policy to all women who are subjected to gender based violence and exploitation.’* (57.a) and *“Continue to provide training to officers who are in charge of immigration and asylum applications on gender-sensitive approaches in the treatment of victims of violence*” (Rec 59.a)*[[38]](#footnote-38)*

**Legal Aid:** Although legal aid has been retained in family law for victims of forced marriage making application for FMPOs, general legal aid cuts, including the proposed introduction of a ‘residence test,’[[39]](#footnote-39) have already reduced the availability of good quality publically funded practitioners. Conditions on eligibility have also hindered the ability of victims to obtain non-molestation orders. It is also more difficult for victims, or third parties representing their interests, to obtain access to legal aid in related matters such as problems in detention and judicial reviews, even where an argument for ‘exceptional funding’ is made.

We are particularly concerned about the combined impact of cuts in legal aid and the promotion of alternative methods of dispute resolution on minority women. Many come from communities where they are already under immense pressure to stay silent about their experiences of abuse and violence and are expected to resolve family matters internally. Whilst mediation can help some couples in the wider society, the use of mediation as an option in some minority communities, where the stranglehold of religion and culture is strong or absolute, must be regarded as a potentially high risk measure. The growth and accommodation of demands for separate religious arbitration tribunals are alarming developments which we fear will take on a more controlling role in women’s lives, if women are denied access to the wider legal system.[[40]](#footnote-40) Indeed, in its 2013 Concluding Observations, the CEDAW Committee urged the UK Government to:

*“Ensure effective access by women to courts and tribunals, in particular women victims of violence; Continuously assess the impact of the reforms to legal aid on the protection of women’s rights; and Protect women from the informal community arbitration systems, particularly those which violate their rights under the Convention.”* (Rec. 23, a-c)[[41]](#footnote-41)

**Minority Women’s Services:** We are also concerned about the wider climate of cuts which has reduced services generally, and funding for specialist minority women’s NGOs. Indeed, the brunt of funding cuts in local areas has been to these specialist services, despite the Home Affairs Select Committee recommendation that services on forced marriage should be fully funded. In May 2011, the Select Committee stated that Southall Black Sisters is a *“highly respected”* organisation which should be funded by local authorities, and that the closure of such services will *“materially damage the UK’s ability to support and protect victims and potential victims of forced marriage, and the Government should take steps to avoid this outcome.”* [[42]](#footnote-42)

It is ironic that at a time when awareness on forced marriage has increased if in a somewhat uneven way, resources to address the issue are diminishing at an alarming rate. For example, funding processes in local areas are working against smaller specialist organisations. More and more minority women’s services are under pressure to merge, or become subsumed with larger organisations as local authorities seek to make budget cuts and move towards a commissioning funding model to ‘generic’ services. However, ‘generic’ services are often run by housing associations or others who do not have the inclination, or the ability, to carry out the sensitive, labour intensive support that is required in these cases, especially where they involve the intersection of a number of issues, including immigration matters. Yet without specialist services, vulnerable victims are less likely to pursue criminal charges since they will be left without support and assistance in trying to navigate their way around complex areas of law and procedure. They are likely to be isolated and left to face an uncertain future in circumstances where they may be acutely traumatised.

However, cuts in public spending have already closed or threatened the closure of specialist services for minority women. What funding is available is being channelled towards faith based organisations which seek to address gender issues from a ‘faith perspective’ that greatly undermines the gains in achieving equality that minority women have made. The cuts coupled with a ‘multi-faith’ perspective threaten to derail completely the role of secular women’s services as key agents of change in their communities. For example, 2 out of 5 minority women’s refuge services in one local authority have closed and two of the remaining four have funding cuts.[[43]](#footnote-43) The ‘Every Woman Safe Everywhere’ report commissioned by the Labour Party has noted that during the period that its research was undertaken, two specialist minority women’s refuges closed in London.[[44]](#footnote-44)

The UK Government must meet the requirements of the CEDAW 2013 report, which said:

