



Forced Marriage (Civil Protection) Act 2007 – One Year On

It has been a year since the Forced Marriage (Civil Protection) Act came into force. Since implementation last November and up to the end of October 2009, 86 Forced Marriage Protection Orders (FMPOs) have been recorded across most of the 15 courts designated to hear applications. This has exceeded the projection of 50 orders being made in a year.

Changes to the DV Branch

John Bowman who leads on matrimonial proceedings in the Family Law & Justice Division has now taken over the responsibility for Domestic Violence & Forced Marriage Policy from Jodie Smith. Yvonne Dreckett has also joined the branch to provide administrative support.

John Bowman, Jan Salihi, Brett Gable, Bola Aggrey-Finn and Yvonne Dreckett



Recent Developments

- **One Year On: the initial impact of the Forced Marriage (Civil Protection) Act in its first year of operation:** For more information please click [here](#)
- **Relevant Third Party provisions of the Forced Marriage (Civil Protection) Act 2007:** this provision came into force on 1 November 2009, for more information please click [here](#)
- **Forced Marriage Protection Order (FMPO)-Independent Domestic Violence Adviser (IDVA) Support Pilot:** the pilot commenced in September 2009, for more information please click [here](#)
- **Violence Against Women and Girls Strategy:** published 25 November 2009, for more information please click [here](#)
- **5 new Specialist Domestic Violence Courts (SDVC) announced on 23 October 2009:** the inclusion of these new systems brings the total to 127. This is just one away from the government's target of 128 by 2011. Click [here](#) for the press release. Click [here](#) for more information on the SDVC Programme and the plans for the handover of governance and performance management to Local Criminal Justice Boards (LCJBs)

CONTENTS

PAGE 1

Introduction

Recent Developments

PAGE 2

1.1. Forced Marriage (Civil Protection) Act 2007 (FM(CP) Act 2007)

1.2. One Year On: the initial impact of the Forced Marriage Civil Protection Act 2007 in its first year of operation.

PAGE 3

1.3. Relevant Third Party provisions of the FM(CP) Act 2007

1.4. FMPO-IDVA Support Pilot

1.5. Forced Marriage Unit (FMU)

PAGE 4

Violence Against Women and Girls Strategy

The Domestic Violence, Crime and Victims Act 2004

Specialist Domestic Violence Courts (SDVC) Programme: Accreditations

Specialist Domestic Violence Courts (SDVC) Programme: governance and performance management

PAGE 5

Availability of Special Facilities and Protection of Vulnerable Parties in Family Courts.

Ensuring Safe Contact between Children and non-resident Parent

Working Together to Safeguard Children: Pre-Consultation

Useful Publications

PAGE 6

Useful Publications - Continued

Common definition of domestic violence

PAGE 7

Useful Links

External publications

PAGE 8

Key Facts

1.1. Forced Marriage (Civil Protection) Act 2007

http://www.opsi.gov.uk/acts/acts2007/pdf/ukpga_200720_en.pdf

Forced marriage is an appalling and indefensible practice. It is an abuse of human rights and a form of domestic violence and (when minors are involved) child abuse. For those involved it can be nothing short of a nightmare; victims can be of any age, either gender, many are beaten, blackmailed and raped on their wedding night.

The FM(CP) Act was implemented on 25 November 2008. The Act provides for individuals and third parties to apply for protection to prevent a forced marriage taking place or to instigate steps to recover a person if the marriage has already taken place. A Power of Arrest may be attached to the order.

Typical provisions of a Forced Marriage Protection Order (FMPO) include:

- preventing a respondent or respondents from removing the Person to Be Protected (PTBP) from the jurisdiction of the court; applying for a new passport for the PTBP and/or surrendering the PTBP passport;
- forbidding a respondent or respondents from entering into any arrangements for marriage of the PTBP in or out of the jurisdiction; and
- forbidding a respondent or respondents from threatening, intimidating, harassing or using force against the PTBP.

