

Justice Committee

Supplementary Legislative Consent Memorandum on the Anti-social Behaviour, Crime and Policing Bill

Written submission from Saheliya

Saheliya supports the criminalisation in Scotland of forced marriage. We believe it is important for all signatories to adhere to the letter as well as the spirit of the Istanbul Convention, an international agreement to reduce violence against women.

We believe that the Scottish Government needs to send a strong message that forced marriage is as serious as other forms of abuse – such as domestic violence or sexual abuse.

This will help with clarity, understanding, and awareness of what ‘forced marriage’ is:

- We note from our own statistics that only 2% of our service users identify themselves during intake assessment as living in a forced marriage, been in a forced marriage, or at risk of forced marriage; these cases nearly always involve coercion or deception and being taken abroad.
- However, our staff identify 38% of our service users as living in, having left, or at risk of forced marriage. Even in cases where a parent has threatened suicide or the woman herself has been or is being kept without food, our service users rarely recognise this as force associated with marriage, generally it is interpreted as parental anger at a daughter’s disobedience.

Saheliya believes that our work with potential perpetrators of forced marriage and of female genital mutilation provides us with useful insights into what strengthens prevention.

We believe criminalisation will improve understanding that any level of coercion designed to pressurise a relative or anyone else into marriage is a criminal act. This is especially important in cases where those being pressurised into marriage are over 18, and there are no issues of child protection or protection of a vulnerable person.

We do not believe that criminalisation will lead to a large increase in parents and other relatives being prosecuted. We do believe that criminalisation will strengthen preventative work:

- Individuals at risk will have a better understanding that forced marriage is wrong, and therefore be more empowered to challenge forced marriage themselves and to seek support at an early stage.
- Perpetrators and potential perpetrators will be less likely to employ coercion.
- Awareness in communities will be more widespread and community ‘buy in’ to the Government’s stance will be improved.

- Mainstream agencies will be more likely to support the person at risk rather than brushing off concerns as 'culture'.

Alison Davis
Manager
12 December 2013