 *“The Committee urges the State party to mitigate the impact of austerity measures on women and services provided to women. It should also ensure that Spending Reviews continuously focus on measuring and balancing the impact of austerity measures on women’s rights. It should further review the policy of commissioning services wherever this may undermine the provision of specialist women’s services.”* (Rec. 21)[[45]](#footnote-45)

**Prevention in Schools and Colleges:** We have just completed a 2 year project funded by Comic Relief with support from the Forced Marriage Unit on undertaking prevention work on forced marriage and all forms of gender-based violence in local schools. This is currently being evaluated and it is hoped that resource packs produced will be used by schools across London. Early results from the schools project show that working in schools on gender-related violence issues has had a significant impact in changing attitudes and behaviour across the school community. The project has had a positive impact in changing the ethos of schools and both pupils and teachers have show increased understanding and willingness to help a victim of abuse by sign posting to appropriate agencies. However, these important projects are insufficiently funded if at all, and we fear that any shift in priority will distract from the key prevention and training work that needs to take place in schools and colleges.

Our experience shows that the education system has been the slowest to respond to the need to address forced marriage. There needs to be considerable attention on increasing awareness and creating monitoring mechanisms for all forms of gender-related violence and equality issues in schools. Issues such as child sexual abuse, sexual grooming, forced marriage, ritual abuse, female genital mutilation and many others are not properly covered in personal, health and social education (PSHE) classes with the result that many children simply do not recognise warning signs or know how to stay safe. Indeed, our experience shows that children from some communities are withdrawn from these classes on religious grounds although it is precisely such classes that are likely to help them increase their awareness and seek appropriate support. We would like to see PSHE classes become compulsory in all schools so that all children have access to information delivered in a sensitive and age appropriate way. More work also needs to be done to by the school’s inspectorate body, OFSTED. We are of the view that heads of secondary schools and further education colleges have an obligation to provide clear and well publicised information on a range of gender-related violence issues and OFSTED has an important role to play in monitoring how these issues are addressed.

Law and policies on school absenteeism should also make specific reference to the issue of forced marriage and clearer guidelines should also be incorporated in schools and colleges and for OFSTED inspectors. Designated people within the school/college system should be trained to address the matter and organise counselling and support to children and young people who fear being forced into marriage or fear being removed from the country for the purposes of marriage. Such a person could also regularly monitor the effectiveness of school procedures in cases of forced marriage.

**Aware raising campaigns:** As with the earlier ‘Zero Tolerance’ campaign on domestic violence, it is necessary to fund and support campaigns on forced marriage, and gender-related violence especially within communities, since it will help to create the recognition that these are crimes against women amongst the police, other statutory agencies, in communities and in society at large**.** It is also critical that these are led by secular progressive minority women’s NGOs rather than conservative community and religious leaders and institutions, who the government has often turn to when dealing with minority communities, even though they have historically suppressed women’s rights.

**Strengthen Civil Law:** Strengthening the civil law can help to improve remedies for victims.At present, a marriage conducted without consent due to duress for example, can be annulled if it can be shown that the duress experienced was such that the ‘will was ‘overborne’. This may however, be too high a threshold for some women to cross. In civil law, consideration should therefore be given to the question of whether the test for duress should be lowered to take account of the more subtle but still highly coercive forms of pressure that is often applied in a forced marriage.

In marriage law, a marriage without consent is considered voidable rather than void. In other jurisdictions however, a marriage without consent is considered ‘void.’ We believe that a forced marriage should be declared void. This may be significant for those victims who experience stigma for having been married previously, even if that marriage was forced and subsequently annulled. It may therefore be useful to revisit the law on void and voidable marriage to increase the choices women have when seeking civil remedies. This is particularly relevant in cases where victims lack capacity or if they have not been able to obtain an annulment within three years of marriage.

