

RESEARCH SUMMARY

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)

**Marianne Hester, Khatidja Chantler, Geetanjali Gangoli,
Jasvinder Devgon, Sandhya Sharma & Ann Singleton¹**

This summary outlines key findings from research, commissioned by the Home Office², into the risk factors for forced marriage and the possible effect of further raising the minimum age for a sponsor, and of leave to remain to enter the UK as a spouse or fiancé(e). Data collection was carried out between March 2006 and February 2007.

The research was conducted in the context of debates in the UK and elsewhere in the European Union about the consequences of increasing the age for a sponsor, spouse or fiancé(e) as a way of preventing at least some cases of forced marriage. In April 2003, the UK raised the age at which a person could sponsor a partner to enter the country for marriage from 16 to 18 years. In April 2003, the Immigration Nationality Directorate (now the Border Agency) raised the age at which a person could sponsor³ a partner to enter the UK for marriage from 16 to 18 years. In December 2004, the age of spouses or fiancé(e)s seeking entry to the UK was also increased to 18 years⁴. The intention behind this policy change was to give extra time for young people to mature, which would help them resist unreasonable family pressure to marry. The research sought to establish whether the new legislation has had this intended outcome, and also to explore what the likely effect would be of increasing the age to 21 or 24.

The research also sought to gain a more thorough understanding of the communities affected by forced marriage. In addition, it was hoped that the findings would shed light on what other factors, besides age, increase or decrease the risk of forced marriage.

¹ Marianne Hester was Principal Investigator and Project Manager for the research, Khatidja Chantler and Geetanjali Gangoli were co-ordinators of the Manchester and Bristol teams respectively and are listed alphabetically. The other researchers are listed alphabetically. Dr Bipasha Ahmed, Dr Melanie McCarry and Dr Nicole Westmarland contributed to phase one of the research. Erica Burman acted as adviser.

² The views expressed in the report are those of the authors, not necessarily those of the Home Office (nor do they reflect government policy).

³ A sponsor must be at least 18 years old, currently living or settled in the UK or be returning to permanently live in the UK with his or her fiancé(e). Note EEA/EU nationals have a right to live and work in the UK and to bring in family members. For more information see:

<http://www.ind.homeoffice.gov.uk/applying/generalcaseworking/spousescivilpartnersfiancees>

⁴ Belgium, Sweden and Latvia also have 18 as the minimum age of a sponsor or spouse entering the country.

The research addressed four main issues:

- the impact and outcome on forced marriage of the recent increase in the age of sponsorship and entry into the UK of a spouse or fiancé(e) from 16 to 18 years;
- the benefits and risks of increasing the age of sponsorship or entry to 21 or 24;
- the range of communities in which forced marriage happens; and
- the factors perceived as increasing or decreasing the risk of forced marriage occurring.

Research Approach

The very nature of forced marriage means that individuals experiencing such marriages are a 'hard-to-reach' group, and it is difficult to develop accurate measures of the prevalence of forced marriages or the impact of changes in legislation. Initial exploration of official and other databases indicated that there was no existing source providing sufficient quality or coverage to provide valid statistical data. Instead, it was decided to use a largely qualitative methodology, employing a variety of methods that would enable detailed exploration of the research questions.⁵ The approach included six elements:

- Interviews with key individuals from 13 organisations, including a range of government departments, statutory sector organisations and non-governmental organisations.
- Interviews with stakeholders from 45 organisations across Birmingham, Manchester and Tower Hamlets⁶. Organisations included refugee and immigration projects, the police, schools, law centres and domestic violence forums.
- In-depth interviews with 38 victims/survivors of forced marriage (33 women and 5 men).
- Focus groups (15) with a wide range of communities involving 97 individuals (82 women and 15 men) with ages ranging from 15 to 60 years.
- A survey of 79 community organisations across Birmingham (25 organisations), Manchester (24 organisations), and Tower Hamlets (30 organisations).
- Interviews with 28 members of departments/projects with a remit on forced marriage issues to identify databases that might provide useful data sources on forced marriages.

This approach generated rich data, examining the research questions from different angles and in relation to different communities. The use of a variety of methods allowed general patterns to emerge, providing an evidence base going beyond what had hitherto been largely anecdotal⁷.

⁵ Ethical approval for the research was received from the Universities of Bristol and Manchester.

⁶ Tower Hamlets, Birmingham and Manchester were selected as the three case study areas because of the high density of communities identified where forced marriage is an issue. Whilst forced marriage is not restricted to particular religions or nationalities, the majority of reported cases have been from Pakistani and Bangladeshi communities. Twenty-four percent of the UK Bangladeshi diaspora live in Tower Hamlets and 13 per cent of the UK Pakistani diaspora live in Birmingham (Census 2001). Manchester has one of the largest BME communities outside of London. Manchester's minority ethnic communities make up some nineteen per cent of the total population of the city. An informal study conducted by Sandhya Sharma in 2005 suggested there were 105 reported cases of forced marriages over the previous year just within the six central Manchester women's refuges and outreach services. There are no comparative data for the other two areas.

⁷ As qualitative research does not set out to achieve randomly selected samples the findings should be taken as

Findings

Impact of raising the age of sponsorship or entry from 16 to 18 years

The research participants could offer no evidence that raising the age of sponsorship or entry from 16 to 18 years old had any major impact on the incidence of forced marriage cases.

The data currently held in large scale national databases are such that it was not possible to measure the impact that the change in age legislation has had on the incidence of forced marriage.

