

EARLY & FORCED MARRIAGES IN IRELAND



A report on the practice and its prevalence

November 2022



An Roinn Dlí agus Cirt
Department of Justice

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Introduction to AkiDwA

Akina Dada wa Africa (AkiDwA), Swahili for sisterhood, is a network of African and other migrant women living in Ireland that was founded in 2001. AkiDwA was established as a network of African women living in Ireland. The network swiftly grew to include African women of all nationalities, religious affiliations, and socioeconomic and legal statuses. Migrant women from other regions also wished to join the network and attend meetings and events. As a result, the network now serves all migrant women while staying true to its African roots.

The organisation is acclaimed for its work in areas of gender-based violence (GBV). In the last 20 years, AkiDwA has spearheaded work on female genital mutilation and domestic violence from the perspective of migrant women. To advance its work on GBV, the organisation has begun looking into the many facets of this issue, and in 2020, AkiDwA conducted baseline research into the trafficking of migrant women in Ireland to help broaden awareness of the issue and to document its occurrence.

This year, AkiDwA seeks to investigate coerced and early marriages. This has been fuelled by several incidents reported by service providers and frontline services who contacted AkiDwA to learn more about the dynamics of early and forced marriages based on cases presented to them.

Background to this research report

This research report comes from this aforementioned interest in the dynamics of early and forced marriages in Ireland, the UK, and on a more international scale. Over 650 million women worldwide who are alive today were married as children.¹ No region is on track to eliminate child, early, and forced marriage by 2030, as set out in the UN's 2030 Agenda for Sustainable Development.² The true number of forced marriages on a global scale is difficult to find, but it is a prevalent practice that international human rights law has ruled a crime against humanity.³

Forced and early marriages are severely under-researched in Ireland, yet we know that they have been happening. From speaking to service providers, reading news stories, and through anecdotal evidence, it is clear that forced and early marriages are taking place both in Ireland and among Irish citizens abroad.

This report gathers some preliminary information on early and forced marriages in Ireland. It will outline the sociological dynamics of this issue, covering concepts such as honour-based abuse and gender-based violence.

The report will then look at the data available outside of Ireland, focusing on the United Kingdom and the European Union. The report takes an in-depth look at specialist services in the UK, to outline what front-line workers recommend as appropriate steps in dealing with forced and early marriages. They have also provided insight into what aspects of law and policy they would like to see changed, and have given some background to the gendered dynamics at play.

This report will then outline key findings and recommendations for both a) key service providers and b) the government, to help assist survivors of early and forced marriage

¹ <https://www.ohchr.org/en/women/child-and-forced-marriage-including-humanitarian-settings>

² <https://sdgs.un.org/goals/goal5>

³ <https://internationallaw.blog/2016/06/20/forced-marriage-as-an-independent-crime-against-humanity-in-the-icc-decision-confirming-the-charges-against-dominic-ongwen>

and those who are at risk of early and forced marriages.

AkiDwA's mission is to promote equality and justice for migrant women living in Ireland, and this research report thus focuses on forced and early marriages taking place within immigrant communities in Ireland.

Terminology

Forced marriage

A forced marriage is one in which one or both participants enter the marriage without giving their consent. They are coerced into it, usually by their families or their community.⁴

They are put under pressure to marry against their will, this pressure can be physical (including threats, actual physical violence, and sexual violence) or emotional and psychological (for example, when someone is made to feel like they're disgracing their family). Sometimes, financial abuse can also be a factor (taking wages or not giving either party any money).⁵

Early marriage

For the purposes of this report, early marriage is another term for child marriage. Early marriage refers to any formal marriage or informal union between a child under the age of 18 and an adult or another child.⁶

The practice is extremely prevalent. According to the UN, 37,000 girls under the age of 18 are married every day.⁷

Arranged Marriage

An arranged marriage is intermediated by a third party, but both participants give their full consent and enter the marriage willingly. Crucially, what differentiates an arranged marriage and forced marriage is mutual consent.

⁴ <https://www.ohchr.org/en/women/child-and-forced-marriage-including-humanitarian-settings>

⁵ <http://www.freedomcharity.org.uk/what-we-do/forced-marriage/>

⁶<https://www.unicef.org/protection/child-marriage#>

⁷<https://31u5ac2nrwj6247cya153vw9-wpengine.netdna-ssl.com/wp-content/uploads/2014/05/iwhc-child-marriage-facts.pdf>

Sometimes, what starts as an ‘arranged’ marriage can escalate to a forced marriage. It is not uncommon for one of the participants to change their mind, even on the wedding day, only for their families to force them to go through with it.⁸

Gender-based violence

Gender-based violence is any act of violence against women and girls based on their gender; an act “that results in, or is likely to result in, physical, sexual, or mental harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.”⁹

Some examples of gender-based violence are FGM, domestic violence, sexual violence, and forced marriages when they are targeted toward women or girls.

Honour-based abuse

There is no statutory definition of honour-based abuse, but a common definition that has been adopted across the UK government and criminal justice agencies is: a crime or incident which has, or may have been, committed to protect or defend the honour of the family and/or community.¹⁰

It can also be described as a collection of practices, which are used to control behaviour within families or other groups. This is done to protect perceived cultural and religious beliefs and or honour. Abuse and violence can happen when perpetrators think that a relative has “shamed” or “dishonoured” the family or community by breaking their “honour” code.¹¹

⁸ <http://www.freedomcharity.org.uk/what-we-do/forced-marriage/>

⁹ <https://www.unhcr.org/en-ie/gender-based-violence>

¹⁰ Shining the Spotlight : Bringing Honor Based Abuse into the mainstream, 3 year strategy 2021-2024, Karma Nirvana

¹¹ Black Country’s Women Aid

Most victims of honour-based violence are women and girls, although it does affect men and boys too. There is often no singular perpetrator, and victims are often at risk from close or extended family or community members.

Honour-based violence is sometimes under-recognised, as people feel it is part of cultures or religions. However, it is never justified and is a human rights issue.

The Government of the Netherlands has listed the following as examples of honour-based violence:¹²

- physical abuse (kicking and beating)
- psychological pressure (strict monitoring, humiliation, threats)
- abandonment (leaving someone in their country of origin or sending them back there)
- forced suicide
- honour killing (murder)

They list refusal to cooperate with a forced marriage as a motive for honour-based violence and abuse.

¹²<https://www.government.nl/topics/honour-based-violence/question-and-answer/what-forms-of-honour-based-violence-are-there>

Desk and Field Research around Forced Marriages

The United Kingdom

Statistics

- 5,000-8,000 people are at risk of being forced into marriages in the UK every year.¹³
- 26% of victims were under 18¹⁴
- 34% of victims were aged 18-25¹⁵
- 80% of cases involved female victims¹⁶
- 60% of victims were from a South Asian background¹⁷

The actual number of forced marriages may be higher, as many cases are not reported to the police or to service providers.