**Reform Homelessness Law:** There is also an urgent need to reform homelessness legislation so that young single adults who are clearly vulnerable are provided with emergency and long term housing (which has also need to be increased with greater availability of welfare benefits to cover realistic housing and subsistence costs). In cases of forced marriage, young adults should be accepted as vulnerable (at present this concept is being narrowly interpreted). The practice of asking victims to remain with their families (with or without protection orders) is also clearly inappropriate and dangerous. In some cases, where a young woman has escaped with a partner, proper consideration should be given to housing the couple together since a partner may be the only source of emotional support for the victim who may be ostracised from her family and community and in fear for her safety.

**Improve implementation of Child Protection:** We should also look at ways of improving the implementation of child protection measures. Many minority women’s groups and survivors that contact us are extremely critical of social services. They state that a general inertia or desire to mediate and reconcile, dominates social services’ approach to forced marriage, even though the desire to keep families intact comes into direct conflict with the duty to safeguard and promote the well being of children. In many instances, forced marriage guidelines are simply not being followed by social services.

Principles such as ‘significant harm’ enshrined in the Children Act need to make specific reference to culturally specific forms of abuse such as forced marriage’. Duties in the Act (for example s17, 31, 46, 47,) also need clearer guidelines so that there is more effective use of the powers available to social workers.

There ought to be more effective monitoring mechanisms to ensure that cases of forced marriages are properly investigated by social services, the police, schools and other child welfare agencies; and that victims, including those aged 15 years upwards, are fully protected and supported.

**Integrate the needs of BME women and girls in a broader Violence Against Women and Girl’s (VAWG) Strategy:** The needs of minority women and girls should be fully integrated the Government’s and other VAWG strategies. Currently, issues concerning minority women such as forced marriage are included in strategies in a piecemeal fashion but this does not address the whole range of problems affecting them, such as those created by the intersection of gender-related violence with immigration/asylum issues, religion and religious practices, lack of funding and legal aid and racism. Currently, the Government’s VAWG policy is contradicted and undermined by other initiatives and policies on legal aid, family-related migration and family justice which place emphasis on mediation in family cases. These have a profound and disproportionate impact on minority women who face significant external and internal barriers to protection. A joined up and clear strategy on violence against women as a violation of women’s economic, social and legal rights will encourage the development of a strategic approach which guarantees the right to live free from violence and abuse to all women[[46]](#footnote-46).

**The Creation of a Violence Against Women Act:** Perhaps one way forward is to have a specific Violence Against Women Act which could provide for all civil and criminal remedies in one consolidated piece of legislation with the overriding aim of protecting all women and children but without watering down fundamental principles of civil and criminal law. The Act should contain a definition of domestic violence which includes all forms of violence, abuse and coercive patterns of control, including financial, psychological and culturally specific forms of abuse and control, in different family contexts. The Act should also provide for resources to be made available in the form of alternative housing, access to legal aid and welfare benefits, and advice and advocacy services, all of which are prerequisites for surviving abusive relationships.

**Adhere to International Conventions:** The UK Government must be due diligent and meet all its human obligations to eradicate forced marriage and other forms of gender based violence. This must include the UK ratification of the Istanbul Convention, and compliance with the CEDAW Committee report on the UK in 2013 and the agreed conclusions of the 2013 CSW on the elimination of violence and prevention of all forms of violence against women and girls.[[47]](#footnote-47)

**Recommendations**

The following is a summary of recommendations discussed and supported by evidence above.