The High court and the following specified county courts may make a Forced Marriage Protection Order: the Principal Registry of the Family Division (PRFD); Birmingham Family Courts; Blackburn County Court; Bradford County Court; Bristol County Court; Cardiff Civil Justice Centre; Derby County Court; Leeds Combined Court; Leicester County Court; Luton County Court; Manchester County Court; Middlesbrough County Court at Teesside; Newcastle County Court; Romford County Court; and Willesden County Court.

Since implementation last November and up to the end of October 2009, 86 FMPOs have been recorded across most of the 15 courts designated to hear applications. This has exceeded the projection of 50 orders being made in a year.

1.2. One Year On: the initial impact of the Forced Marriage Civil Protection Act 2007 in its first year of operation.

Over the summer, Ministry of Justice officials met with a number of stakeholders who are using the Act to find out how its provisions have been implemented and to identify any problems with the process as well as good practice that can be shared nationally.

The policy paper examines the impact the Forced Marriage (Civil Protection) Act 2007 (FMA) has had during its first year and outlines any gaps in provision which need to be addressed to support its full implementation. The paper sets out the available figures on use of the Act in this first year, and adds to the statistical data by presenting the views of those involved in the operation of the provisions of the Act to issue and implement protective orders.

Conclusions

- The Act is being used
- Police are the active players, seeing FMPOs as both emergency intervention and as providing preventative protection, preventing further HBV
- The process is straightforward to use, judges and court staff are becoming familiar and developing standard templates, third party applications are welcomed, funding issues do not hold up a swift procedure
- Degree of use varies by locality, and there is concern about underuse in some areas due to fear of approaching the courts, compounded by fear among some agencies of offending the local communities
- Some local authorities have been slow to get involved, and there is lack of clarity about the boundaries between care proceedings under the Children Act, Court of Protection cases, and FM cases. The Act does not sit well with social services working methods.
- There is a need for continuing publicity especially within the communities, for training, and for better interagency cooperation
- There is a need for action, but also a need for caution and understanding of the impact of an application on a young person who then loses family and community, and will need long term protection and support.

You can access the paper at <http://www.justice.gov.uk/publications/10508.htm>. Alternatively you can request an e-copy by emailing the Forced Marriage Inbox at forced.marriage@hmcourts-service.gsi.gov.uk

1.3. Relevant Third Party

From 01 November 2009, local authorities were formally designated as the 'Relevant Third Party' under the Act meaning they no longer need to apply for leave to make an application on behalf of a PTBP. Guidance for Local Authorities was published the same day and is available on line at <http://www.justice.gov.uk/guidance/forced-marriage.htm>.

1.4. FMPO-IDVA Support Pilot

A number of voluntary sector services in 11 of the 15 areas have signed up to the FMPO-IDVA Support Pilot. The services will be in a key position to assist applicants in liaison with statutory agents or solicitors or support them in any way they can outside of the court process. The pilot is running from 01 September 2009 to 28 February 2010 with findings to be published by the end of March 2010. Services have been asked to provide monthly feedback on the cases they are engaged with and this will provide information on what support is required by victims and also help to inform the case as to whether or not the voluntary sector should be made a Relevant Third Party. The services taking part are:

- ADVANCE covering Willesden
- Victim Support Havering covering Romford
- My Sister's Place covering Middlesbrough at Teeside
- Karma Nirvana covering Newcastle upon Tyne
- Blackburn Darwen and District Womens Aid covering Blackburn
- Manchester IDVA Service covering Manchester
- Domestic & Sexual Violence Unit covering Derby
- Birmingham and Solihull Women's Aid covering Birmingham
- Staying Put covering Bradford
- Next Link covering Bristol
- Womens Safety Unit covering Cardiff

A report on the pilot will be published in March 2010.

1.5. Forced Marriage Unit (FMU)

The **Forced Marriage Unit** (FMU) plays a key role in almost all cases where the PTBP is at risk of being taken abroad or has already been taken abroad. The FMU leads on policy on forced marriage across government and speaks at around 100 events a year to raise awareness and understanding of forced marriage across the country. The FMU also runs a public helpline (0207 008 0151) and can provide information and support to victims, concerned individuals and professionals handling cases of forced marriage.