Legal

The Forced Marriage Unit (FMU) was set up in 2005, it is dedicated to both preventing British nationals from being forced into marriages abroad and aiding anyone in the UK who is facing the risk of being forced into a marriage, regardless of nationality. The FMU also assists anyone who has previously been coerced into marriage and now finds themselves in the position of having to sponsor a visa for their spouse.

The Forced Marriage (Civil Protection) Act was introduced in 2007. It did not criminalise the act of forcing someone into marriage as a separate offence. Under the Forced Marriage Act 2007, it is possible to apply (or ask someone to do this on your behalf) to designated courts in England and Wales for a Forced Marriage Civil Protection Order.

¹³https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/882532/Forced_Marriage_Unit_Statistics_2018_revised_final.pdf

¹⁴ Ibid.

¹⁵ Ibid.

¹⁶ Ibid.

¹⁷ West Midlands Specialist Domestic Abuse Consortium, Our Girl Campaign

A Forced Marriage Protection Order can be used to prevent someone from being forced into a marriage or to protect someone if the forced marriage has already taken place.

These orders are judge-issued legal instruments that protect the person at risk of being in a forced marriage, it contains legally binding conditions and instructions that require a person or persons attempting to coerce another person into marriage to change their behaviours. Orders can be made in an emergency to protect somebody urgently. If somebody disobeys the instructions of the judge, they can be arrested, brought back to court, and sent to prison for up to two years for contempt of court.¹⁸

A Forced Marriage Protection Order can be served to family members in the UK. These orders can prevent a vulnerable person from being taken overseas and can include instructions to bring them back safely to the UK.

In the UK, around 130 protection orders have been issued to victims of forced marriage every year since mid-2009.¹⁹

The Anti-social Behaviour, Crime, and Policing Act 2014 made it a criminal offence in England, Wales, and Scotland to force someone to marry. Forcing someone to marry comes with the potential of being sentenced to prison for up to 7 years. The Act contains provisions banning the:

- taking of someone overseas to force them to marry (whether or not the forced marriage takes place)
- marrying someone who lacks the mental capacity to consent to the marriage (whether they are pressured to or not).

In 2018, there were three convictions for the forced marriage offence.²⁰ The first case occurred in Birmingham, where a mother was found guilty of pushing her daughter into

¹⁸ UK FORCED MARRIAGE : A SURVIVOR'S HANDBOOK

¹⁹ https://fra.europa.eu/sites/default/files/fra-2014-forced-marriage-eu_en.pdf.pdf

²⁰ Ashiana

a marriage in Pakistan. The second and third cases involved a mother and father pushing their daughter into a marriage in Bangladesh. There was a further conviction in 2020, a man in Birmingham was found guilty of attempting to force his niece into marriage.²¹

Benchmarking: UK specialist service providers

Karma Nirvana

Dr Jasvinder Sanghera CBE built Karma Nirvana after her own experiences with honour based-abuse, founding the organisation after escaping her forced child marriage at the age of 15 and sadly losing her sister to honour-based abuse. In 1993, Karma Nirvana became the UK's first specialist organisation for victims and survivors of honour-based abuse.

Karma Nirvana sees forced and early marriages as a part of honour-based abuse, commenting :

“Honour-based abuse is not widely recognised as a form of domestic abuse. It is often misunderstood or dismissed in the name of ‘culture’ or ‘tradition’. As a result, it remains hidden. Honour-based abuse is not thought of by politicians as a part of the ‘violence against women and girls’ agenda.”²²

As a result, they would like to bring more awareness about honour-based abuse to the mainstream.

Their strategic priorities are as follows:

²¹ Ibid.

²²<https://karmanirvana.org.uk/about/our-strategy>

- Improve cross-governmental accountability in responding to honour-based abuse as a form of domestic abuse, within the wider Violence Against Women and Girls (VAWG) framework, to influence policy, law, and practice responses.
- Train frontline responders to improve identification, understanding, and responses to honour-based abuse.
- Develop a national dataset to better understand the scope, scale, and prevalence of – and appropriate responses to – honour-based abuse.
- Increase the number of specialist safe spaces that exist for victims and survivors of honour-based abuse to speak out.

They have trained more than 50,000 frontline practitioners, including 25 police forces across England and Wales. South Wales Police was the first force to undertake their specialist 3-day course, leading to the first conviction for forced marriage in the UK. They also delivered training on behalf of the Welsh Assembly between January-March 2021, and 100% of the delegates then reported an improved understanding and confidence in responding to honour-based abuse.

Southall Black Sisters (SBS)

Southall Black Sisters, formed in 1979, is a multi-award-winning black and minority ethnic (BME) women's organisation. It offers comprehensive resource centre services to BME women and children who are victims of gender-based violence, such as domestic and sexual violence, forced marriage, dowry abuse, and honour-based violence (HBV) or honour crimes.

They also campaign against violence against BME women and girls and engage in policy, campaigning, education, development, and research.

I spoke with SBS, asking about the relationship between forced marriage and gender-based violence and abuse.

"I do think that people sometimes see forced marriage, not within gender-based violence or abuse but almost as a kind of cultural practice... that has to be tolerated and respected. So there is this difference that somehow violence in the name of honour may be more acceptable and sometimes they don't always see it as gender-based violence - they see it as just general violence against men and women within the community... they don't see the disproportionality and you always have to point that out to them."

SBS raised an interesting point about people's unwillingness to interfere with acts of violence that could be perceived as cultural norms within certain migrant communities. The gendered acts of violence are not seen as such but instead seen as a cultural practice.

When asked about how to change such attitudes, SBS said:

"We do want to change attitudes in the long term - religious, cultural, attitudes that justify gender-based violence and forced marriage. And we do want to improve the state response, the state response may be racist or not interventionist because they want to respect cultural differences and be sensitive - or on the other hand, they don't provide specialist provisions such as funding for services."

Black Country Women's Aid

Black Country Women's Aid list is an independent charity which has supported survivors of domestic abuse and sexual violence in the West Midlands for 30 years. They provide confidential support and offer advice, safety plans, and information about how the criminal justice process works. They help those at risk to access refuge, housing, immigration services, counselling and legal help.