**The UK Government must ensure:**

1. Robust inspectorate and enforcement mechanism are introduced to implement the statutory forced marriage guidelines.
2. All existing inspectorate bodies, such as Osfed, should investigate the implementation of the forced marriage guidelines and other VAWG related statutory requirements in 2014-15.
3. Mandatory training programmes are provided by all agencies, in consultation, and delivered in conjunction, with minority women’s NGOs.
4. Urgent provision of adequate sustainable funding for minority women’s NGOs with a track record of providing services to victims and working on human rights principles. This should include a central government funding stream.
5. Withdrawal of plans to creating an offence of forced marriage and instead, introduce forced marriage as an aggravating feature in sentencing.
6. Undertaking or funding awareness raising and education programmes within minority communities led by minority women’s organisations
7. Provision of full legal aid to victims of forced marriage and gender based violence, including withdrawal of plans to introduce a ‘residence test,’ and for organisations acting in the public interest.
8. Provision of adequate safe housing and shelters, and welfare benefits, for victims and couples escaping abuse, and to reform housing law so that interpretation of ‘vulnerability’ by local authority housing departments include victims of forced marriage.
9. Forced marriage forms part of the national curriculum and PSHE education, which should be made statutory.
10. Law and policies on school absenteeism should make specific reference to the issue of forced marriage, and clearer guidelines should also be incorporated in schools and colleges and for OFSTED inspectors.
11. Designated people in schools and colleges should be allocated to deal with forced marriage and other forms of VAWG.
12. Review of immigration, asylum and no recourse to public funds laws so that victims of domestic violence and forced marriage are not trapped in violence relationships or destitute. In particular, this can be achieved by extending the ‘domestic violence rule’ and ‘destitution domestic violence concession’ for victims on non-spousal or no visas, and by abolishing the five-year probationary period. The gender guidelines for female asylum seekers should also be implemented.
13. Abolition of immigration policies which prevents young couples aged 16-18 the right to family reunion in the UK.
14. Review of family law to enable victims of forced marriage to their make marriages ‘void.’
15. Review of and implementation of the Children’s Act and child protection procedures in relation to forced marriage.
16. Integration of issues concerning minority women such as forced marriage in VAWG strategies.
17. The introduction of a Violence against Women Act in the UK.
18. The implementation of human rights conventions and declarations, including CEDAW, CSW and the Instanbul Convention (which must be ratified by the UK).
19. That minority women’s NGOs are consulted on and involved in developing policy on violence against women and girls, including forced marriage, and that their needs are fully integrated in these and other mainstream policies and initiatives.
20. Undertake more effective measures to end intersectional discrimination against minority women.

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**15 December 2013**

(Appendix attached below)

**Appendix**

**Case Study: ‘Sonia’ (not her real name)**

Sonia is a British National, aged 17, and before leaving home, lived with her mother and 3 younger siblings after her parents separated. Her father continued to reside in the same area.

Sonia describes what happened to her:

*My Mum disliked me from the beginning. She wouldn’t give me as much food as the others. My Dad used to hit me over small things. My Mum often encouraged him and told him stuff about me which made him hit me.*

*I had the darkest skin and my family used to make fun of me. My whole family is fair skinned and they use to tell me that I was ugly. My Mum used to hold a hot iron to my face and threatened to burn me. She used to say that people wouldn’t notice the burn marks because I’m so dark skinned.*

*My Mum wouldn’t let me have any friends and told used to tell me off a lot. They didn’t do this to my younger sisters or my brother. My brother was their favourite. I have a mild physical disability, it’s not anything major but my parents didn’t understand it at all and my brother just thought I was weird. My mum used to make me stand in front of everyone at family gatherings and shout ‘I’M NOT NORMAL, I’M A FREAK’. I had to do this in front of all my aunts and uncles. I used to cry a lot.”*

*At one stage, I told social services about my Dad hitting me because it got quite bad around that time. They sat me in a room with my Dad and asked him if he was hitting me, he said no so I told them I made it all up because he was really angry at me for telling them anything.*

*I started to cut myself; I started smoking and used to put the cigarettes out on my legs. My whole family was known to social services and I was on a child protection register. Social services arranged counselling for me. I started to see a counsellor at school when I was around 15. But I carried on smoking and started drinking as well, my Mum knew and she was always mad at me.*