Benefits and risks of increasing the age of sponsorship or entry to 21 or 24

There was limited support for raising the age of sponsorship or entry further to either 21 or 24, with only 16% of stakeholders and 17% of survivors holding this view. Some of those consulted felt that age is immaterial in preventing forced marriage as such marriages take place across a wider range of ages.

The potential benefits of raising the entry age were seen as being the possibility of greater maturity, access to education and financial independence for young people, all of which could leave them in a stronger position to resist forced marriage. However, these benefits were also perceived by those consulted as being largely outweighed by the risks, with 88% of key individuals⁸, 71% of stakeholders and 54% of survivors indicating this view.

Regarding the risks of raising the age, four main themes emerged from the views expressed by key individuals, stakeholders, survivors and focus group participants:

- ♦ Increased risk of physical and psychological harm to victims and potential victims of forced marriage, which included young British women being taken abroad to marry and kept there forcibly until they were old enough to sponsor their spouses; entering the UK with false documentation; and implications for mental health, particularly attempted suicide and self-harm. The concern was that an increase in age could also prevent victims from accessing some potential sources of support, such as those provided via child protection legislation and education-based counselling support.
- ♦ The discriminatory nature of the mooted increase in age, i.e. to impose a dual system of marriage ages within the UK, with a disproportionate effect on certain minority communities.
- ♦ Human rights implications, i.e. the impact on marriages entered into – or arranged – by mutual consent.
- ♦ Implications for immigration enforcement: on the one hand, concerns that the changes in age requirements were only a measure to restrict immigration and, on the other, that measures might increase the use of falsified immigration documents to circumvent the age restrictions.

Range of communities in which forced marriage happens

The survey of community organisations, interviews with stakeholders and focus groups provided evidence of the range of communities experiencing forced marriage. While forced marriage is often considered as primarily affecting South Asian communities, the research indicated that it was an issue in a wide range of religious

indicative rather than representative of the UK as a whole.

⁸ Inevitably based on small numbers.

and other communities outside the South Asian Diaspora. These included orthodox/fundamental religious communities in the UK, Irish traveller women, Armenian, Turkish, and some mainland Chinese communities, Eastern European communities, African communities including Eritrean, Sudanese, Sierra Leonean and Mozambiquean, and African Caribbean communities.

The study also revealed that these different communities experienced a range of routes into forced marriage, including: poverty and bride price⁹ primarily in African communities; control over sexuality¹⁰ in South Asian, Middle Eastern, Chinese and African communities; and immigration in South Asian, Middle Eastern, Chinese and African communities.

Factors seen as increasing or decreasing the risk of forced marriage occurring

Interviews with stakeholders and survivors and focus group participants highlighted that there is no single factor that determines whether a forced marriage will take place. Structural factors such as unequal gender relations, poverty and immigration and asylum systems all play a part. The likelihood of a forced marriage taking place is complex and multilayered and depends on the community, the culture within the community, the family situation and notions of tradition within a family.

Factors perceived to increase the risk of forced marriage included overt coercion by family members, lack of access to support, mental ill-health, death of a parent, 'unsuitable' sexual behaviour of potential spouses, and attempts to bypass certain immigration and asylum rules. Such risks were viewed as compounded if there was a lack of appropriate services, no "recourse to public funds" as set out in the rules for family formation and reunion, or wider socio-political processes leading to more traditional Muslim identities being adopted.

Decreasing the risk of forced marriage was perceived largely as the reverse of factors that were thought to increase the risks. In large part, better support to victims (at home and overseas) as well as preventive work were thought to be crucial, as was increased resources for education and awareness for practitioners, young people and communities, as well as academic and vocational education for young people.

Conclusions and recommendations

1. The research indicated that a further increase in the age of sponsorship or entry to 21 or 24 may not be effective in preventing forced marriage, given the range of communities and ages that are affected.
2. Respondents identified a range of risks and benefits that would arise from a further increase in the age of sponsorship or entry to 21 or 24. The majority thought that the risks would outweigh the benefits.
3. Forced marriage affects a range of communities, with a variety of routes into forced marriage. Policies regarding forced marriage need to take this into consideration.
4. A number of possible support measures were seen as valuable in reducing the risk of forced marriage and/or supporting those who have been victims of it:

⁹ Bride price is the transfer of wealth or possessions by the groom, or more typically his family, to the bride's family on marriage.

¹⁰ This could mean forcing homosexuals to marry, and/or reducing sexual promiscuity.

- increased funding and capacity – at strategic, management and practitioner levels – for organisations with responsibilities for supporting victims of forced marriage;
 - specifically targeted services, including specialist refuge support and appropriate mental health support;
 - community awareness and education initiatives regarding forced marriage as well as community development with parents and young people;
 - anti-discriminatory practice in generic and specialist agencies to improve access to services for victims of forced marriage;
 - forced marriage is already a form of domestic violence, and women subject to the two year rule should not be required to prove further domestic violence in order to be eligible for the domestic violence concession;¹¹
 - improved services internationally, including establishment of women’s groups, helplines and campaigns for women’s rights as well as poverty alleviation programmes targeted at women (equivalents for men were not mentioned but may also be relevant in some cases).
5. Reliable monitoring of the impact of legislation in this field would require improvements to the availability of relevant large-scale statistical information.

¹¹ A woman can be granted 24 months stay on the basis of her marriage or relationship with a person settled in the UK (Paras. 281 and 282 of the Immigration Rules). If the marriage or relationship breaks down due to domestic abuse during the 24 months period she may apply for settlement if she meets the criteria for Indefinite Leave to Remain under the Domestic Violence Rule (Para. 289 A of the Immigration Rules).