They offer the following advice for professionals who suspect that someone is being, or has been forced into marriage:

- Speak to them immediately alone in a secure, private place
- Listen to them, believe them, recognise and respect their wishes
- Reassure them about confidentiality, and that you will not inform their family, however, if action must be taken in their best interests or to prevent crime, inform them of the action taken
- Perform a risk assessment

For people at risk of being forced into early marriage (under the age of 18), they ask that the professional:

- Refers them to their organisation's designated person responsible for safeguarding children and activates the local safeguarding procedures
- Establishes and agrees on an effective method of contacting the victim discreetly in future, possibly using a code word to confirm identity

If someone is at risk of being or has been taken overseas, the professional is urged to immediately contact the Forced Marriage Unit. The young person should obtain the contact details of the nearest British Embassy in the area they are travelling to.

They stress that the professional should never:

- Share information or attempt mediation with the young person's family or the community. It can increase the risk of harm or bring forward the marriage. The family may also punish the young person for trying to get help
- Use family members, friends or prominent community members as translators, they should always use an accredited interpreter and advise that using telephone interpreting services can make it easier for some people to disclose anonymously

Freedom Charity

Freedom Charity aims to bring awareness, help and support concerning forced marriage, dishonour-based violence and female genital mutilation (FGM). They use the word 'dishonour' in order to highlight how violence against women in this way is not 'honourable'.

They recommend taking the following steps if you believe someone you know may be forced into a marriage when they go abroad on holiday:

- Make sure they have a phone or SIM card that works abroad
- Make sure that they have a specific code so that you know that it is them texting or contacting you rather than somebody else using their phone
- Agree on a secret set of words that you will know will mean they are in trouble and need help but which no one else will suspect, for example, 'What's happening on Hollyoaks?'
- Agree on a date by which if they are not back, you have permission to tell a teacher or somebody else in authority about your concerns
- Before they go, tell them to try to get an address or at least the area of the country they are going to and the names of the family members they are visiting
- Tell them to leave a note of their passport number and the full names of their parents and any adult siblings with you to keep in a safe place
- Give them the number of the Forced Marriage Unit and ask them to memorise it
- Make sure that they have the address of the British Embassy or High Commission in the country they are going to – you can get this from the Forced Marriage Unit or us
- Try to persuade your friend to discuss the concerns that they have about the holiday before they go. They can call Freedom Charity's helpline on 0845 607 0133 or talk to a police officer, the Forced Marriage Unit or a lawyer.

Ireland

Legal

In 2016, the Department of Justice confirmed that they were introducing legislation which would make it an offence to force a person to marry where they do not consent to it. The proposed legislation would criminalise marriage where consent is given under emotional, physical, sexual or financial duress. The Department of Justice told the Journal.ie that “there have been investigations into 1-2 cases of forced marriage per year in Ireland in the past number of years, however, it is believed that more cases may be occurring.”²³

The legislation brought in was section 38 of the Domestic Violence Act 2018, bringing in the offence of forced marriage:

- (1) A person commits an offence where he or she engages in relevant conduct for the purpose of causing another person to enter into a ceremony of marriage.
- (2) A person commits an offence where he or she—
 - (a) removes another person from the State, and
 - (b) intends the other person to be subject to relevant conduct outside the State for the purpose of causing that other person to enter into a ceremony of marriage.
- (3) A person commits an offence where, in a place other than the State, the person engages in relevant conduct for the purpose of causing another person to enter into a ceremony of marriage and the first-mentioned person is, at the time he or she engages in that conduct.

²³ <https://www.thejournal.ie/forced-marriages-3011469-Oct2016/>

A “ceremony of marriage” means any religious, civil or secular ceremony of marriage, whether legally binding or not. This legislation brings Ireland in line with the Istanbul Convention, a Council of Europe anti-domestic violence convention agreed upon in 2011, but which Ireland only signed up to in 2015.

Incidences of forced marriage in Ireland

Trying to collect data and statistics on the incidences of forced marriage in Ireland was extremely challenging. Women’s Aid Ireland consulted with their team and reported that they do not have a lot of experience supporting women who have been subjected to forced marriages or at least it may not have been declared.

Crosscare Migrant Project, a Dublin-based NGO that provides information and advocacy support to Irish emigrants and people who have moved to Ireland reported that whilst none of the team had any cases of forced marriage in the last number of years, there have been cases they are aware of via Consular Services. The Department of Foreign Affairs has thus dealt with a handful of cases where an Irish citizen with dual citizenship has been forced into marriage abroad.

NASC Ireland, a migrant and refugee rights centre in Cork also reported having no cases of forced marriage.

It appears that forced marriage in Ireland is an entirely hidden problem, with few people contacting the relevant stakeholders who can support them.

I am from a South Asian family in Ireland, and I have heard anecdotal evidence of forced marriages occurring in Ireland. One that comes to mind is my mother telling me that a young girl, aged 17 or 18 was having an affair outside of marriage with an older man. When her parents found her in a hotel with this older man, they sent her to Pakistan to get married as punishment.

Various news outlets have reported cases of forced marriage in Ireland. For example, the Irish Central reported in 2020 about an Irish woman who escaped forced marriage in Bangladesh.²⁴ They reported that at the age of 20, her family brought the unnamed 21-year-old woman from Dublin to Bangladesh under the guise of visiting her sick grandmother. When she arrived, however, her phone and passport were confiscated from her, and her family coerced her into a forced marriage. She was able to contact her partner in Dublin, who in turn called Britain's Forced Marriage Unit, as Ireland does not have such a unit.

British officials in Bangladesh waited until she was alone before escorting her out the back of her apartment building. She was picked up in a bulletproof car and driven to the airport. Her family went back to Ireland almost quickly after the wedding, leaving her trapped in Bangladesh with no passport and no way of getting back to Ireland.

She stated that she wished to aid other women who may be in similar situations and that there are undocumented occurrences of forced marriages occurring regularly in Ireland.²⁵ The Irish Examiner also reported on a case in 2019 where Tusla, the Child and Family Agency, were investigating a case where a child's mother was suspected of being forced into a marriage.²⁶

I also spoke to service providers Ruhama and the Immigrant Council of Ireland about their experience of working with cases of forced marriage in Ireland.

Ruhama

Ruhama is a Dublin-based NGO that works on a national level with women affected by prostitution and other forms of commercial sexual exploitation. Ruhama explained that they work with cases of forced marriage because no organisation works specifically with forced marriage.

²⁴ <https://www.irishcentral.com/news/irish-woman-escapes-horrific-forced-marriage-bangladesh>

²⁵ Ibid.

²⁶ <https://www.irishexaminer.com/news/arid-30898916.html>

“We see forced marriages as an exchange of sex for safety in the family, e.g if you accept to have sex with me as a wife, then you will be kept safe in the family. You’re no longer at risk of being abandoned by the family or rejected by the community, making it a sort of exchange. That’s one of the reasons why we would work with women affected by forced marriage. From our point of view, it is sexual exploitation.”