*After the summer holidays last year, I was planning to start college. My Mum locked me in my room for two days, telling me that if I didn’t go to Bangladesh* (country has been changed to protect identity) *with her then she would never let me go to school again. I had no idea what to do so I just went with it and travelled to Bangladesh. When we got there, one of my Mum’s cousins started coming round a lot. He was such a pervert and he was much older than me. I realised that he wanted to marry me and my Mum really keen about it all and kept telling me that it would be a good idea. I panicked and contacted my counsellor.*

*I sent her this message from Bangladesh:*

*“I thought I'd let you know whats going on. Basically my mum ... said either you go to* [Bangladesh] *for two weeks or i wont allow you to go college she said when i come back from a change of scene i can go college again... I didnt come here willingly it was due to lack of choice... Please before you take any action ...can you tell me what can happen for me to come back or the whole procedure... Im extremely unhappy here and i cry alot. At times I feel like killing myself yet I know thats silly... I simply just want to come back. I wish I never came here . I feel cheated on by my mum. please please if you do speak to any of my family members or social workers could you not tell them ive been contacting you . As im worried if you do tell them and I dont come back and I stay here what would happen then. I mostly just have an accommodation issue. ... PLEASE PLEASE PLEASE before you take any action could you tell me of the procedures that will follow and what can happen and how i can return.”*

*I was really worried about what would happen if I left, I mean where was I supposed to go and what would happen to me? In the end, my counsellor contacted the Forced Marriage Unit and they got me out of there.*

In January 2013, when Sonia contacted her counsellor in a women’s group in East London, they had referred the matter to social services, who carried out two visits to her father’s house to find her location in Bangladesh. They took her mother’s number and made contact with Sonia in Bangladesh. The Forced Marriage Unit then assisted her to return to the UK. Before she arrived in London, Sonia’s mother threatened her with an acid attack and said that "only her dead body would reach London."

In May 2013, Sonia was repatriated to the UK and referred to SBS by the Forced Marriage Unit. We were informed of her arrival the day before and we made arrangements for someone to meet her at the airport. Due to the vulnerabilities arising out of her young age and disability, we initially referred Sonia to a local authority children’s social services, emergency duty team in West London. However, they refused to assist her. We then referred Sonia to the Council’s housing, out of hour’s team, and she was accommodated at a bed and breakfast for the night. She was then invited to attend an assessment the following day. She was not given any subsistence money as the housing team stated that this was the responsibility of children’s social services. SBS bought her food and other essentials.

The following day, social services denied they had any responsibility for her. At 7pm that evening, however, social services agreed to accommodate Sonia in a bed and breakfast for the night. Despite the fact that she had no belongings, including fresh underwear, she was given only £10 by her social worker. The following day, Sonia returned to social services. They told us that they would be sending Sonia back to East London for a social services assessment. We strongly opposed this as East London was not a safe area for her. However, we were unable to speak to Sonia as they would not give us access to her.

We therefore sought legal advice on the matter and wrote to social services in West London requesting that they follow the forced marriage statutory guidelines, which state that she should not be returned to her area of risk. We received a response from the legal team at the Council stating that they had spoken to the client about her returning to East London and she was happy to do so.

We remained concerned about the conduct of social services; throughout the episode their primary focus remained on the cost of Sonia’s accommodation rather than their responsibility to protect and support her. Throughout her assessment and in her presence, there was highly inappropriate language used; Sonia was called an ‘irrelevant child.’ She was told if she returned to her risk area ‘her father wouldn’t be looking into every single cab for her’.

We contacted the women’s group in East London previously involved in her case. They informed us that the counsellor, who had been working with the Sonia, had received death threats from Sonia’s father. Sonia’s mother had also contacted them, blaming everything that had happened on the counsellor. The women’s group had reported the threats to kill to the police who were carrying out an investigation. We were also contacted by the Forced Marriage Unit to inform us that Sonia’s father had contacted them to ask about Sonia’s whereabouts.