In 2008 over 1,600 incidences of suspected forced marriage were reported to the FMU by individuals, non governmental organisations and other agencies. Of these suspected cases the FMU directly intervened to help victims in 420 cases. This included overseas assistance and support to reluctant sponsors in immigration cases.

Some courts which are designated to hear FMPO applications have included in their template order a provision to disclose the order to the FCO (under which the FMU operates). In these circumstances, and especially where the FMU is being asked to take action in relation to a person taken abroad, practitioners are strongly encouraged to notify the Unit in advance of such an order being sought. A best practice template FMPO has been included in the policy paper.

In July 2009, the FMU issued new guidelines for frontline professionals (such as teachers, police officers, social and health care professionals and housing officers) to help them to work more closely together to better identify and protect children and adults at risk of forced marriage. These are available in hard copy from the FMU or an electronic copy can be downloaded from www.fco.gov.uk/forcedmarriage. These practice guidelines have been designed to provide step-by-step advice to frontline workers and have been produced to complement the statutory guidance, (which came into force with the launch of the Forced Marriage (Civil Protection) Act) in November 2008), which sets out the broader strategic responsibilities of Chief Executives and senior managers in tackling forced marriage locally.

The Forced Marriage Unit public helpline: 020 7008 0151 - 9am-5pm Monday to Friday or email fmu@fco.gov.uk

During out of hours, call 020 7008 1500 and ask for the Foreign and Commonwealth Office Global Response Centre.

Violence Against Women and Girls Strategy

The Together We Can End Violence Against Women and Girls Strategy signals a new focus on preventing violence from happening. From 2011, preventing violence in relationships will be included in personal, social, health and economic education in schools. This will ensure that attitudes which condone and perpetuate violence against women are addressed before they become entrenched in young people.

Press release <http://www.homeoffice.gov.uk/about-us/news/violence-against-women-and-girls>

Strategy

<http://www.homeoffice.gov.uk/documents/vawg-strategy-2009/>

The Domestic Violence, Crime and Victims Act 2004

<http://www.opsi.gov.uk/acts/acts2004/20040028.htm>

Explanatory Notes:

http://www.opsi.gov.uk/acts/acts2004/en/ukpgaen_2004_0028_en.pdf

Commencement Order No.9 lists the provisions in force http://www.opsi.gov.uk/si/si2007/uksi_20071845_en_1

Measures impacting directly on the Ministry of Justice include: -

- s1: makes breach of a non-molestation order (Part IV of the Family Law Act 1996) a criminal offence. Breach is punishable by up to five years imprisonment on indictment.
[1st July 2007]
- s3: amends the Family Law Act definition of 'cohabitant' to include same-sex couples making it explicit that same-sex couples can apply for non-molestation order as an 'associated person'.
[5th December 2005]
- s4: extends availability of Part IV orders to those persons that are not cohabiting i.e. *"they have or have had an intimate personal relationship with each other which is or was of significant duration."*
[1st July 2007]
- s10: (common assault an arrestable offence) was superseded by amendment to the list of arrestable offences under s24 of PACE so that a police officer may arrest without a warrant.
[1st January 2006]

s12 was implemented on 30th September 2009. This extends powers on restraining orders on conviction or acquittal under the Protection from Harassment Act 1997 to cover all violent offences in England and Wales. Section 12:

- Enables courts to impose restraining orders when sentencing for any offence.
- Gives any person mentioned in a restraining order a right to make representations in court if an application is made to vary or terminate the orders.

Specialist Domestic Violence Courts (SDVC) Programme: Accreditations

SDVC systems, so called because, although it has court processes at its heart, it relates to a broader process, including the early identification of DV incidents particularly policing, health and social care interventions, through to specialist support for victims and the management of offenders.

On 22 October 2009 the Government increased the number of SDVC systems in England and Wales to 127. Press release can be accessed at: <http://www.justice.gov.uk/news/newsrelease221009a.htm>

This is just one away from the government's target of 128 by 2011.

