



Submission from

Muslim Women's Network UK

Response to Consultation on Criminalisation of Forced Marriage

March 2012

About MWNUK

Muslim Women's Network UK (MWNUK) is a UK network of women to share knowledge, connect the voices, and promote the needs of diverse Muslim women. MWNUK registered as a community interest company in 2008 (company number 6597997). MWNUK's vision is a society where Muslim women have an effective voice and opportunity to contribute equally to society.

MWNUK currently have 420 members, made up of individual Muslim women and organisations working with Muslim women, with a potential reach of approximately 73,000 Muslim women. Members include academics and students; workers in voluntary sector support services; health professionals; experts in women's rights, diversity policy, disability, and immigration, asylum refugee issues; businesswomen; local government and law enforcement officers; and artists etc. Membership is also diverse in terms of age, ethnicity, sexual orientation, and location.

MWNUK's aims are:

- To share knowledge, experience, best practice and opinions among Muslim women and those working with them in order to strengthen Muslim women's ability to bring about effective changes in their lives.
- To bring Muslim women's diverse voices to Government, and to gather information relevant to Muslim women's lives in order to ensure local and national policy meets varied needs.
- To raise the profile of individual Muslim women and support organisations by highlighting their achievements and showcasing diverse role models.

About the views in this report

Prior to writing this report, the members of MWNUK were consulted for their views. 28 members responded.

This submission also includes the views of the author of this report, Mussurut Zia, a Board Director of MWNUK as she has considerable experience in 'forced marriage' work, she also runs a community organisation, Practical Solutions, which raises awareness of forced marriage, honour based violence and much more.

Forced Marriage Consultation Results

28 Respondents

- 1. Are you aware of current civil remedies, including Forced Marriage Protection Orders, which can be used to protect those at risk of forced marriage?**

28 responses

Yes : 18 - 64.29%

No : 10 - 35.71%

- 2. Do you believe that the current civil remedies and criminal sanctions are being used as effectively as they could be in tackling forced marriage? If not, what more do you think can be done to prevent forced marriage including ensuring victims are not deterred from reporting?**

26 responses

Individual comments:

- 9 comments were made stating education is key, as is raising awareness within all sectors, and importantly, within schools, starting at a younger age.

- Training for professionals is also considered a key factor in challenging forced marriage.

- Working with voluntary sector groups, particularly women's organisations is also stated as being necessary.

- Where there is support for criminalising forced marriage, respondents state that criminalisation will reduce fear amongst professionals, and act as a deterrent, and severe consequences should be present for those who break the law and persist in forcing their children into marriage.

- Once respondent stated that *"nothing will ever eradicate forced marriage"*.

- 3. Do you think a criminal offence should be created for the act of forcing someone to marry against their will? If so, how do you think the offence should be defined?**

26 responses

Individual comments: -

18 respondents in favour of criminalisation

4 respondents against criminalisation

Comments for a criminal offence include:

"Name and shame, fines, prison, and deportation for those who are not British Nationals."

"It is an abuse in the same way as child abuse."

"Is there something in existing criminal law regarding rape, which can be used?"

Comments against a criminal offence include:

"It would drive the issue underground, and deter people from seeking help."

"Communities and young people must be part of the solution, who will be charged?"

"If there is a deliberate breach of an order then this should be criminal as it is in Scotland."

Further comments state that reporting would break up family dynamics and mediation should be considered, however should this fail then the criminal route should be followed.

4. What issues should be considered to ensure that a new offence does not deter people from reporting the crime?

26 responses

Individual comments:

"Reassurance and protection for victims and others who are reporting."

"Ease in reporting."

"Anonymity and support for the person reporting, including witness protection, social support and counseling."

"Provision of safe space, and attention not just to exit strategy but also a contemporary approach in bringing about change within communities so that victims do not have to leave if they do not wish to do so."

"Focus on individual not targets."

"Awareness raising of forced marriage together with cultural awareness amongst professionals."

"Adequate marketing." (of issue and information on how to report)

"Prohibition of media coverage and involvement from religious institutions."

"Possible victimisation of wrong persons."

"Clarification that forced marriage is cultural not religious."

"Ensure existing criminal laws are maximised and implemented."

"Annulment of a forced marriage rather than a custodial sentence."

5. Do you think there should be an offence of luring someone abroad; luring someone to this country or indeed within this country; or from one country to another for the specific purpose of forcing them to marry?

28 responses

Yes: 26 - 92.86%

No: 2 - 7.14%

6. How far do you think a person's circumstances and age influence their approach/ attitude in seeking protection/ justice?

