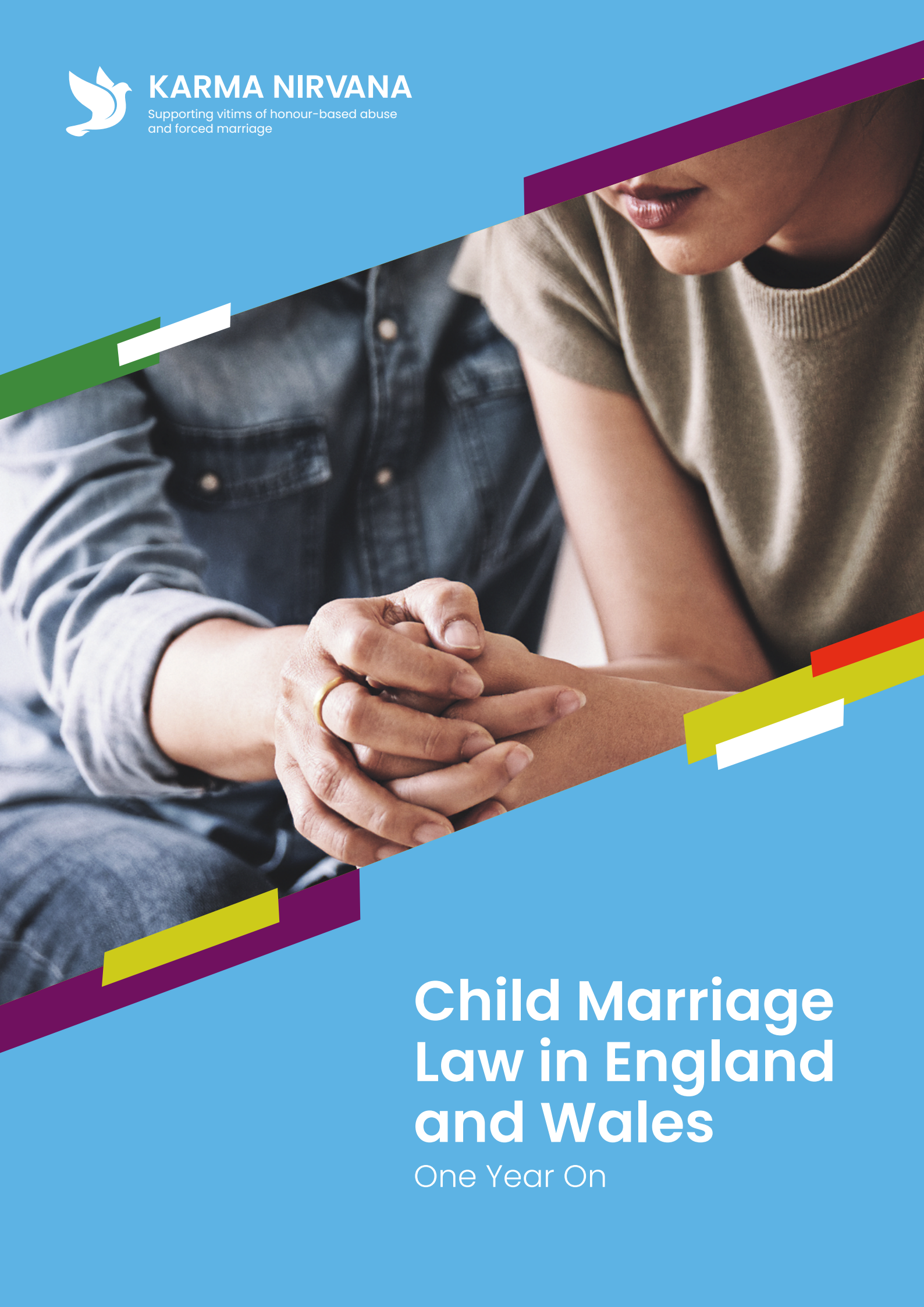




KARMA NIRVANA

Supporting victims of honour-based abuse
and forced marriage



Child Marriage Law in England and Wales

One Year On

Assessing the impact of legislation to end child marriage in England and Wales

This paper provides valuable insights into the practical implementation of Child Marriage Law in England and Wales, summarising its effectiveness one year on. It explores multiple aspects of the law's implementation, professional training, monitoring systems, procedural frameworks for repatriation, and compliance with Forced Marriage statutory guidance.