We went back to social services in West London with this information, who then agreed to assist Sonia in the short-term. Social services arranged a strategy meeting where SBS argued that Sonia should be supported by them long-term. In May 2013, we assisted Sonia to instruct a family solicitor, who helped to obtain a Forced Marriage Protection Order. Sonia was also made a ward of court. As a result of this decision by the courts, social services are now supporting Sonia long-term.  Also in May 2013, Sonia started to attend counselling at SBS due to the trauma she experienced as a result of abuse.

Sonia said the following to SBS about her ordeal:

*When I came back to England, I took out a Forced Marriage Protection Order because my Dad was still trying to find me and kept reporting me to the police. I just wanted him to back off. I know that it’s morally wrong to do that against your parents, but I couldn’t take it, I felt like I was the one who had committed a crime, there were areas that I couldn’t go to and people I couldn’t see. I really wanted to speak to my little sisters, but even that was a problem and I had to be really careful about what I told them because they might accidently tell my parents. I would never have called the police or social services to get my parents arrested, I tried to get help so many times but it was all pointless and no one believed me for ages* [before I was taken to Bangladesh]*.*

This case highlights the following:

1. The need for improved response from agencies such as social services as required by the statutory forced marriage guidelines- these guidelines need stronger enforcement mechanisms.
2. The need for Forced Marriage Protection Orders and other civil remedies with adequate legal aid.
3. Victims are unwilling to pursue criminal remedies against their parents/relatives.
4. The need to fund specialist black and minority ethnic women’s services which provide vital advice, advocacy, counselling and support to empower victims/survivors.
1. <https://www.gov.uk/stop-forced-marriage> [↑](#footnote-ref-1)
2. <https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/141823/Stats_2012.pdf> [↑](#footnote-ref-2)
3. See Siddiqui, H. and Patel, M. (2010) *Safe and Sane: A Model of Intervention on Domestic Violence and Mental Health, Suicide and Self-harm Amongst Black and Minority Ethnic Women,* London: Southall Black Sisters Trust. Available on <http://www.southallblacksisters.org.uk/reports/safe-and-sane-report/> [↑](#footnote-ref-3)
4. See Mayor of London’s *The Way Forward: Taking action to tackle violence against women and girls. Final Strategy 2010-2013,* March, 2010. See

<http://www.london.gov.uk/sites/default/files/The%20Way%20Forward%20Final%20Strategy.pdf> [↑](#footnote-ref-4)
5. 19 year-old Iraqi Kurdish woman killed in Jan 2006 by her father, uncle and three other men in the community for leaving her abusive husband, who she may have been forced to marry, and wanting to marry her boyfriend. The father and uncle were convicted of murder in July 2007. Another man admitted to the killing, and two more suspects were also later convicted of her murder. A seventh man was convicted of perverting the course of justice and preventing a lawful and decent burial. [↑](#footnote-ref-5)
6. 26 year-old South Asian woman killed in 1998 by her husband and mother-in-law for wanting a divorce. They were convicted in 2007. It is believed that Surjit was killed by an uncle and another man while on a trip to India. Her body has never been found. [↑](#footnote-ref-6)
7. <http://www.southallblacksisters.org.uk/campaigns/kiranjit-ahluwalia/> [↑](#footnote-ref-7)
8. <http://www.legislation.gov.uk/ukpga/2007/20/contents> [↑](#footnote-ref-8)
9. <https://www.gov.uk/forced-marriage> [↑](#footnote-ref-9)
10. <http://www.acpo.police.uk/documents/crime/2008/200810CRIHBV01.pdf> [↑](#footnote-ref-10)
11. <http://www.cps.gov.uk/legal/h_to_k/honour_based_violence_and_forced_marriage/> [↑](#footnote-ref-11)
12. <https://www.gov.uk/government/policies/ending-violence-against-women-and-girls-in-the-uk> [↑](#footnote-ref-12)
13. *A Choice by Right: The report of the working group on forced marriage,* Home Office, June 2000. See