Invitations for accreditation in 2010 were sent out recently to Her Majesty's Courts Service Area Directors, Justices' Clerks, Local Criminal Justice Board Chairs and Government Office of the Regions Leads and the SDVC Expert panel

Specialist Domestic Violence Courts (SDVC) Programme: governance and performance management

In October 2008 the National SDVC Steering Group sought the views of LCJBs on the reassignment of some or all responsibility for the development and operation of the SDVC Programme through LCJBs. The level of response was relatively good with 29 Boards submitting a response (69% - 60% response rate is considered statistically viable). 13 Board made no response at all.

The outcome of the consultation was that LCJBs were in favour of taking on the governance and performance management of SDVCs. This was in recognition of PSA 24 (Deliver a more effective, transparent and responsive Criminal Justice System for victims and the public) and development of broader partnership working. A national workshop took place on 12 May 2009 to explore some of the issues involved in the transition of responsibility. The workshops aim was to support the LCJBs in developing procedures to be in place from 2010-11 in order to carry out these functions effectively.

Following the workshop all LCJBs have included their proposals and timetables into their 2009-10 delivery plans to take on responsibility for the governance and performance management of SDVCs. A Virtual Group consisting of a small selection of LCJB chairs and the National Steering Group has been set up to consider the practicalities of the transfer of responsibility. The first part of this has been to produce a guidance document for LCJBs which will be distributed in December 2009 and a group of regional workshops in January 2010.

Availability of Special Facilities and Protection of Vulnerable Parties in Family Courts.

In December 2004, a special facilities [poster](#) was distributed to all county court managers as part of an exercise to map the availability of public information about special facilities and to promote their provision in family courts where possible. We would encourage that this poster is displayed in the courts wherever possible although we do acknowledge that not all courts are able to provide special facilities due to accommodation restrictions.

Ensuring Safe Contact between Children and non-resident Parent

Work to simplify the C1A (to be changed to C100A when implemented) form has progressed and the stakeholders group is currently considering a final draft for comments by the middle of December 2009. The major change to the form has been to move away from the narrative format and ask that the information be provided in a tabulated format to better outline the circumstances of the abuse. This approach has been widely supported.

The final form will be put before the Family Procedure Rule Committee early in 2010 with a plan to implement the revised form by April 2010.

Working Together to Safeguard Children: Pre-Consultation

<http://www.dcsf.gov.uk/nsdu/consultations.shtml>

In *The Protection of Children in England: A Progress Report* Lord Laming recommended that the current set of safeguarding/child protection indicators in the National Indicator Set should be revised and new statutory safeguarding targets introduced.

The National Safeguarding Delivery Unit (NSDU) has been working with stakeholders over the summer to develop proposals in this area, which include:

- the proposed safeguarding content for the next National Indicator Set;
- the plans for further indicator development;
- the proposed coverage of statutory targets; and
- the timetable for their introduction.

The NSDU would welcome your views on the proposals by **8 December 2009**.

Useful Publications

Domestic Violence – A National Report

2008/2009: <http://www.homeoffice.gov.uk/documents/dom-violence-delivery-plan-08-09?view=Binary>

Annual Progress Reports have been published since 2005,

2007/2008: <http://www.crimereduction.homeoffice.gov.uk/domesticviolence/domesticviolence069.htm>

2006/2007: <http://www.crimereduction.homeoffice.gov.uk/domesticviolence/domesticviolence066.pdf>

2005/2006: <http://www.crimereduction.gov.uk/domesticviolence/domesticviolence61.pdf>

2004/2005: <http://www.crimereduction.gov.uk/domesticviolence/domesticviolence51.pdf>.

Saving Lives. Reducing Harm. Protecting the Public:

An action plan for tackling violence 2008-11

The cross-government Violent Crime Action Plan published in February 2008. This plan features innovative new methods for stopping violent crime. The report can be accessed at: <http://www.homeoffice.gov.uk/about-us/news/violent-crime-action-plan>

DV Guide

In February 2003 we published "Domestic Violence: A Guide to Civil Remedies and Criminal Sanctions" available in English, Welsh, Arabic, Polish, Gujarati, Punjabi, Urdu, Bengali, Cantonese and Somali. The guide has been well received and is still in demand for multi-agency training events as well as individual interest. The Guide and translations can be accessed at: <http://www.family-justice-council.org.uk/603.htm>

As part of their 2009/10 work-plan the Family Justice Council's Domestic Violence Working Group will be looking at raising awareness of documents such as the guide to civil remedies and criminal sanctions to ensure they reach the widest audience possible and are available when victims of domestic violence most need them.