I spoke to a caseworker/psychotherapist who estimated that 5-10% of the cases she deals with involve forced marriages. She didn't know specific numbers but believed that "forced marriages are very prevalent."

“Those who come to us are only those who realise that this should not be the norm and that their rights are not respected. I think that’s why it’s such a small percentage (of people that come forward about their situation).”

I asked about the typical victim/survivor profile. She explained that most are around 18-19 years old, in and around the first year they become an adult. When they become this age they can travel on their own.

“They’ve been told for the last 2-3 years before 18 that they will marry such-and-such and so there is quite an open conversation in the family about this... the future marriage. But they see it, of course, as part of the culture. So a lot of the time, the women that come into contact with us - they are 18/19.”

I asked about their ethnic backgrounds, and she reported that she's noticed that her cases come from the Afghan community, Muslim communities, Indian communities, and wherever else arranged marriage is part of the culture.

The cases involved service users who are in school, who have lived in Ireland for several years and those who escaped their home country because of forced marriage. When I asked what the dynamics were at play in forced marriage cases she had worked

with, she said the following:

“Usually the groom-to-be has financial potential, he can financially support the family that he’s marrying into...quite often he’s an older man, probably because older men have more financial stability. Sometimes it’s a man who is present in the family, usually, it doesn’t completely come out of the blue. It can be men who supported the family gradually, or over time with small amounts of money, food, or any other sort of good. Sometimes the family might feel that they owe it to the person to pay them back for all the support. The man also knows that if he keeps on giving and supporting the family, in the end, in three years when their daughter turns 18 and is ready to marry, then there are high chances she’ll be given to him because the family owes him.”

Immigrant Council of Ireland

The Immigrant Council of Ireland (ICI) is a national, independent non-governmental organisation that promotes the rights of migrants.

They noted that they do not typically come across cases of forced marriages in Ireland, but noted a case that presented very recently. A third-party organisation was seeking some guidance from the ICI in assisting two individuals.

The third-party organisation was assisting two individuals who have alleged that they were brought outside Ireland for the purposes of forced marriages that didn’t ultimately take place. They managed to engage with this third-party organisation who engaged with the relevant Irish authorities for them to be supported in coming back to Ireland.

This helps us shed light on how these cases are handled:

“Rightly or wrongly, the intervention that appears to have been made is one of a human trafficking response, albeit imperfect and insufficient, I won’t go into the details, because I’m not directly involved.”

The case followed the pattern of cases we have already seen in the UK, where it involved young people who had grown up living in Ireland:

“The case of the young person who’s been living here for a long time, and whose parents may be planning to enter them into a marriage with somebody back from the

country of origin, you know, and they have grown up here in a completely different cultural context, for example.

Like that is what was kind of a play in that very recent case that I mentioned to you. I'm not directly involved, but it was about girls who have grown up here, both of whom were taken out of Ireland to enter into a marriage in a third country."

We see here that forced marriages may be taking place within immigrant communities in Ireland and still affecting second or third generations. The ICI also shared information about the protections for immigrants or refugees who have moved to Ireland from forced marriage.

The Immigration Angle

Section 4.7 of the Immigration Act of 2004 is wide enough for the Minister of Justice to change residence status depending on context and changes in circumstance. This means that if a victim of forced marriage has been brought to Ireland on a spousal visa, they could hypothetically apply to have an independent visa. Immigration law, therefore, has the potential to protect victims of forced marriage but there is no specific structure.

The ICI pointed out that this should be better publicised:

"Does immigration law need to change? Perhaps not. But what does need to perhaps change is knowledge and understanding of forced marriages whether it is a frontline provider like our own or another third party civil society organisation or the state authority that's being asked to deal with the situation that there's knowledge and understanding of what are the relevant issues. So that cases can be appropriately submitted."

The ICI was historically very involved in the introduction of the domestic violence concession. These are discretionary administrative arrangements within the Department of Justice that allow the Minister to look on a case-by-case basis at the facts of an individual case and to decide whether or not ongoing permission to remain will be granted in that particular case. So it's always a question of first notifying the minister of the changes in circumstance and then seeking ongoing permission to remain and how one does that is very factually dependent on the case.

Organisations including civil society groups and charities like Women's Aid lobbied the government to get the concession introduced because, at the time, there was nothing published on the Department of Justice's website to let a potential victim, who didn't happen to know about the concession, know that they could do this. They would regularly come across people who had gone to a lawyer who told them that there was nothing they could do or they'd be sent home (which was incorrect). Or they would be wrongfully told to apply for international protection, which depending on their nationality, they would not be a good candidate for.

The Department of Justice had never published any information about how to deal with relationship breakdown, that you need to notify the Department and apply for ongoing permission to remain. The whole point with the domestic violence concession was that the Department of Justice did this, but didn't state that they did this, so organisations wanted it formalised and published. This would allow people to find that information on their own website and not by happenstance.

The ICI noted that the same problem exists now with forced marriage:

"I think that is exactly the same problem with something like forced marriage. There's possibly very little awareness, generally, about what constitutes a forced marriage, the fact that it is unlawful in Ireland. The legislation is relatively new, I don't know how many cases, if any, have been prosecuted under the Act, and there's then just no knowledge on the part of anybody who is the victim of forced marriage... what they would need to do, do they just go down the domestic violence concession route, or is there some other thing they need to do? There's just been no communication officially from the Department of Justice on its website that it falls under the broad umbrella of domestic violence or that there are specific things that a person needs to do."

Refugees

In theory, being a victim of forced marriage is going to give rise to a granted protection status, but it's not as simple and as straightforward as that:

So looking at international protection, there will always be a question of whether or not like, what nationality is this person? Can they return safely to the country of origin? So some individuals of domestic violence might well have a strong case for being granted protection, particularly subsidiary protection or humanitarian need to remain as opposed to refugee status itself. Not everybody would. For example, I think if you could show that a person came from a particular country, where the country of origin evidence documents could show that being a victim of domestic violence, you're not really going to have much support and security, your family are going to ostracise you, the political authorities won't support you either, and you would still be at risk if you were to return home - then you might be granted protection status.

This could work for some countries, Pakistan, for example, whereas if a person said they came from Brazil or the US; or somewhere where you could have access to supports such as women's refuges or the capacity to set up your life independently as a woman - then it might be completely different."

This means that it might be really difficult to get granted protection status depending upon the victim's country of origin, and it might be easier to simply change residence status instead.