This paper highlights the critical issues hindering the impact of the new child marriage law and proposes targeted recommendations to address these challenges.

Introduction

For more than a decade, Karma Nirvana has diligently collaborated and campaigned to address the issue of child marriage. Through our frontline work, we have witnessed firsthand the profound and detrimental effects of child marriage.

After years of tireless advocacy, the law to criminalise child marriage and prohibit registered marriages under the age of 18 was enacted on 27th Feb 2023 through the Marriage and Civil Partnership (Minimum Age) Act.

One year on, we review the impact that the law has had on the identification, prevalence, and safeguarding response to child marriage.

Key Child Marriage Prevalence findings

There are significant statutory data gaps that prevent a complete understanding of how prevalent Child Marriage is in England and Wales. Other than via the Forced Marriage Unit (FMU), the government has no way to track or monitor the number of child marriages taking place in England and Wales.

Key Points

Victim Profiles

- The average age of reported child marriage is **15 years old**.
- Most reported **perpetrators are the victim's parents**.
- Victims of suspected child marriage have **disclosed experiencing physical abuse (39%)** from perpetrators, with the **youngest child affected being 3 years old**.
- Additionally, threats of victims being **taken abroad for child marriage have been reported in 61% of cases**. Victims have reported being taken abroad to Pakistan, India, Spain, Iraq and Turkey.

Referral Sources

- Referrals to the national helpline have predominantly originated from **children social care (39%) and schools (16%)**.

01 Limited Monitoring Outside the Forced Marriage Unit

- Besides the FMU, there is no other government agency or mechanism in place to systematically track or monitor the number of child marriages occurring in England and Wales.
- This means there are **significant statutory data gaps** that prevent a complete understanding of how prevalent Child Marriage is in England and Wales.

02 Changes in Forced Marriage Unit Recording

- The FMU implemented radical changes in how it records cases in 2021, making it **difficult to compare data** from before and after that year.

03 Increase in Prevalence

- Karma Nirvana has recorded an increase in reported cases of child marriage in the UK over the past five years, with **173 reported cases** to our helpline since the legislation criminalising child marriage in England and Wales up to January 2024 (11 month-period).
- This marks a **15% increase**.

04 Drop in Forced Marriage Unit Cases

- Despite the increase in Karma Nirvana helpline cases, the FMU handled **302 “advice and support” cases in 2022 compared to 337 in 2021.**
- This raises concern that the decrease in FMU cases may not reflect an actual decline in child marriage cases across the UK but rather a decrease in those reaching out to the FMU for help.

In summary, the key findings reveal significant statutory data gaps in monitoring child marriage prevalence in England and Wales, with the Forced Marriage Unit being the primary tracking mechanism. Changes in FMU recording methods further complicate data comparison. While reported cases have increased, there is a paradoxical drop in FMU cases, raising concerns about underreporting or a decline in seeking help.

The victim profiles underscore the severity, with cases involving physical abuse and threats of international child marriage. Referral sources predominantly come from police and social care agencies. These findings emphasise the need for enhanced data collection, improved reporting mechanisms, and a comprehensive, coordinated approach involving multiple agencies to address the complex issue of child marriage effectively.

Key Safeguarding Response findings

Despite legislative efforts to protect children from child marriage in England and Wales, many statutory safeguarding professionals are unaware of the new changes aimed at protecting children from child marriage.

Key Points

01 Safeguarding professionals do not know about the law

- Karma Nirvana data reveals that a substantial proportion of professionals contacting the national honour based abuse helpline about suspected child marriages **lacked understanding of the new legal framework**.
- Data from Karma Nirvana indicates that a substantial **proportion of professionals are unaware of the new child marriage law**, hindering their ability to identify and respond to cases effectively.
- All professionals contacting the helpline regarding a child 'at risk', reported **not receiving any training on the new law**.

02 Lack of confidence in the Forced Marriage Unit

- Professionals, including from the police and social care, have **reported a lack of confidence in FMU assistance**.
- Instances have been shared where professionals seeking assistance from the FMU's helpline received **inaccurate information regarding the new law on child marriage**.

