

Forced marriage of children and adults with learning disabilities



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Overview



- Defining forced marriage
- Forced marriage and UK law
- Research findings on forced marriage of people with learning disabilities
- Practice issues
- Case studies of forced marriage of people with learning disabilities

What do you know about forced marriage?



- How would you define forced marriage?
- Try to write a definition of forced marriage

Campaigns against forced marriage



“Our Girl” video <https://vimeo.com/100885525>



Forced vs. arranged marriage

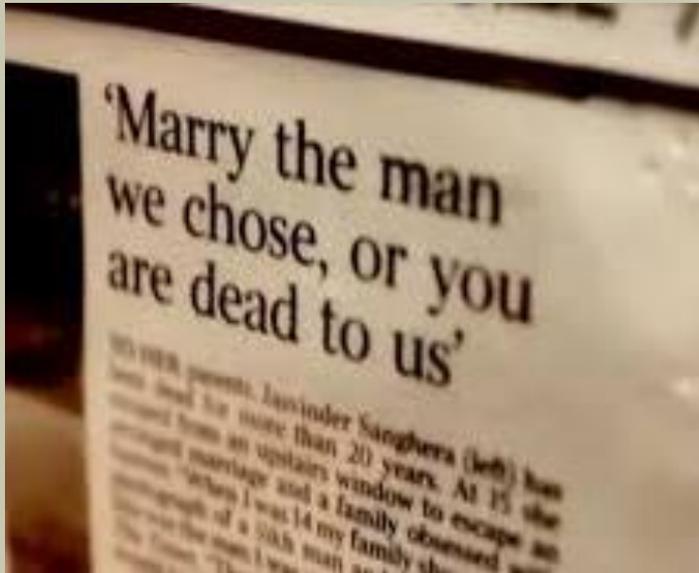


Arranged marriage is common within some communities –parents or family members help to pick a spouse, but those getting married choose whether or not to marry



Forced marriage is not the same as arranged marriage and it is not endorsed by any religion

What is forced marriage?

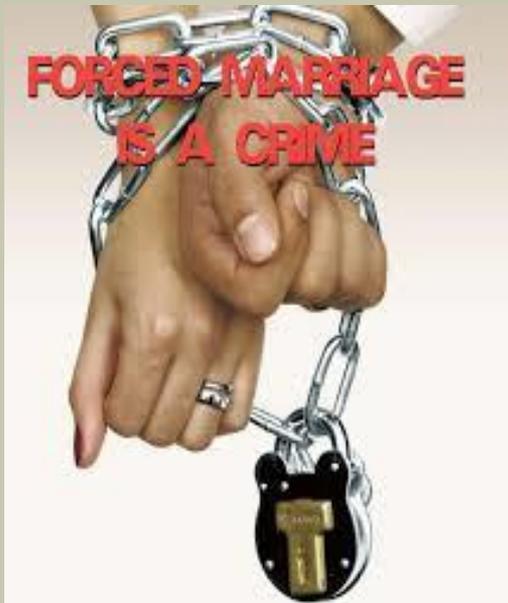


- **Forced Marriage Unit definition of forced marriage**
- A marriage conducted without the valid consent of one or both parties and where duress is a factor

Forced Marriage (Civil Protection) Act 2007



Forced Marriage Protection Orders
- civil orders with legally binding requirements to protect a person at risk



- Prevent person from being taken overseas to marry/prevent 'spouse' from being brought into UK
- Stop person being forced into civil or religious marriage ceremony
- Stop person being hurt/harmed or threatened
- Stop person being harassed

(further info at <https://www.gov.uk/apply-forced-marriage-protection-order/overview>)

Consenting to marry



- Children under 16 cannot legally consent to marriage under UK law
- Adults who lack 'capacity' as defined under the Mental Capacity Act 2005 are also not able to consent to marriage
- Any marriage where consent is lacking is classed as forced under new legislation

Anti-social Behaviour, Crime and Policing Act 2014



New offences created:

- Forcing someone to marry against their will
- Using deception to cause someone to leave the UK for the purpose of forcing them to marry

If a person lacks the capacity to consent, the offence of forcing someone to marry is committed *whether or not violence, threats or any other form of coercion are used*

Sentencing guidelines



- Forcing someone to marry against their will – maximum penalty 7 years imprisonment
- Breach of a forced marriage protection order - maximum penalty 5 years imprisonment

What do you know about forced marriage?



- What do you think are the characteristics of a 'typical' victim of forced marriage?
 - Age?
 - Gender?
 - Ethnicity?
 - Religion?