Arranged marriages

The ICI also noted that it's important to distinguish arranged marriages from forced marriages and that it has caused trouble in some visa applications:

"I think it's just a conversation that needs to be had, quite sensitively, so that everyone doesn't just come out with this kind of allergic reaction to like arranged marriages being completely inappropriate. They can be a very culturally appropriate way of entering into a marriage and very many parties to them are willing, voluntary, and end up happily married. Of course, over time relationships, just like anybody else, break down, or there may be domestic violence, but the marriage itself was not forced. And these are some of the things that are obviously important when it comes to training to have an appropriate cultural understanding of them."

Because that was what our difficulty was, even sometimes in visa applications where everything was genuine, is the difficulty in convincing the visa officer that the arranged marriage was perfectly okay. And that they would like to expect someone to come from maybe the Irish perspective of like, moving in together and living together and having to live together before you decide to have a baby or decide to get married is just not going to be happening for very many people in other parts of the world. So like, you can't

apply a Western understanding of relationship development to every visa application either.”

European law

The EU has addressed the issue of forced marriage directly or indirectly in different legislations such as:

- the 2012 Victims' Directive lists forced marriage as a form of gender violence
- the 2011 Qualification Directive deals with the rights and duties of persons who have been victimised by gender violence
- the 2003 Family Reunification Directive contains counter-measurements to the danger of enabling forced marriage through transnational reunification

The 2011 Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) obliges to criminalise the intentional conduct of forcing a person to enter into a marriage.

In addition, in line with the requirements of the Istanbul Convention, when victims are brought abroad, they should be granted effective ways to return to the EU Member States even when, as a result of forced marriage, they have lost their right to reside in the EU.

A forced marriage is a violation of international human rights. The Universal Declaration of Human Rights states that “marriage shall be entered into only with the free and full consent of the intending spouses.”

The European Convention on Human Rights (ECHR) translates the UDHR into enforceable human rights in Europe. Article 12 expresses the right to marry and start a family. It says that:

“men and women of marriageable age have the right to marry and to found a family, according to the national laws governing the exercise of that right.”

Although it does not specifically mention the need for intending spouses to consent as the UDHR does, British judges have interpreted the Article to mean that there is a right ‘not to marry.’ This means that forcing someone into marriage violates their human right not to marry under Article 12 of the ECHR.

Forced marriage situations often involve additional human rights violations, such as deprivation of education, rape, forced labour, and domestic violence, which can result in severe and long-term harm, including deteriorating medical and mental health. If the marriage that follows is violent or abusive, this could lead to the violation of other human rights, such as Article 3 of the ECHR, which prohibits torture, and inhuman or degrading treatment.

The Council of Europe passed Resolution 2233 in 2018 about Forced Marriage in Europe. The Council of Europe promotes human rights but its resolutions are not binding on member states. The Council in this resolution called it:

“Essential for member States to step up their efforts to prevent and combat forced marriages and put an end to the violence and violation of rights that they entail. These efforts must include all those concerned, such as the communities in which forced marriages are practised, grassroots organisations, social and education services, the police, the justice system and healthcare professionals. Awareness-raising and education campaigns must involve both women and men in the communities concerned and sever the link between these harmful practices and gender stereotypes, and culture and traditions, including the concept of so-called “honour”, which help ensure that they continue.”²⁷

²⁷ <https://pace.coe.int/en/files/25016/html>

Further, the resolution recommended that member states include the fight against forced marriages in their national policies and practices to prevent and combat violence against women and girls, and set up a specific body within their administrative authorities dedicated to the fight against forced marriages.²⁸

The EU Victims' Directive 154 obliges the EU Member States to ensure that victims of crime receive the appropriate information, support and protection. The directive applies to all victims of crime.

Provision of specialised shelters for girls and women and their children in need of a safe place is a duty under Article 23 of the Istanbul Convention as well as under Article 9 of the EU Victims' Directive.

²⁸ <https://pace.coe.int/en/files/25016/html>

Desk and Field Research around Early Marriage

United Kingdom

Statistics / Prevalence

- From 2006 to 2016, around 3,300 marriages in England and Wales involved children, the majority being girls.²⁹
- The Office for National Statistics data shows around 183 people under the age of 18 got married with parental consent in 2017 - with 140 of these being girls.
- The legal marriages of 125 children under the age of 18 were registered in 2019, however, estimates suggest that figures are much higher as there is no way of knowing how many children enter into unregistered, religious marriages.

Legal

A section of the Family Law Act 1995 makes it possible for a person to get married at 16 or 17 if they go to court to prove they have parental approval.

In Scotland, it is legal to get married from the age of 16 with no parental consent, under the Marriage (Scotland) Act 1977.

Religious marriages which are not formally registered are legally permitted to occur at any age in the UK, with girls as young as 10 sometimes married off.³⁰

For a child marriage to qualify as a forced marriage within existing forced marriage legislation, depends on whether parties are deemed to have consented and had the capacity to consent. The test for capacity to consent is defined under the Mental

²⁹ <https://www.independent.co.uk/news/uk/home-news/child-marriage-british-girls-b1812608.html>

³⁰ Ibid.

Capacity Act 2015, and as such, a child's age is not a standalone factor in determining the lack of capacity to consent. This oversight in forced marriage legislation means that children have to explicitly report their forced marriage to get protection from it.³¹

Criticism

Campaigners argue that "parental consent" can be more akin to "parental coercion" in instances of child marriage.³²

Karma Nirvana believes that no child should have to think about marriage and that it is the government's responsibility to both prevent and protect children from such harm. Its director has stated that:

"The law does not recognise age as a standalone factor in determining lack of capacity to consent. As such, children are not automatically considered as lacking the capacity to consent to a marriage. The law does not adequately protect them.

Although there are many laws in this country to protect children, such as remaining in education or training until 18 and not being able to buy cigarettes or use sunbeds, we fail to protect them from the harms of child marriage."

Payzee Mahmod, a former child bride, is pushing for a change in the law that enables 16- and 17-year-olds to marry with parental agreement. Her sister Banaz was married at 17 and left the husband her family had selected for him, she was then murdered in an "honour" killing at the age of 20. Payzee herself was married to a man more than twice her age in 2003.

Mahmod, who has advocated for a ban on child marriage in the United Kingdom, believes that young students should be free to concentrate on their education and achieve their ambitions. She said:

³¹ Karma Nirvana

³² <https://www.independent.co.uk/news/uk/home-news/child-marriage-british-girls-b1812608.html>

“Child marriage is a hidden crime, yet it is very much a live issue here in Britain and one of the most harmful things any child can go through. Girls are raped on their wedding nights by older men and it is common for them to have forced pregnancies – something my sister and I both experienced.”

