

Justice Committee

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

Written submission from Amina Muslim Women's Resource Centre

At Amina the Muslim Women's Resource centre we firmly recognise forced marriage as gross human rights violation and an issue which must be taken very seriously. We commend Scottish Government and Police Scotland for their commitment to tackling this issue. However we also feel that any decision taken in regards to changes in the law and policy must be with a view to prioritising the safety of individuals at risk of, or in a forced marriage. With that in mind we have concerns about the Scottish Government's proposals to criminalise forced marriage and what this could mean for victims and potential victims.

We understand the desire to send a strong message to perpetrators of forced marriage, through the creation of a criminal offence; but forced marriage, by its very complex and secretive nature; often involving members of the family, is likely only to come to light if a victim or potential victim reveals what they are experiencing. At the moment there is a lack of reporting, and that is an issue. However we are not convinced that the creation of a criminal offence will increase the number of victims approaching authorities, in fact there is a risk of the opposite effect.

Furthermore, we are confident that where other criminal activity takes place there are current criminal offences which could be applied in these situations, much like the current situation in cases of domestic abuse.

We must also consider the position of individuals who are currently in marriages which were forced. At the moment individuals who have entered into a marriage under duress are able to have the marriage annulled. Our concern would be that there would be more pressure on these individuals to remain in their forced marriage if disclosing that they had been forced into marriage, by family members for example, could result in their family members facing criminal charges.

We would support consideration being given to an alternative proposed by Scottish Women's Aid, Dr Aisha Gill, Southall Black Sisters and the Aishana Network to introduce forced marriage as an aggravating feature during the sentencing stage of criminal proceedings. Furthermore we would emphasise that more could be done to ensure a robust and effective response to forced marriage disclosures by providing mandatory training to all frontline service providers; be that Police, Education, Social Work or Health.

We conclude by emphasising that at Amina we are careful never to speak on behalf of our service users or clients group, namely Muslim women in Scotland. We would urge that it would be worthwhile presenting these proposals, and alternatives, for consultation to the wider communities in order to gain the views of those communities likely to be affected. We would be happy to facilitate such interaction in any way we can.

Kayleigh Thorpe
Violence Against Women Development Officer
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