Useful Publications - Continued

Family Process DVD “You Don’t Have to Live in Fear”

Victims of domestic violence are given an insight into the family court process through the DVD. The DVD was produced with the support of the Family Justice Council and the Family Law Bar Association in response to the HMICA report on how domestic violence is handled in the family courts and following the success of a similar production in Northern Ireland.

Copies of the DVD are available from Home Office Publications: telephone 0870 241 4680, reference DVL-DVD. Due to demand a second print of a further 20,000 copies was made. There is an option to view the film with Welsh subtitles and the leaflet has also been produced in Welsh, reference DVL-DVD-W.

Early evaluation of the Domestic Violence, Crime and Victims Act 2004

<http://www.justice.gov.uk/docs/domestic-violence-report-2004.pdf>

This study was commissioned to provide an early evaluation of some of the measures of the Domestic Violence, Crime and Victims Act 2004.

Croydon Integrated DV Court – Pilot

The pilot has been evaluated and the report can be accessed on the Ministry of Justice web-site at:

<http://www.justice.gov.uk/publications/domestic-violence-crime-victims-act-2004.htm>

The Croydon Local Management Group agreed in October 2008 to cease operation of the IDVC.

Practice Direction – Residence and Contact Orders Domestic Violence and Harm

The President of the Family Division originally issued the Practice Direction in May 2008 and was re-issued on the 14th January 2009 in the light of a House of Lords decision and can be found at http://www.hmcourts-service.gov.uk/cms/files/Revised_PD_Domestic_Violence140109.pdf

This Practice Direction applies to any family proceedings in the High, county or magistrates’ court in which an application is made for a residence or contact order in respect of a child or in which any question arises about contact between a child and a parent or other family member. The practice set out in the Direction is to be followed in any case which it is alleged, or there is otherwise reason to suppose, that a child or party involved has experienced domestic violence perpetrated by another or that there is risk of such violence.

Legal Services Commission – Domestic Abuse

Information on provision of legal aid for victims of domestic violence can be accessed at:

http://www.legalservices.gov.uk/civil/family/domestic_abuse.asp

Guidance and information that can be found on this site includes:

- Domestic Abuse: Literature Review – Jan 09
- Domestic Abuse: fact sheet – Nov 08
- Domestic Abuse: eligibility waiver guidance – Aug 08
- Decision making guidance – Aug 08

Common Definition of Domestic Violence 1 {*under review*}

The Definition [agreed by IMG] follows that used by the Association of Chief Police Officers, and is:

‘Any incident of threatening behaviour violence or abuse (psychological, physical, sexual, financial or emotional) between adults² who are or have been intimate partners or family members³, regardless of gender or sexuality.’

1. The definition has been widened to incorporate violence by family members as well as between adults who are, or were, intimate partners. This was done to ensure that those issues of chief concern to BME communities, such as so-called ‘honour crimes’ are properly reflected.

2. An adult is defined as any person aged 18 years and over.

3. Family members are defined as mother, father, son, daughter, brother, sister and grandparents, whether directly related, in-laws or step-family.

Useful Links

National Domestic Violence Helpline – 0808 2000 247 – Free phone 24 hour helpline

Wales Domestic Abuse Helpline – 0808 801 0800 – Free phone 24 hour helpline

Forced Marriage Unit, Foreign and Commonwealth Office - <http://www.fco.gov.uk/en/fco-in-action/nationals/forced-marriage-unit/>

Women's Aid UK – <http://www.womensaid.org.uk/>
Women's Aid is the key national charity working to end domestic violence against women and children. They support a network of over 500 domestic and sexual violence services across the UK.

Welsh Women's Aid – <http://welshwomensaid.org>
Founded in 1978 and is the Welsh umbrella organisation representing local Women's Aid Groups situated throughout Wales. Their member groups provide direct services to women and children who have experienced or are experiencing domestic abuse.