Payzee spearheaded a petition in 202, an open letter demanding the government criminalise child marriage and eliminate the legal loophole.³³ Leading frontline organisations including Karma Nirvana, Girls Not Brides, the Muslim Women’s Network, and Barnardos have signed the letter to Boris Johnson. An extract from the letter reads:

“Unacceptably the onus is on the child to secure their own protection under forced marriage law by speaking out against their own family and community which can have dangerous consequences and [which] understandably many children are too terrified to do.”

Javed Khan, chief executive of Barnardo’s said: “*The government has rightly committed to all children being in education until the age of 18. But we now need safeguards to prevent coerced marriages for under-18s, to protect their childhoods, their futures and in some cases, their lives.*”

Reform

The Marriage and Civil Partnership (Minimum Age) Bill is a Private Members Bill advocated for by former Conservative Home Secretary Sajid Javid. Child marriage will be prohibited under the proposed legislation, raising the minimum age from 16 to 18. The Bill is currently in its third reading in the House of Lords and seems to be enjoying cross-party support.³⁴

³³ <https://www.freedomunited.org/news/freedom-united-supports-open-letter-uk-ban-child-marriage/>

³⁴ <https://bills.parliament.uk/bills/2900>

Religious marriages

Karma Nirvana backs the Marriage and Civil Partnership (Minimum Age) Bill, but has further criticism of the proposed amendments. They believe that the bill still would not protect all children from child marriage as many children would still be subjected to a religious or cultural marriage. Karma Nirvana is calling for the Bill to criminalise the aiding, abetting, or procurement of child marriage in any and all of its forms.³⁵

The organisation supported 12 cases of children experiencing a non-registered religious marriage in England between 2020 and 2021. They note that these marriages are not reported or captured by statistics, leaving them difficult to safeguard against.

³⁵ <https://karmanirvana.org.uk/campaigns/current-campaigns/end-child-marriage/>

Northern Ireland

In 2019, there were 80 marriages in Northern Ireland where one or both involved were under 18, up from 60 in 2018. There were 61 in 2017, 43 in 2016, and 79 in 2015.³⁶

A public consultation has been launched in Northern Ireland on raising the age at which people can marry to 18.

³⁶<https://www.belfasttelegraph.co.uk/news/northern-ireland/raising-marriage-age-to-18-in-northern-ireland-goes-to-public-consultation-41053243.html>

Ireland

Previous legislation

In the past, a section of the Family Law Act 1995 made it possible for a person to get married at 16 or 17 if they went to the courts to prove that they had parental consent.

According to CSO figures:

- 387 minors married at the age of 16 or 17 between 2004 and 2014
- 5 girls aged 16 and under were married in Ireland in 2015, including one married to a groom aged 26
- 11 girls aged 17 were married in 2015
- Over 400 minors were married in Ireland between 2004 and 2015

Senator Ivana Bacik proposed a motion to remove this exemption, saying that she was worried it may be facilitating forced marriages as it could lead to young girls being coerced by their parents into entering marriages.³⁷

Current legislation

The Civil Registration Act 2004 has been amended, now making marriage impossible if one party is under the age of 18. The legislation also repealed section 33 of the Family Law Act 1995, removing age as one of the criteria under which a party to a marriage can obtain an exemption. This brings Ireland in line with the Istanbul Convention (on preventing and combating violence against women and domestic violence).

Instances of child marriage in Ireland

The Garda National Immigration Bureau has stated that it was looking into several cases of forced marriage involving migrant youngsters as young as 12 years old. According to them, the girls were usually kidnapped into the nation and forced to marry older males.³⁸

The Irish Examiner has reported on a case whereby a father forced his 16-year-old to enter an

³⁷ <https://www.thejournal.ie/forced-marriage-under-18-1538154-Jun2014/>

³⁸ <https://www.thejournal.ie/forced-marriage-under-18-1538154-Jun2014/>

Islamic marriage to a 29-year-old man against her wishes.³⁹ Her 2010 marriage was annulled in the High Court because she lacked the capacity to consent.

Concerns that she was being forced into marriage by her parents were raised with social workers before the wedding. She had only seen the man a few times on the rare occasion, there was no indication of any official engagement, and she had made it clear that she did not want to marry him.

This case occurred before new legislation had been put in place, so the marriage had been initially valid as both parties had received court permission to marry despite the girl being under 18.

When I asked the Immigrant Council of Ireland whether they have worked with any cases of early marriage, they reported that there have been service users who were 16/17 who married lawfully outside of Ireland:

"It's completely, shall we say, the cultural norm maybe within their community. So we would be aware of Afghan clients, for example, who would be married quite early [...] I have never dealt with a case like, the 12-year old bride in another jurisdiction - that just doesn't happen. Obviously, other criteria will be scrutinised to examine if they have a valid marriage, and that would be assessed as part of the application. So if you're applying as a refugee for, you know, a visa on behalf of your spouse. It will be looked at whether or not there is actually a valid marriage."

They explained that when working with unaccompanied minors in Ireland who are going through the international protection process, they may have a wife who is young too. The wife, they expand, will not have an issue with their age.

It is important to note that perhaps there needs to be a coordinated international approach to tackle early marriages. When minors from other jurisdictions go through the international protection process or for discretionary visas, their marriage can still be deemed valid if it took place legally in another jurisdiction.

³⁹ <https://www.irishexaminer.com/news/arid-30927754.html>

EU / UN

The elimination of child marriage by 2030 is part of the UN Sustainable Development Goals (target 5.3). However, progress so far has been insufficient to reach this target.

Ireland co-sponsored the following Human Rights Council resolutions: the 2013 procedural resolution on child, early and forced marriage, the 2015 resolution on child, early and forced marriage, the 2017 resolution on recognising the need to address child, early and forced marriage in humanitarian contexts, and the 2019 resolution on the consequences of child marriage. In 2014, Ireland also signed a joint statement at the Human Rights Council calling for a resolution on child marriage.

Ireland co-sponsored 2013, 2014, and 2018 UN General Assembly resolutions on child, early and forced marriage.

“Child marriage is a violation of human rights. It compromises the development of girls and boys. Moreover, it often results in early pregnancy, poor health, little education and social isolation. All these factors make it impossible to break the vicious circle of poverty - particularly for girls.”

Osama Khogali, UNICEF Representative to Montenegro.⁴⁰

It is up to each Member State of the European Union to legislate regarding the right to marry, as established in Article 9 of the EU Charter of Fundamental Rights. The European Convention on Human Rights guarantees the right to marry for those of 'marriageable age' according to national laws (Article 12). In General Comment No. 4, the CRC Committee recommends setting the minimum age for marriage with and without parental consent to 18 years, for both girls and boys.

However, most national legislation allows children to marry at a younger age with the consent of a public authority and/or the consent of their parents. This lower age is mostly set at 16 years.

