Forced Marriage Statutory Guidance

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Scottish Government
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Chapter 1

Status, relevant persons, aims and content

Status

1. This statutory guidance is given by Scottish Ministers in exercise of powers under section 11(1) and (2) of the Forced Marriage etc. (Protection and Jurisdiction) (Scotland) Act 2011[1]. Relevant persons must have regard to it when exercising public functions in or as regards Scotland.
2. Section 13 of the Civil Partnership (Scotland) Act 2020[2] amends the offence of forced marriage under section 122 of the Anti-social Behaviour, Crime and Policing Act 2014[3] to extend the criminal offence to forced civil partnerships.
3. The Forced Marriage etc (Protection and Jurisdiction) (Scotland) Act 2011 also applies to civil partnerships.

Relevant persons

4. This guidance is given to relevant persons and bodies in Scotland listed in Appendix A in so far as they exercise public functions in or as regards Scotland ("relevant persons"). Relevant persons include those who protect and promote the welfare of children and those who exercise functions to prevent and eradicate violence against women and girls. This includes Scottish local authorities, NHS Boards, the Scottish Children's Reporter Administration (SCRA), Children's Hearings Scotland and Police Scotland. It is also given to Child Protection[4] and Adult Protection Committees[5], which are locally based, inter-agency strategic partnerships responsible for individual and collective leadership and direction for the management of child protection and adult support and protection across Scotland. Additionally, this guidance is given to multi-agency Violence Against Women Partnerships, which also have child protection as part of their wider remit to improve outcomes for women, children and young people experiencing violence against women and girls.

5. The guidance is for relevant persons and bodies in Scotland who exercise public functions to protect adults and children at risk of harm. Examples of these bodies and persons may include, but are not limited to Police Scotland, NHS Health Boards and local authorities, integration joint boards, adult social work services, local authority services such as housing and education, and those professionals

[1] Forced Marriage etc. (Protection and Jurisdiction) (Scotland) Act 2011
[2] Civil Partnership (Scotland) Act 2020
[3] Anti-social Behaviour, Crime and Policing Act 2014
[4] For guidance and information on Child Protection Committees, please see Protecting children and young people: Child Protection Committee and Chief Officer responsibilities. Additionally: National guidance for child protection in Scotland 2021 - updated in 2023
[5] For guidance and information on Adult Protection Committees, please see Adult Support and Protection (Scotland) Act 2007: guidance for Adult Protection Committees . Additionally: Adult Support and Protection (Scotland) Act 2007: Code of Practice

who may come into contact and have responsibility for adults at risk of harm. It is also for relevant persons identified in Section 5 of the Adult Support and Protection (Scotland) Act 2007[6] as those who exercise public functions to support and protect adults at risk from harm.

Aims and content

6. Any references within this guidance to marriage should be taken as including civil partnerships unless otherwise stated (or unless context otherwise requires).

7. In particular, the guidance is given to Chief Executives, Directors and senior managers of bodies mentioned in Appendix A. It outlines their responsibilities for developing and maintaining local procedures and practice arrangements to enable practitioners to handle cases of forced marriage effectively. It sets out how cases of forced marriage will be responded to using existing frameworks for protecting children[7], adults at risk and victims of abuse.

8. This document gives guidance about the effect of Part 1 of the Forced Marriage etc. (Protection and Jurisdiction) (Scotland) Act 2011 (the Act) and about other matters relating to forced marriage. Chapters 2 and 3 give guidance on the background to that Act, other matters relating to forced marriage and the effect of Part 1. Chapters 4 to 6 go on to set out the duties and responsibilities of relevant persons, bodies and offices in Appendix A.

9. It also highlights actions that may inadvertently place a victim at risk of harm. These include failure to share information appropriately among agencies, the danger of involving families, breaches of confidentiality and all forms of family counselling, mediation, arbitration and reconciliation.

10. Forced marriage should be viewed as a form of abuse and as such, relevant child protection[8] and adult protection[9] guidance, policies and procedures should be considered.