03 Procedural challenges in repatriating children taken abroad for marriage

- Since the implementation of the legislation, significant procedural challenges have been observed in the repatriation of children taken abroad for marriage. In one case, **it took 13 months to safely repatriate a 16-year-old girl back to London** after she reported being taken abroad by her parents to be married.
- Another distressing incident occurred on 31st January 2023, where it took a considerable amount of time to repatriate a **13-year-old girl from Pakistan**, following concerns raised by her mother about her being **forced to marry her 19-year-old cousin**. Despite notification to the local authority social care team, concerns were not taken seriously, highlighting systemic failures in responding to such cases.

In summary, the findings highlight a concerning lack of awareness among safeguarding professionals regarding legislative changes aimed at protecting children from child marriage in England and Wales. A substantial proportion of professionals contacting the helpline lack understanding of the new legal framework, hindering their ability to effectively identify and respond to cases. There is also a reported lack of confidence in the Forced Marriage Unit's assistance, with instances of inaccurate information provided.

Procedural challenges in repatriating children taken abroad for marriage, as evidenced by delayed interventions and systemic failures, underscore the urgent need for comprehensive training, improved communication, and streamlined procedures to enhance the safeguarding response and ensure effective protection for children at risk of child marriage.

Key Implementation Challenges: Practice responses and limited Government led action

This section outlines the key obstacles linked to procedural shortcomings in repatriating children back to England and Wales safely and poor implementation of child marriage statutory guidance. This section also addresses the limited approach to government-led action post-implementation of the child marriage law.

Key Points

Practice responses are impacted by limiting procedural frameworks and poor awareness and implementation of child marriage statutory guidance

01 Inadequate Government (FMU) Procedural Frameworks for Repatriation

- There are **inadequate procedural frameworks for repatriating children** taken out of England and Wales for marriage purposes.
- Karma Nirvana has reported cases where children have been taken out of the country for marriage, but repatriation efforts have been unsuccessful due to **procedural shortcomings**.

02 Poor Implementation of Statutory Guidance

- Statutory guidance for forced marriage, including child marriage, suffers from **poor implementation**.
- A 2010 review by the FMU highlighted a **lack of commitment within agencies to address forced marriage**, inconsistent training practices, and variations in how different departments handle and monitor forced marriage cases.

The critical review of statutory guidance implementation, conducted 14 years ago, identified key concerns that still persist today.

Limited government-led targeted Action

Since the establishment of the government-led Forced Marriage Unit in 2005, there have been notable legislative advancements in the UK aimed at addressing forced marriage. We have seen the introduction of forced marriage protection orders, forced marriage criminal law and most recently, law which **automatically recognises children, on account of their age, as victims of forced marriage**. Despite these legislative strides, the overall progress on tackling forced marriage has been inconsistent, delayed, and marked by gaps.

03 Persistent Government Data Gaps in Understanding Forced Marriage

- Despite the existence of the government's FMU for almost three decades, the true **extent of forced marriages in the UK remains unknown**. Despite releasing annual statistics, changes in data collection methodologies in 2019, 2021, and 2022 prevents year-to-year comparisons, limiting the ability to identify trends.
- Additionally, the absence of data on threats that can coincide with forced marriage, like femicide, poses a **significant gap in understanding the severity of risks faced by victims**. In 2023, Somaiya Begum's uncle was convicted for her murder despite a Forced Marriage Protection Order being in place at the time of her death. Her case highlights why understanding the severity of risk in such cases is critical to protection and safeguarding.

The lack of regular and meaningful statistical releases from the Unit suggests the Government is not using data to develop or validate Government Violence Against Women and Girls strategy on safeguarding vulnerable victims from forced marriage.

04 Absence of ongoing government-led targeted actions to tackle forced marriage

- Government strategies to tackle 'Violence Against Women and Girls' (VAWG) have not sufficiently addressed forced marriage, including child marriage. Every four years, the Government publishes its VAWG strategy, outlining its commitments to tackling all forms of VAWG. The most recent government delivery action plan included a total of 95 actions to tackle VAWG, of which **only 3 related specifically to Forced Marriage specific actions**¹. These were:

Action 12 – Continue outreach work carried out by FGM units and Forced Marriage Units to work with communities to highlight the issues and raise awareness.

Action 55 – Develop an approach to the collection of data recorded by police forces in relation to Honour Based Violence (HBV), Forced Marriage (FM) and FGM in conjunction with the National Police Chiefs' Council (NPCC).