<http://www.nordaf.co.uk/public/Editor/assets/Library/Forced%20Marriage%20A%20Choice%20By%20Right.pdf> [↑](#footnote-ref-13)
14. 19 year-old South Asian woman killed in 1998 by her brother and mother for refusing to stay in a forced marriage and becoming a pregnant by her lover. [↑](#footnote-ref-14)
15. A white/British man and South Asian woman, who have been ‘on the run’ for more than a decade. They have been forced to change their identities to protect themselves from Zena’s relatives, who wanted her to marry a cousin. They have attempted to use ‘bounty hunters’/private detectives and other networks to find the couple. See [http://www.dailymail.co.uk/femail/article-387845/Mixed-race-couple-run-13-years.html#](http://www.dailymail.co.uk/femail/article-387845/Mixed-race-couple-run-13-years.html) [↑](#footnote-ref-15)
16. House of Commons Adjournment Debate on Human Rights (Women), Hansard, 10 February 1999. [↑](#footnote-ref-16)
17. <http://www.justice.gov.uk/protecting-the-vulnerable/forced-marriage> [↑](#footnote-ref-17)
18. 16 year-old Iraqi Kurdish woman killed in 2002 by her father for having a Christian boyfriend. He wanted her to marry elsewhere. This case was the first to be recognised as an honour killing by the police. [↑](#footnote-ref-18)
19. In Nov 2008, the Independent Police Complaints Commission’s report on the police response to complaints of violence by Banaz Mahmod recognised some serious failings. See <http://www.ipcc.gov.uk/sites/default/files/Documents/investigation_commissioner_reports/banaz_mahmod_executive_summary_nov_08_v7.pdf> [↑](#footnote-ref-19)
20. *Domestic Violence, Forced Marriage and “Honour”-Based Violence: Sixth report of Session 2007-8 Vol I* House of Commons Home Affairs Select Committee, May 2008. [↑](#footnote-ref-20)
21. *Forced Marriage: The risk factors and the effect of raising the minimum age for a sponsor, and of leave to enter the Uk as a spouse or fiancé (e),* Hester et al, Aug. 2007. <http://www.bris.ac.uk/sps/research/projects/completed/2007/rk6612/rk6612finalreport.pdf> [↑](#footnote-ref-21)
22. R (on the application of Quila and another) (FC) (Respondents) v Secretary of State for the Home Department (Appellant); R (on the application of Bibi and another) (FC) (Respondents) v Secretary of State for the Home Department (Appellant) [2011] UKSC 45. See <http://www.supremecourt.gov.uk/decided-cases/docs/UKSC_2011_0022_Judgment.pdf> [↑](#footnote-ref-22)
23. <http://www.publications.parliament.uk/pa/ld201314/ldhansrd/text/131112-0001.htm> [↑](#footnote-ref-23)
24. *Forced Marriage: Eighth Report Session 2010-12*, Home Affairs Select Committee, 17 May 2011. [↑](#footnote-ref-24)
25. *The Government Response to the Eight Report from the Home Affairs Committee Session 2010-12 HC 880: Forced Marriage,* Presented to Parliament by Secretary of State for the Home Department, July 2011. [↑](#footnote-ref-25)
26. *Forced Marriage Consultation,* Home Office, December 2011. See <https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/157827/forced-marriage-consultation.pdf> [↑](#footnote-ref-26)
27. *Home Office Consultation on Forced Marriage (December 2011)on the Criminalisation of Forced Marriage: The response of Southall Black Sisters,* March 2012.  [↑](#footnote-ref-27)
28. *Forced Marriage-A Consultation: Summary of Responses,* Home Office, June 2012. See <https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/157837/forced-marriage-response.pdf> [↑](#footnote-ref-28)
29. <http://www.publications.parliament.uk/pa/ld201314/ldhansrd/text/131112-0001.htm> [↑](#footnote-ref-29)
30. <http://www.channel4.com/news/will-criminalising-forced-marriages-push-them-underground> [↑](#footnote-ref-30)