⁴⁰ <https://www.unicef.org/montenegro/en/stories/early-marriages-violation-human-rights>

Findings

I. Forced / early marriages disproportionately affect women and girls

In 2016, there were an estimated 15.4 million people in forced marriages globally, and 88% of the victims were women and girls. In the US between 2000 and 2015, 87% of minors partaking in child marriage were girls.⁴¹ Because this type of coercive control and abuse is imposed on women disproportionately, it is classified as a form of gender-based violence.

Child marriage is internationally recognised in law as a form of gender-based violence. Both are human rights violations.

II. Forced/early marriages have many different motives such as “honour”, financial reasons, and immigration purposes.

There are a multitude of motives for forced/early marriages. Most are intrinsically linked to gender inequality. Gender inequality means that girls and women occupy a lower status as a result of social and cultural traditions, attitudes and beliefs that deny their rights. Gender inequality can be seen through customs such as the woman having a duty to preserve the family honour through submission, women having to maintain their virginity, and women being deprived of chances to pursue education or work. Girls with no education are more likely to be married before the age of 18 than those with a secondary education.⁴²

These customs can lead to parents pushing their daughters into marriage before they're ready, as people believe that marriage safeguards against any immoral or

⁴¹ <https://www.api-gbv.org/about-gbv/types-of-gbv/forced-marriage/>

⁴²

[https://www.europarl.europa.eu/RegData/etudes/ATAG/2018/623526/EPRS_ATA\(2018\)623526_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/ATAG/2018/623526/EPRS_ATA(2018)623526_EN.pdf)

inappropriate behaviour, e.g early marriage prevents the risk of extramarital pregnancy.

A study by the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth in Germany found that the motives for forced marriages were varied. 58% of cases were surrounding “family honour”.

The same study also found that financial reasons played a part in 19.1% of cases, with victims reporting that their families received money for the match. Ruhama also reported that many Irish cases of forced marriage had a financial element, with families being in debt to the chosen groom or feeling that he could provide for their daughter. For families affected by poverty, forced / early marriage relieves a parent of having to feed their child.

The German survey also noted that 4% of children were forced to marry to regulate their sexual orientation as they were queer. Cases in the UK also involved forced marriage out of fear that their child had become “too Westernised” and were embracing modern, liberal values that perhaps were at odds with their migrant culture. Here, forced marriage is seen as a “fix”.

Lastly, another reason for forced marriage can be to get legal residency status or a visa for a foreign partner to enter into another country.

III. How to recognise a forced marriage

Forced marriage is often referred to as a “hidden” issue because there are so many barriers that may stop someone at risk from seeking help. Numerous obstacles may discourage someone at risk from seeking support. They may be afraid that their family or community will hear about it, making it challenging for them to trust anyone.

However, if you work with young people as a professional, you may be able to spot the following warning signs that someone is at risk of forced marriage⁴³:

- Persistent absences from school or work
- Fear about holidays, or failure to return from holidays
- Always being in the presence of siblings or family, being constantly surveilled by them
- Having any educational or career opportunities and options being limited by family
- Early or forced marriage of siblings
- The individual or their siblings running away from home or being reported missing
- Being withdrawn and reluctant to talk about what is going on in their family or to talk about family members⁴⁴

IV. Some forced marriages are taking place abroad

At least three of Ireland's documented forced marriages took place abroad, whereby somebody normally residing in Ireland was brought to another country for the purposes of the marriage happening. This seems to be a trend, with Germany's Federal Ministry for Family Affairs, Senior Citizens, Women and Youth also finding that 52% of forced marriages take place or are planned to take place abroad.

V. Child marriages put women and girls at increased risk of violence and poor physical health

Child marriage is directly linked to an increased risk of sexual, psychological, and

⁴³ Black Country Women's Aid

⁴⁴ <http://www.freedomcharity.org.uk/what-we-do/forced-marriage/>

physical violence.⁴⁵ The younger the girl is, the more she is at risk of being subject to domestic violence from her husband or his wider family. The larger the age difference between the husband and the girl, the more at risk they are of experiencing intimate partner violence. Child marriage is associated with HIV infections, unsafe abortions, poor mental health, suicide, and unintended pregnancies.

17 million girls give birth annually. Child marriage is linked to forced pregnancy. When a girl's body is not physically mature enough to deliver a baby, complications can arise - complications during pregnancy and childbirth represent the number 1 killer of girls aged 15-19 worldwide.⁴⁶

Every year, around 17 million girls give birth. Forced pregnancy and childbearing at a young age, often a result of child marriage, when a girl's body is not physically mature enough to deliver without complications, can also lead to devastating consequences.

VI. Forced marriage is a part of honour-based abuse, and those who leave or refuse forced marriages are at risk of honour-based violence.

Marriages without consent or the refusal of entering into such a marriage have led to suicides and "honour killings". In this context, honour killings occur when somebody refuses to enter into a marriage or is in one and either wants to leave or has successfully left.

Human Rights Watch has defined an honour crime as:

"acts of violence, usually murder, committed by male family members against

⁴⁵<https://www.girlsnotbrides.org/learning-resources/child-marriage-and-health/gender-based-violence-and-child-marriage/>

⁴⁶ <https://www.savethechildren.org/us/charity-stories/child-marriage-a-violation-of-child-rights>

female family members who are perceived to have brought dishonour upon the family. A woman can be targeted by her family for a variety of reasons including, refusing to enter into an arranged marriage [...] The mere perception that a woman has acted in a manner to bring "dishonour" to the family is sufficient to trigger an attack."

There are estimated to be 12 to 15 so-called "honour" killings in Britain every year.⁴⁷ Some famous cases include those of Samaira Nazir⁴⁸ who was stabbed to death by her brother and cousin in 2015 for wanting to marry outside of the family circle, and Banaz Mahmood⁴⁹ who was strangled by her father and uncle at the age of 20 in 2006 for leaving her forced marriage and starting a new relationship against her family's wishes.

Forced marriages thus put its victims at risk of severe acts of life-threatening violence.

VII. Cases of Forced / Early marriage should be treated with specialist care

Cases of forced and early marriage usually carry with them cultural nuance, and this means that professionals operating in Ireland should be treating these cases with specialist care.