People with learning disabilities



Forced marriage of people with learning disabilities is different to forced marriage of people who are not learning disabled

Safeguarding responses need to reflect this

Previous research



2009-10: **Research:** the motivators for and consequences of forced marriage of people with learning disabilities

2011 – **Practice development:** training programme for frontline practitioners

2012-13 – **Research:** Forced Marriage and Safeguarding Policy

2014-15 – **Awareness-raising:** 'Hidden Trust' seminar series

All projects funded by Forced Marriage Unit Domestic Programme Fund

Current project: My marriage, my choice



Forced marriage of adults with learning disabilities -
developing knowledge, policy and practice to keep
people safe



<http://www.nottingham.ac.uk/research/groups/mymarriage/mychoice/index.aspx>

Forced marriage of people with learning disabilities: key findings



Victim characteristics

- Gender?
- Age?
- Ethnicity?

Practice issues

- Motivators for forced marriage
- Consequences of forced marriage
- Recognising and responding to forced marriage:
 - Practitioners
 - Safeguarding Adults Boards

Gender of people with learning disabilities forced to marry



Number and % of cases by gender for each year 2009-2015

Year	Female	Male	Missing data
2009	7 (46.7%)	8 (53.3%)	0 (0.0%)
2010	32 (62.7%)	18 (35.3%)	1 (2.0%)
2011	31 (53.4%)	27 (46.6%)	0 (0.0%)
2012	30 (55.6%)	23 (42.6%)	1 (1.9%)
2013	50 (50.0%)	49 (49.0%)	1 (1.0%)
2014	61 (45.2%)	74 (54.8%)	0 (0.0%)
2015	54 (38.3%)	87 (61.7%)	0 (0.0%)
All years	265 (47.8%)	286 (51.6%)	3 (0.5%)

Age of people with learning disabilities forced to marry



FMU statistics for age for LEARNING DISABILITY cases and for **ALL cases**

Year	Age range (years)						
	Up to 15	16-17	18-21	22-25	26-30	31-40	41+
2010*	0%	14%	48%	14%	14%	5%	5%
2011	12% (10%)	12% (19%)	21% (27%)	12% (17%)	21% (14%)	12% (3%)	9% (5%)
2012	0% (13%)	19% (22%)	31% (30%)	25% (19%)	6% (8%)	19% (8%)	0% (**)
2013	13% (15%)	4% (25%)	26% (33%)	35% (15%)	13% (7%)	9% (3%)	0% (**)
2014	3% (11%)	3% (11%)	23% (17%)	22% (14%)	22% (8%)	22% (5%)	4% (2%)
2015	<1% (14%)	5% (13%)	19% (20%)	33% (15%)	16% (9%)	16% (6%)	9% (2%)

*No age range breakdown available for **ALL cases** this year

**This age band was not used in these years



Focus country



- Across all years highest number of cases have Pakistan as their focus country (45.8% of all recorded cases across all years). In 2015 Pakistan was the focus country for 58.9% of recorded cases.
- Across all years three other countries are focus countries in high number of cases. Bangladesh - 13.4% of recorded cases across all years; India - 12.8% of recorded cases across all years; UK - 11.6% of all recorded cases across all years with a 'peak' of 20% of all recorded cases in 2014.
- Number of Other/Unknown recorded cases - almost 20% in 2010, and over 6% across all years.
- But - FMU have dealt with over 90 focus countries

People with learning disabilities



Forced marriage of people with learning disabilities is different:

- 50% or more of victims are **male**
- Victims with learning disability tend to be **older** than those without
- Range of ethnic backgrounds remains wide

Discussion



- Why do you think that someone with a learning disability might be forced into marriage?
- What might motivate a parent to marry their learning disabled child?

Research findings: motivators



No. 1: to meet care needs

Spouse to act as carer when parents get too old

To have children – children will grow up and care for their parent

Research findings: motivators



No. 2: cultural beliefs

Marriage as a cure for disability

Cultural tradition & expectation: there is stigma attached to being unmarried

Rite of passage: not being married may impact on marriage prospects of younger siblings