[6] Adult Support and Protection (Scotland) Act 2007
[7] National guidance for child protection in Scotland 2021 - updated in 2023
[8] National guidance for child protection in Scotland 2021 - updated in 2023
[9] Adult Support and Protection (Scotland) Act 2007: guidance for Adult Protection Committees .

Chapter 2

Background

11. In August 1999, the UK Government's Home Office Minister for Community Relations, Mike O'Brien MP established a Forced Marriage Working Group to undertake an investigation into the scale and extent of forced marriage across the UK. The working group's findings were published in "A Choice by Right" in 2000[10]. The working group concluded, amongst other things, that there were eight guiding principles that should be adopted by all agencies dealing with forced marriage.

12. These were:
    - Commitment
    - Safety and protection
    - Sensitivity
    - Involving communities
    - Multi-agency working
    - Monitoring
    - Training
    - Promoting awareness of rights and services

13. The Foreign and Commonwealth Office (now Foreign, Commonwealth and Development Office) responded to this by setting up the Community Liaison Unit in 2000. The role of the Unit was to provide information and support to the victims of forced marriage and professionals who were dealing with cases. In 2005, the Unit developed into a joint Home Office and Foreign and Commonwealth Office Unit known as the Forced Marriage Unit (FMU).[11]

14. The Scottish and UK Governments undertook a joint consultation, *Forced Marriage, A Wrong Not a Right,* in 2005 to ask whether or not forced marriage should become a criminal offence. Agencies, professionals and individuals were invited to respond to the paper. While there was no clear majority among respondents about whether or not a specific criminal offence should be created, the majority thought that the disadvantages of creating new legislation would outweigh the advantages; the predominant concern was that criminalisation may push the issue further underground. As a consequence of the consultation paper, the Forced Marriage (Civil Protection) Act[12] was enacted in 2007. The Act forms part of the Family Law Act 1996 and makes provision for protecting children, young people and adults in England, Wales and Northern Ireland through the civil courts, from being forced into marriage without their free and full consent.

[10] A choice by right report
[11] Forced Marriage Unit Website
[12] Forced Marriage (Civil Protection) Act 2007

15. In 2009 the Scottish Government launched a consultation *Forced Marriage: A Civil Remedy?* which asked whether Scotland should introduce its own civil legislation to protect victims of forced marriage.

16. The consultation was overwhelmingly in favour of the introduction of legislation and led to the development of the Forced Marriage etc. (Protection and Jurisdiction) (Scotland) Act 2011[13], which was introduced to the Scottish Parliament on 29 September 2010. The Act makes provision for protecting people from being forced to enter into marriage without their free and full consent and for protecting those who have been forced to enter into marriage without such consent. It also amended the jurisdiction of the Sheriff Court in relation to actions for the declarator of nullity of marriage. It successfully made its way through the Scottish Parliamentary process in March 2011, received Royal Assent on 27 April 2011, and was commenced in full on 28 November 2011.

17. To extend protection for those at risk, separate provision has also been made to criminalise forcing someone into marriage. The relevant legislation is contained in section 122 of the Anti-social Behaviour, Crime and Policing Act 2014[14] and came into force on 30 September 2014. The criminalisation of forcing a person into marriage provides an additional layer of protection for victims from a practice that is often accompanied by physical, financial, sexual and emotional abuse. The decision to criminalise forced marriage is in accordance with the ratification of the Istanbul Convention[15] – Article 37 of which calls for the criminalisation of forced marriage.

18. Stakeholders agreed that the application process for Forced Marriage Protection Orders could be made easier for police. A Scottish Statutory Instrument was made in 2017 to add the Chief Constable of the Police Service of Scotland to the list of relevant third parties who can put in an application for a Forced Marriage Protection Order without leave of the court[16].

19. The Scottish Government commissioned independent research into Forced Marriage in Scotland. A final research report *'Understanding Forced Marriage in Scotland'*[17] was published at the end of January 2017.