Action 84 – Consider and respond to His Majesty's Inspectorate Constabulary Fire Rescue Service recommendation to develop a national process to co-ordinate the collection and dissemination of all Forced Marriage Protection Orders (FMPOs)

The updated strategy action plan in June 2021 added one additional action relating to Forced Marriage:

Action 17 – Respond to the consultation on the introduction of mandatory reporting for Forced Marriage². *As of 27th February 2024, the consultation response has still not been published.

The actions undertaken fall short of adequately addressing the issue of forced marriage, and many **remain incomplete or lacking in meaningful impact**. An illustrative example is 'Action 84' aimed at establishing a national process for coordinating the collection and dissemination of FMPOs, was marked as 'completed' in June 2016 but still presents an ongoing challenge. The evident postcode lottery in the application and monitoring of Forced Marriage Protection Orders is painfully evident, tragically exemplified by the murder of Somaiya Begum, who had an active FMPO at the time of her death.

05 No government resource allocation dedicated to specialist support for new child marriage law"

- Despite the implementation of new laws to tackle child marriage, there has been **no ongoing government-led targeted actions** or interventions dedicated to raise awareness of the new law.
- The absence of a dedicated resource allocation specifically earmarked for specialist support **severely hinders the ability to effectively address child marriage** cases under the new legal framework.
- As anticipated, reporting of child marriage cases has increased since legislative changes were introduced. Karma Nirvana, alongside sector partners, are now responding to an **increased service demand to manage this, without additional resources** provided by the government. This leads to a further stretching of resources and capacity which causes challenges for an **already underfunded sector**.

¹https://assets.publishing.service.gov.uk/media/5c7d125de5274a3b7e84b476/VAWG_Progress_Update_Web_Accessible.pdf

²https://assets.publishing.service.gov.uk/media/60f7d355d3bf7f568a2d9493/Annex_A_-_Tackling_Violence_Against_Women_and_Girls_Strategy_-_June_2021.pdf

The current status and prioritisation of forced marriage by the government brings significant implications for the protection of victims at risk, and the overall confidence of professionals to address forced marriage in practice.

Recommendations: Strengthening Government Commitment to tackle Child Marriage

Child marriage persists as a significant and alarming concern, demanding a holistic approach to tackle its underlying causes and repercussions. Legislation alone is insufficient to eliminate this hidden harm.

This report proposes a set of targeted recommendations to enhance child marriage legislation and reinforce the government's commitment to eradicating this harmful practice. These recommendations, spanning legislative, social, and operational dimensions, seek to establish a unified framework that safeguards and protects all children at risk.

Karma Nirvana's Recommendations

01 Training and Awareness: Capacity Building

- Develop and implement **comprehensive training programmes** for statutory safeguarding professionals to increase awareness of child marriage laws and enhance their capacity to respond effectively to cases.
- Ensure that all new statutory professionals receive **mandatory training** on the new child marriage law.

02 Strengthened Procedural Frameworks

- Establish **clear procedural frameworks for repatriating children** taken out of England and Wales for marriage purposes.

03 Improved Data Monitoring

- Implement **robust data monitoring systems** to track trends in child marriage cases accurately.
- Conduct regular **assessments of data recording practices** to ensure comparability and reliability.
- Allocate **resources for data collection** and analysis to enhance the government's ability to monitor the implementation of child marriage laws effectively.
- The Department of Health and Social Care and the Department of Education should **add options for child marriage** to both the 'primary need at first social work assessment' and 'factors identified at the end of the assessment' categories in the 'Children in need' census.

04 Enhanced Implementation of Statutory Guidance

- Conduct a follow-up review of the statutory guidance for forced marriage, **addressing identified shortcomings, and promoting consistency** across agencies in the 2010 review.

05 **Ring-fenced Resource Allocated to Specialist Services**

- Allocate **ring-fenced resources** specifically designated for specialist services responding to reports of child marriage. These resources should be directed towards establishing and **enhancing support services**, counselling, and legal aid for victims, ensuring a targeted and effective response.

06 **Re-take Consultation to Explore Mandatory Reporting Opportunities for Child Marriage**

- We have significant concern over the delay and potential obsolescence of findings from the forced marriage mandatory reporting consultation concluded in 2019.
- Relying on these outdated findings may not adequately address the current landscape of child marriage. Therefore, we strongly advocate for the government **to initiate an immediate and comprehensive consultation process** focused on re-evaluating and exploring opportunities for mandatory reporting of child marriage cases.