Black Country Women's Aid has stressed that professionals should be aware of these nuances and know that they should never:

- Share information or attempt mediation with the young person's family or the community. It can increase the risk of harm or bring forward the

⁴⁷ <https://www.theguardian.com/society/2021/oct/31/honour-based-offences-soared-by-81-in-last-five-years>

⁴⁸ https://en.wikipedia.org/wiki/Murder_of_Samaira_Nazir

⁴⁹ https://en.wikipedia.org/wiki/Murder_of_Banaz_Mahmod

marriage. The family may also punish the young person for trying to get help

- Use family members, friends or prominent community members as translators, they should always use an accredited interpreter and advise that using telephone interpreting services can make it easier for some people to disclose anonymously

This advice follows reports that in some cases, members of the police have brought girls back to their family homes and asked them to reconcile, resulting in the girls getting in more trouble. This course of action only further acts as a deterrent to women to report their forced marriage situation to the police.

VIII. Ireland lacks the specialist services needed to respond to forced marriage

Ireland lacks specialist services to respond to forced marriage. Information is scarce online about what to do if you're in a forced marriage or at threat of forced marriage in Ireland. There is no information about the legal process, proceedings, or specific support available.

Having a lack of specialist services also means that no organisation can train the police, other professionals or other front line respondents. In the UK, organisations such as Karma Nirvana are involved in police training. They serve as a medium between victims/survivors and the police, courts system, and forced marriage protection unit.

IX. Forced / early marriage is under-researched in Ireland

There is a lack of research into forced and early marriage in Ireland. Figures are scarce, and we have no idea how many roughly take place every year. Different organisations provided different answers, with some commenting that forced marriage doesn't happen in Ireland, and others commented that it is very

prevalent.

X. Whilst forced / early marriage is illegal and comes with punitive measures, is not clear what protective measures are in place

Ireland has made both forced and early marriages illegal, but we don't know if there are any guaranteed protections or rights for victims/survivors such as forced marriage protection orders, specialist funding for organisations, or specialist shelters.

It is also not clear how helpful these punitive measures are. Southall Black Sisters have worked on early and forced marriage policy in the UK, and are concerned with the criminalisation of forced marriage introduced in the UK in 2014. They are worried it will drive the problem underground, arguing that victims/survivors want protection from the criminal justice system and not to prosecute their families.

Cardiff based foundation Henna Foundation has commented that:

*"(we) don't know a single victim that (we've) worked with that has said she's ok with the police coming down on parents like a tonne of bricks - all too often they don't want any intervention because of that."*⁵⁰

XI. Ireland has strong laws against child marriage

A big problem with child marriage on an international scale seems to be that religious ceremonial marriages can occur without an age limit. However, in Ireland, for a marriage to be legal the ceremony must be performed by a registered solemniser - meaning that religious ceremonial marriages are not

⁵⁰ <https://www.bbc.com/news/uk-wales-46455013>

legally binding.

XII. Ireland has committed to eliminating child, early and forced marriages by 2030 but has developed no comprehensive plan or actions to do so

Ireland has committed to eliminating child, early and forced marriage by 2030 in line with target 5.3 of the Sustainable Development Goals. Ireland mentioned its national policies designed for achieving target 5.3 (called One World, One Future and The Global Island) in its 2018 Voluntary National Review at the High Level Political Forum, the mechanism through which governments report progress on implementing the Sustainable Development Goals.

However, upon reading “One World, One Future”, there is no specific mention of forced marriage, or honour-based violence/abuse. Similarly, whilst “The Global Island” mentions forced marriage - there is no mention of specific education programmes, research, or actions to be taken to tackle child, early, and forced marriages in Ireland.

XIII. Preventative measures are needed to tackle child, early, and forced marriage

Because the nature of these crimes is usually rooted in cultural ideas, the best preventative measure to tackle these marriages is by spreading awareness campaigns and behaviour change campaigns within communities where these activities are culturally accepted.

Southhall Black Sisters advised:

“Within the community, you want to influence an entirely new generation of young people to respect women, to challenge notions of honour, to change what honour means, it’s not about control of women it’s not about using violence to uphold the

honour of the family - the real honour of the family is the fact that you do help victims and the fact that .. it is not honourable to be violent or abusive. You want to change those kinds of attitudes and behaviour."

XIV. Victims / Survivors may have an insecure immigration status that prevents them from leaving their forced marriage.

Whilst victims / survivors could potentially apply for a change in residence status that separates their immigration status from their spouse's, there are very little details online about this concession. This leaves victims / survivors in an insecure position.

Recommendations

- I. **Specialist services need to be established in Ireland that can provide information to victims/survivors, or those at risk of forced / early marriage.**
This service could also collect data, run awareness / behavioural change campaigns, conduct advocacy, provide advice, support, and counselling services and connect victims with mainstream service providers.
- II. **Training needs to be provided to frontline responders** to improve identification, understanding, and responses to honour-based abuse, e.g frontline responders such as teachers and healthcare professionals can be trained to identify the signs of honour-based abuse.
- III. Research needs to be completed in Ireland to **identify whether our domestic violence shelters are suitable** to provide care for:
 - a) women in forced marriage situations/women escaping from the threat of forced marriage
 - b) children escaping early marriage

Provision of specialised shelters for girls and women and their children in need of a safe place is a duty under Article 23 of the Istanbul Convention as well as under Article 9 of the EU Victims' Directive.

The accommodation of young female victims of forced marriage (aged from 15 to 18) in general youth crisis centres raises challenges since most general youth crisis centres do not have specialised care or do not address the special needs of young victims of forced marriage (such as language support or specially trained personnel providing multilingual counselling).

IV. Introducing legal protections such as forced marriage protection orders.

There need to be more legal protections put in place that protect victims/survivors, as the current law is based on punishing the perpetrators. Forced marriage protection orders based on the UK model could be used to prevent someone from being forced into a marriage or to protect someone if the forced marriage has already taken place.

Other legal protections that could be brought in are:

- Help to get a new identity
- Helping the victim/survivor get a new passport
- Provision of adequate welfare benefits

The Council of Europe's Resolution 2233 also recommends that civil law measures against forced marriage be adopted, such as restraining or protection orders, within the meaning of the Istanbul Convention, together, where appropriate, with a ban on leaving the country, to prevent forced marriages when cases involving persons at risk are reported.

V. Government endorsed information booklets. The UK's Forced Marriage Survivor's Handbook is a good example.

VI. As forced / early marriages take place disproportionately within certain migrant communities, **copies of information leaflets should be shared in languages such as Arabic, Farsi, Bengali, Punjabi and Urdu.**

VII. Incorporation of forced marriage and other forms of violence against women and girls into the national curriculum and making Social, Personal, Health and Education (SPHE) statutory within a 'whole school' approach.

- VIII. Make sure there are **measures put in place to ensure that forced marriages can be made voidable, annulled, or dissolved** without placing an undue financial or administrative burden on the victim/survivor.
- IX. The Department of Justice needs to update its messaging to reflect the specific things that a person needs to do if they have insecure immigration status due to needing to leave their spouse.



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