Extent of the problem

20. In 2023, the FMU provided advice or support in 280 cases of forced marriage and 519 forced marriage enquiries[18]. Of the 280 cases of forced marriage (and 3 of female genital mutilation) 2% of these were in Scotland. Proportionally, this percentage has remained consistent since 2012 with cases in Scotland.

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[13] Forced Marriage etc. (Protection and Jurisdiction) (Scotland) Act 2011
[14] Anti-social Behaviour, Crime and Policing Act 2014
[15] Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention)
[16] The Forced Marriage etc. (Protection and Jurisdiction) (Scotland) Act 2011 (Relevant Third Party) Order 2017.
[17] Understanding forced marriage in Scotland research study
[18] Forced Marriage Unit statistics 2023

However, the Scottish Government is aware that this data will not accurately reflect the number of instances of forced marriage in Scotland; Scottish victims often seek advice and support from organisations closer to home and the issue is generally under-reported as a result of a lack of public awareness of the issue, and of where to seek help and advice. The majority of victims of forced marriage are women; according to data from the FMU, 69% of the cases they supported in 2023 involved female victims[19].

21. Main specialist support organisations in Scotland for female victims include Shakti Women's Aid, Saheliya, Hemat Gryffe Women's Aid, and AMINA – The Muslim Women's Resource Centre (MWRC) and Scottish Women's Aid.

    - Scotland's Domestic Abuse and Forced Marriage Helpline is available to provide support to anyone experiencing domestic abuse or forced marriage as well as their family members, friends, colleagues and professionals who support them. Between 2019-2022, there were 125 helpline contacts handled relating to forced marriage. 115 were in relation to a woman or girl, 9 were in relation to a man and boy and in 1 the person's gender was unknown.
    - Between 2019 – 2022, Shakti Women's Aid supported 47 adult survivors, 162 adults who were married and did not realise their marriage was a forced marriage and 13 children and young people affected by (or victims of) forced marriage.
    - Between 2019 – 2022, Hemat Gryffe Women's Aid supported 39 cases of forced marriage.
    - Since January 2022, Saheliya has supported 10 new cases of women affected by forced marriage whilst supporting 200+ migrant women who are living in or have experience of forced marriage that took place prior to migration.
    - Between 2019 - 2022, Amina MWRC has supported 79 cases of forced marriage.

22. Contact details and information for the main specialist support organisations can be found in Appendix C.

23. Forced marriage also affects people with learning and other disabilities, and evidence suggests that for people with learning disabilities, forced marriage may occur at a similar rate for men and women[20].

24. The Police Service of Scotland is committed to thoroughly investigating every report of forced marriage. Forced marriage is a criminal matter for investigation, however, it can also be a child (child protection processes will be considered up to the age of 18) or adult (adult protection processes may cover individuals aged 16 and older) protection issue and one where the support of the victim, or potential victim, is at the core of the investigation. As such, the Police work closely with a range of partners including specialist services to ensure that every

[19] Forced Marriage Unit statistics 2023
[20] My Marriage My Choice Summary of Findings

person who is a victim, or potential victim, will receive appropriate protection and safety advice.

Chapter 3

Understanding the issues around forced marriage

Definition of forced marriage

25. The Scottish Government recognises forced marriage to be a form of violence against women/gender based violence and, where children are victims of forced marriage, child abuse. It may be associated with other forms of domestic abuse and "honour based" abuse. Forced marriage can impact both men and women, however most cases typically involve younger women and girls between the ages of 15 and under and 30[21]. There are patterns of victimisation which are vital to be aware of, however, it is likely that every individual case will be different. Some cases may take place solely in the UK, while others involve a prospective partner coming from overseas or a person being sent abroad.