25 responses

Individual responses:

"Force is force, regardless of age."

"The younger they are, the more difficult."

"The younger they are the more naïve they are."

"Those from a comfortable socio-economic background more likely to come forward as they are more likely to know their rights, younger girls may not know their rights, and more likely to be lulled into a false sense of security, such girls are open to sexual exploitation."

"A younger person is less financially and emotionally independent, may fear losing their family and the impact on their future life, where will they go?"

"The youngest 'victim' I have dealt with was only 11 years old. Of course age makes a difference but there is legislation, safeguarding procedures and guidelines for addressing the needs of child, adolescent and adult victims. Professionals have tools to address this problem, there has been more than 10 years of public awareness raising, training for professionals etc. - maybe we should be considering monitoring of responses to this and other issues of child protection and violence against women."

"For victims under 16, it is a child protection issue, and often the wishes of the young person are not considered. Many over the age of 16 are not aware of the sanctions available to them and often take dangerous steps to exit a situation. Others are influenced by the first response of agencies such as the police when dealing with others, which is why it is imperative to get it right."

7. Do you think that the creation of a new criminal offence would make the law clearer?

28 responses

Yes: 20 - 71.43%

No: 8 - 28.57%

8. Do you think the creation of a new criminal offence would make it easier for professionals to

tackle the problem?

28 responses

Yes: 20 - 71.43%

No: 8 - 28.57%

9. Do you think that criminalising forcing someone to marry would change public opinion towards forced marriage, particularly in those communities most affected?

28 responses

Yes: 20 - 71.43%

No: 8 - 28.57%

The above are answers, views and opinions of Muslim Women's Network UK members, below are additional comments from board directors of MWN-UK.

"Some women may feel unhappy about criminalising forced marriage and testifying against their own parents/families. Also what about the forced marriages of men?"

"I don't like how the focus is on forced marriages amongst the young - I think it needs to be made clear it can be anyone of any age. Sometimes families can be supportive at a young age but as soon as someone reaches a certain age in which they're going to become "spinsters" so to speak then the support changes."

"And cynical as I sound, I'm surprised they think attitudes to forced marriage can change. There is a misconception certainly in Newcastle that the consultation is against arranged marriages and not just forced marriages and therefore is being seen as an attack on culture. So unless it is made clear what is being criminalised I don't know whether attitudes will change. I think it's just as xxx said - it's fair enough telling the professionals but it is the perpetrators that need to understand."

"Interesting that people don't mind making it a criminal offence - I feel that attitudes have certainly shifted now - probably as current system still results in forced marriages.

I think more needs to be done to reach parents - all very well young people and professionals knowing it is an offence but do the perpetrators know. Need more stuff on satellite channels that parents watch."

Additional comments by author

For the purpose of this report, all members of MWNUK were consulted for their views. This submission therefore reflects the views of some of MWNUK's membership and benefits from the many years of experience and knowledge in 'forced marriage' work acquired by report's author, Mussurut Zia (director, Practical Solutions, Blackburn). This report is approved by the Board of MWNUK.

In addition to the noted responses it is important to consider further civil remedies, especially as perpetrators are family members, often including mothers and sisters who may not instigate but often collude and conspire with male family members. Although many of the respondents appear to be in favour of criminalisation, there is also a minority representation, which states that this should only happen when all other approaches have failed.

Respondents have also cited name and shame, and also deportation as possible sanctions. Whilst naming and shaming individuals and families who persist in this practice may seem a good idea, enforcing of this could prove to be problematic, ie who would have responsibility of deciding that this was the correct sanction, and who would carry out the "naming and shaming?"

Deportation is a sanction that has been used against non-British nationals; this is a possible remedy but only after perpetrators have been dealt with here.

There is a comment relating to rape law being used to address forced marriage, however transference of such laws would not be suitable generally, although some elements could be used to address specific incidents of rape within forced marriage.

There is a call for communities and young people to be involved with finding solutions, this should include males and females of all ages, as the perpetrators often tend to be first and second generation, ie parents and grandparents.

Many organisations are driven by targets and figures, and although there is a view that this should not be the case, it can be used in a positive manner, for example, one can focus on individuals in order to reach a target, if getting the number of FMs down is a target then that is good and it can be done by focusing on individuals.

Raising awareness amongst those who are vulnerable, those who are possible perpetrators and those who are practitioners is key to reducing the number of forced marriages taking place in the UK. Resources should be made available for this to take place in an effective manner, and adequate marketing strategies utilised. The media can often be detrimental due to sensationalising issues, however sensible and responsible media portrayal is also necessary in raising awareness on a wider level.