Research findings: motivators



No. 3: material gains

Financial gain/to keep property within the family

UK entry visa for overseas relatives

Discussion



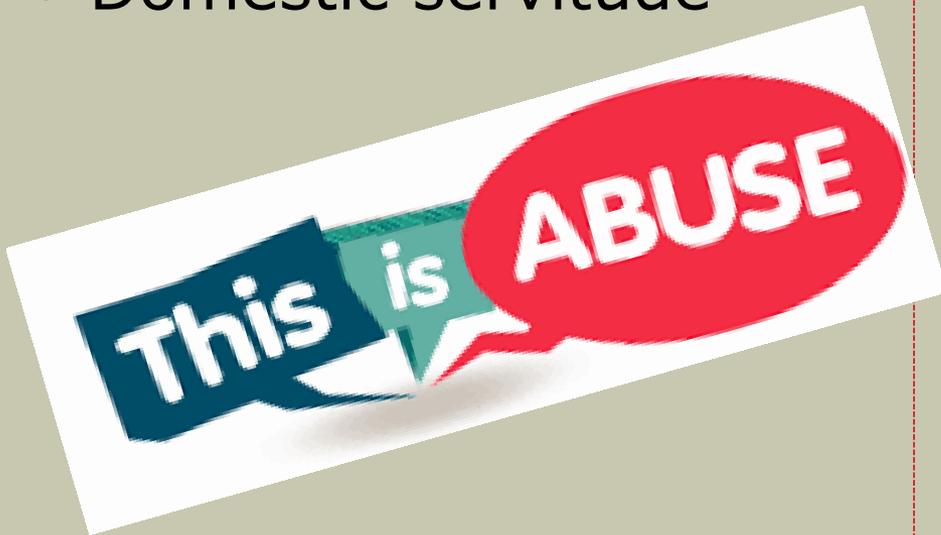
- What are the consequences for someone with a learning disability who is forced to marry?
- What safeguarding measures are needed?

Research findings: consequences



All forced marriages

- Rape
- Domestic violence
- Domestic servitude



Additional learning disability issues

- Abandonment
- 'Double' forced marriage
- Increased chance of disabled children
- Unable to leave marriage/ stigma if marriage fails

Research findings – adult safeguarding



A survey* of adult safeguarding boards showed:

- Only 23% were aware of cases of forced marriage of people with learning disabilities; but they could not say how many cases there had been
- 60% said forced marriage of people with learning disabilities as an area of concern they needed to address
- 28% said it was not an issue which needed addressing

“We do not really have high numbers of concerns about forced marriage, however we believe that it is a very important subject and that practitioners should be aware of guidance and understand what it is and how to respond”

*response rate = 57/127 or 45%

Safeguarding Board confidence that frontline staff are equipped to manage cases



Confident Boards

“All our practitioners are well trained and we would expect them to address this issue should it arise, professionally”

“We feel confident that staff from the Community Learning Disability Team have the knowledge and skills, and management support to deal with this issue. If dealt with in other service areas would not be so confident”

Unconfident Boards

“I believe that there is a real lack of awareness of the issue and confusion as to the difference between arranged and forced marriage. Also linking with issues of capacity”

“My concern is that, although there is guidance available for staff, it is dependant upon staff recognising that forced marriage is an issue in a particular case”

Recognition and intervention



SEEING
THE
UNSEEN

- Are practitioners equipped to recognise forced marriage of people with learning disabilities?
- If not – what are the barriers to recognition?
- What are the challenges to intervening?

Barriers to recognising and intervening



- Fear of appearing culturally insensitive
- Fear of being perceived racist
- Fear of getting it wrong
- Gaps in knowledge
- No agency protocol/guidance – lack of awareness of statutory guidelines (<https://www.gov.uk/guidance/forced-marriage>)
- Communication issues
- Working with interpreters
- Relationship with family
- Relationship with person with learning disability
- Assessing capacity
- Lack of tools/resources
- Lack of training
- (Mis)understanding cultural norms
- Using legislation

Cultural understandings of forced marriage



Many families do not view the 'arranged' marriage of a son or daughter with a learning disability as a forced marriage. Many believe they are acting in the best interests of their son or daughter:

"His parents said it didn't matter that he didn't have capacity. They said in their culture his consent wasn't needed"

Impact of new legislation



If a person lacks the capacity to consent, a marriage will legally be considered a forced marriage regardless of intent and regardless of whether the person is coercion was used

What might this mean for people with learning disabilities and their families, where a 'forced' marriage was believed by parents to be in the person's best interest?

Case study examples



Zulfiqar

- What might the impact on Zulfiqar be if the proposed marriage goes ahead?
- What should the social worker do?
- Can the social worker intervene whilst still respecting the family's culture and beliefs?

Mariam

- What might the consequences for Miriam be?
- How should the caseworker have responded to Miriam's news of her wedding?
- Why didn't the keyworker believe Miriam? What got in the way?

Practice issues



- Differing needs of people with and without the capacity to consent to marriage
- Challenges of assessing capacity to marry
- Providing appropriate support so that a spousal carer is not seen as the only option
- Cultural support for families who are told that their learning disabled son/daughter cannot marry
- What to do if marriage has taken place a number of years ago/children involved
- Using legislation appropriately and sensitively
- Organisational issues – recording, support, etc

A reminder



Current project is about forced marriage and how to prevent it, but people with learning disabilities who have the capacity to consent and who freely choose to marry have the right to do so



“We must not allow political correctness to lead us to moral blindness”

(Mike O’Brien)

“Cultural acceptance does not mean accepting the unacceptable”

(Sir Ian Blair)