26. The Forced Marriage etc. (Protection and Jurisdiction) (Scotland) Act 2011[22] defines a forced marriage as a marriage conducted without the full and free consent of both parties, and where "force" is a factor. It is important to note that in the case of children and young people under 16, and some adults, full and free consent cannot be given. Further information on full and free consent can be found in Appendix B. Force can be coercion by physical, verbal or psychological means, threating conduct, harassment or other means. It is also force to knowingly take advantage of a person's incapacity to consent to marriage, or to understand the nature of the marriage.

27. Under section 122 of the Anti-social Behaviour, Crime and Policing Act 2014[23], it is an offence under the law in Scotland if a person uses violence, threats or any other form of coercion for the purpose of causing another person to enter into a marriage, and believes, or ought reasonably to believe, that the conduct may cause the other person to enter into the marriage without full and free consent. Furthermore, in relation to a victim who is incapable of consenting to marriage by reason of mental disorder[24], the offence is capable of being committed by any conduct carried out for the purpose of causing the victim to enter into a marriage (whether or not the conduct amounts to violence, threats or any other form of coercion).

28. The Forced Marriage etc. (Protection and Jurisdiction) (Scotland) Act 2011 defines "marriage" to mean "any religious, belief or civil ceremony of marriage (wherever carried out and whether or not legally binding under the law of

[21] Forced Marriage Unit statistics 2023
[22] Forced Marriage etc. (Protection and Jurisdiction) (Scotland) Act 2011
[23] Anti-social Behaviour, Crime and Policing Act 2014
[24] Anti-social Behaviour, Crime and Policing Act 2014, Section 122(2). Mental disorder is defined by reference to section 328 of the Mental Health (Care and Treatment) (Scotland) Act 2003 (see section 122(5)).

Scotland or any other place)". The Anti-social Behaviour, Crime and Policing Act 2014 defines "marriage" in relation to the offence of forced marriage to mean "any religious or civil ceremony of marriage (whether or not legally binding).

29. A forced marriage is different from an 'arranged marriage'. An arranged marriage is one in which the families of both spouses are primarily responsible for finding a marriage partner for their child or relative, but the final decision as to whether or not to accept the arrangement lies with the potential spouses. Both spouses must give their full and free consent. The tradition of arranged marriage has operated successfully within many communities for generations. Whereas, a forced marriage occurs where one or both of the parties to be married, are pressured or coerced to enter into the marriage without their free and full consent.

30. In the UK, the majority of cases of forced marriage reported to date involve South Asian families. However, this is partly a reflection of the fact that there is a large established South Asian population in the UK. Forced marriage continues to affect people all over the world and the UK has seen cases involving families from East Asia, the Middle East, Europe and Africa.

Motives prompting forced marriage

31. People who perpetrate forced marriage, primarily parents, extended family and wider community members, often justify their actions by saying they are protecting children, building stronger families, and preserving cultural or religious traditions. They often do not see anything wrong with their actions.

32. Forced marriage cannot be justified on religious grounds; every major faith condemns it. Freely given consent is a prerequisite of marriage in Christianity, Judaism, Hinduism, Islam and Sikhism, as well as in other major religions too.

33. Parents and relatives often believe that they are upholding the cultural traditions of their home country. Some parents come under significant pressure from their extended families to ensure their children are married. In some instances, an agreement may have been made about marriage when a proposed spouse was a very young child. Many young people are raised with the expectation that they will marry someone their parents select. They may be unaware that they have a fundamental and legal right to choose their own spouse.

34. It is important to be aware of the motives which perpetrators perceive to be justifications which drive them to force a person into a marriage. However, these reasons should never be accepted as a justification for denying a person the right to choose their own spouse and to enter into a marriage freely.