Refuge - <http://www.refuge.org.uk/homepage.html>
Every woman and child experiencing domestic violence has different needs - there is no single package of services to meet those needs, no 'one size fits all'. Instead Refuge offers a range of services which increases women's choices and gives them access to professional support whatever their situation.

Respect - <http://www.respect.uk.net/>
Respect is the UK membership association for domestic violence perpetrator programmes and associated support services. Our key focus is on increasing the safety of those experiencing domestic violence through promoting effective interventions with perpetrators. Respect is a UK registered charity, number 1083968

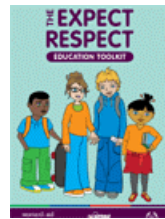
Men's Advice Line - <http://www.mensadviceline.org.uk/>
0808 801 0327
The Men's Advice Line is a confidential helpline for men who experience violence from their partners or ex-partners.

Dyn Project Wales - <http://www.dynproject.co.uk/>
0808 801 0321
Providing accessible support to men who experience domestic abuse in Wales and raising awareness of males victims of domestic abuse.

External Publications*



November 2008 - Power to Change is a new European resource produced by the organisations participating in the Daphne project. The resource aims to help victims of domestic violence. It is a practical guide to running support services and self-help groups with victims and survivors of domestic violence.



November 2008 - The Women's Aid Expect Respect educational toolkit consists of one easy to use 'Core' lesson for each year group from reception to year 13 and is based on themes that have been found to be effective in tackling DV.



November 2008 - Refuge published research and launched a guide on the issue of financial abuse of women experiencing domestic violence.



August 2008 – Refuge launched the Early Warning Signs Campaign

*Any questions on these publications should be directed to the organisations responsible.



Key Facts

- Domestic violence is a volume crime accounting for one in seven (14%) violent incidents in 2008/09⁴. This represents a 9 percentage point decrease from 1997.
- Latest published figures show that 106 of the homicides recorded by police in 2007/08 were committed by partners/ex-partners. This the lowest level since 1998/99. 72 of the 106 victims were female.⁵
- In 2008/09, women were the victim of nearly 8 out of 10 (77%) incidents of domestic violence. In 3 out of 4 (74%) cases of domestic violence, the offender was male (2008/09)⁶;
- On average more than one woman is killed every week by a current or former male partner in England and Wales⁷;
- Among women, risks of domestic violence do not differ significantly by ethnic origin⁸;
- Three in ten women (28%) have experienced domestic violence since the age of 16⁹
- People in lesbian, gay, bisexual and transgender communities experience domestic violence in a similar proportion to the rest of the population¹⁰;
- In 2008/09 24,958 civil injunctions were made under Part IV of the Family Law Act 2006¹¹.
- Since implementation of the Forced Marriage (Civil Protection) Act 2007 in November 2008 and up to the end of October 2009, 86 Forced Marriage Protection Orders (FMPOs) have been recorded¹²

⁴ Walker A., Flatley, J., Kershaw, C., Moon, D. (2009) Crime in England and Wales 2008/09. Home Office Statistical Bulletin 11/09. London: Home Office. Based on the face-to-face interviews.

⁵ Homicides, Firearm Offences and Intimate Violence 2007/08 (Povey et al., 2009).

⁶ Walker A., Flatley, J., Kershaw, C., Moon, D. (2009) Crime in England and Wales 2008/09. Home Office Statistical Bulletin 11/09. London: Home Office. Based on the face-to-face interviews.

⁷ Home Office's Homicide Index

⁸ Walby, S. and Allen, J. (2004) Domestic Violence, sexual assault and stalking Findings from the British Crime Survey. Home Office Research Study No. 276. London: Home Office.;

⁹ Walker A., Flatley, J., Kershaw, C., Moon, D. (2009) Crime in England and Wales 2008/09. Home Office Statistical Bulletin 11/09. London: Home Office. Based on the self-completion module

¹⁰ Henderson, L. (2003) Prevalence of Domestic Violence among Lesbians and Gay Men. Sigma Research. London: Sigma Research.

¹¹ HMCS Management Information System.

¹² HMCS Performance Database