31. The Forced Marriage etc. (Protection and Jurisdiction) (Scotland) Act 2011 was passed on 26 April and came into forced on 28 November 2011. [↑](#footnote-ref-31)
32. R (on the application of Quila and another) (FC) (Respondents) v Secretary of State for the Home Department (Appellant); R (on the application of Bibi and another) (FC) (Respondents) v Secretary of State for the Home Department (Appellant) [2011] UKSC 45. See <http://www.supremecourt.gov.uk/news/latest-judgments.html> [↑](#footnote-ref-32)
33. *Report on the implementation of the multi-agency statutory guidance for dealing with forced marriage (2008)*, Home Office, 2012. See <https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/136371/Guidance_for_dealing_with_forced_marriage_A4_v1.6_WEB.PDF> [↑](#footnote-ref-33)
34. See <http://www.hmic.gov.uk/inspections/police-response-to-domestic-violence-and-abuse/> [↑](#footnote-ref-34)
35. See <http://www.southallblacksisters.org.uk/campaign-abolish-recourse-public-funds-marks-international-day-elimination-violence-women-16-days-activism-2013/> [↑](#footnote-ref-35)
36. See latest reports from Asylum Aid, for example: <http://www.asylumaid.org.uk/wp-content/uploads/2013/02/Summary_-_Gender-related_asylum_claims_in_Europe.pdf> [↑](#footnote-ref-36)
37. <https://www.gov.uk/government/collections/immigration-bill> [↑](#footnote-ref-37)
38. *Concluding Observations on the seventh periodic report of the United Kingdom of Great Britain and Northern Ireland,* CEDAW, 26 July 2013. [↑](#footnote-ref-38)
39. This proposed test requires applicants to be resident in the UK for a continuous period of 12 months before they qualify for legal aid. See <http://www.bindmans.com/news-and-events/news-article/proposed-judicial-review-of-the-civil-legal-aid-residence-test>. [↑](#footnote-ref-39)
40. See Patel, P. and Sen, U. (2010) *Cohesion, Faith and Gender: A report on the impact of the cohesion and faith-based approach on black and minority women in Ealing,* London: Southall Black Sisters Trust. Available on <http://www.southallblacksisters.org.uk/reports/cohesion-faith-and-gender-report/> [↑](#footnote-ref-40)
41. *Concluding Observations on the seventh periodic report of the United Kingdom of Great Britain and Northern Ireland,* CEDAW, 26 July 2013. [↑](#footnote-ref-41)
42. *Forced Marriage: Eighth Report Session 2010-12*, Home Affairs Select Committee, 17 May 2011. [↑](#footnote-ref-42)
43. 2012, Towers, J. and Walby, S., Measuring the impact of cuts in public expenditure on the provision of services to prevent violence against women and girls, [online] Available at <http://www.trustforlondon.org.uk/VAWG%20Full%20report.pdf> [↑](#footnote-ref-43)
44. 2012, Baird, V., *Everywoman Safe Everywhere*, Labour's Commission on Women’s Safety, Labour Party, London [↑](#footnote-ref-44)
45. *Concluding Observations on the seventh periodic report of the United Kingdom of Great Britain and Northern Ireland,* CEDAW, 26 July 2013. [↑](#footnote-ref-45)
46. See for example, the 10 key actions listed in the SBS and the End Violence against Women coalition on a strategy on violence against black and minority ethnic women and girls: <http://www.southallblacksisters.org.uk/downloads/take-action-on-safety-for-BME-women-Jan-2011.pdf> [↑](#footnote-ref-46)
47. *Agreed conclusions on the elimination and prevention of all forms of violence against women,* Commission on the Status of Women, Fifty-seventh session, 4-15 March 2013. See [http://www.un.org/womenwatch/daw/csw/csw57/CSW57\_Agreed\_Conclusions\_(CSW\_report\_excerpt).pdf](http://www.un.org/womenwatch/daw/csw/csw57/CSW57_Agreed_Conclusions_%28CSW_report_excerpt%29.pdf) [↑](#footnote-ref-47)