Justice Committee

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

Written submission from East Lothian Council

1.   I am writing in response to your call for evidence on a legislative consent memorandum, with respect to forced marriage. This response comes from colleagues working in Children's Wellbeing.

2.   In the view of relevant officers:

2.1 It would be appropriate to bolster current legislation in terms of child protection to include Forced Marriage. That may mean that new legislation would not be required.

2.2 Current legislation is currently not robust enough and for example, the Forced Marriage Protection Order should be seen as an emergency order in the same way as a Child Protection Order is, with the ability to remove the child, interview the child, and access the hearing system in the same time frame as a Child Protection Order, i.e. 72 hours. This would mean that we would not have to consider a Child Protection Order at the same time as a Forced Marriage Protection Order.

2.3 Consideration should be given as to whether forced marriage and trafficking legislation could tie in together.

2.4 There are issues around cultural sensitivity, taking cognisance of Forced Marriage Protection Order guidance and the need to be able to offer single female foster carers for placements, possibly with support from specialist resources such as Shakti. Officers advise that Forced Marriage cannot only be considered in a religious context. There are also wider cultural issues and pressures, for example upon the Roma, Egyptian & Askhali/Sinti communities, who may well be with us in Jan 2014. This brings with it the prospect of resource and cost implications for local authorities.

3.   Consequently, officers do not believe that this question can be answered with a simple "yes" or "no" , and suggest the issue needs to be debated and considered properly through a working group set up by the Scottish Government.

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28 November 2013