35. Some key motives that have been identified are:

- Controlling sexuality, sexual orientation, or gender identity (including perceived promiscuity and perceived sexual orientation/gender identity) – particularly the behaviour and sexuality of women[25].
- Controlling unwanted behaviour such as alcohol and drug use; socialising unchaperoned with, or simply speaking to, members of the opposite sex who are not family members; wearing makeup; or behaving in what is perceived to be a "westernised manner."
- Preventing "unsuitable" relationships e.g. outside the ethnic, cultural, religious or caste group.
- Protecting "family honour" or "izzat" (see definitions in Appendix B).
- Responding to peer group or family pressure about conforming to expectations.
- Attempting to strengthen family links.
- Financial gain or obtaining financial security for a person with a learning disability.
- Ensuring land, property and wealth remain within the family.
- Protecting perceived cultural ideals.
- Protecting perceived religious ideals.
- Ensuring care for someone with learning/physical disability when parents or existing carers are unable to fulfil that role, or because of mistrust of external social care.
- Concerns that younger siblings may be seen as undesirable if older sons and daughters are not already married.
- Assisting claims for UK residence and citizenship.
- Obtaining physical assistance or personal care for ageing parents.

Forced marriage is an abuse of human rights

36. The Scottish Government considers forced marriage to be an abuse of human rights, as well as being illegal.

37. In addition to the provisions in Scottish legislation, there are a number of international law principles that are explicitly relevant in this context.
    - **"**Marriage shall be entered into only with the full and free consent of the intending spouses." – Universal Declaration of Human Rights, Article 16(2)[26], and cited in the preamble to the UN Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages[27].
    - "Parties shall take all necessary legislative or other measures to ensure that marriages concluded under force may be voidable, annulled or dissolved without undue financial or administrative burden placed on the victim." – Council of Europe Convention on preventing and combating

[25] Forced Marriage, Coercive Control, and Conducive Contexts: The Experiences of Women in Scotland, 2020
[26] Universal Declaration of Human Rights | United Nations
[27] OHCHR | Convention on Consent to Marriage, Minimum Age for Marriage

violence against women and domestic violence (Istanbul Convention), Article 32[28].

- "(1) Parties shall take the necessary legislative or other measures to ensure that the intentional conduct of forcing an adult or a child to enter into a marriage is criminalised. (2) Parties shall take the necessary legislative or other measures to ensure that the intentional conduct of luring an adult or a child to the territory of a Party or State other than the one she or he resides in with the purpose of forcing this adult or child to enter into a marriage is criminalised." Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention), Article 37[29].
- "States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women: b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent." Convention on the Elimination of All Forms of Discrimination against Women, Article 16[30].
- "Respect for inherent dignity, individual autonomy including the freedom to make one's own choices, and independence of persons" Article 3.1 of the UN Convention on the Rights of People with Disabilities[31].
- "States Parties shall take all appropriate legislative, administrative, social, educational and other measures to protect persons with disabilities, both within and outside the home, from all forms of exploitation, violence and abuse, including their gender-based aspects" Article 16 of the UN Convention on the Rights of Persons with Disabilities[32].

38. The UNCRC (Incorporation) (Scotland) Act 2024 incorporates the UNCRC into the law in Scotland (so far as it is within the limits of legislative competence). It means that public authorities (for example, the Scottish Ministers, local authorities, Police Scotland, COPFS etc), will be legally required to act in a way that is compatible with what is referred to in the Act as "the UNCRC requirements" (which is a slightly modified UNCRC), when acting in connection within "a relevant function". Relevant function means a function that is within legislative competence of the Scottish Parliament to confer on the authority, and, is conferred by or under powers in an Act of the Scottish Parliament or common law.

39. There are several articles in the United Nations Convention on the Rights of the Child (as they have been incorporated by the UNCRC (Incorporation) (Scotland) Act 2024) which apply to anyone under 18 that are relevant to this area:

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[28] Council of Europe Convention on preventing and combating violence against women and domestic violence
[29] Council of Europe Convention on preventing and combating violence against women and domestic violence
[30] Convention on the Elimination of All Forms of Discrimination against Women New York, 18 December 1979 | OHCHR
[31] Article 3 - UN Convention on the Rights of People with Disabilities
[32] Article 16 – Freedom from exploitation, violence and abuse | United Nations Enable

- "In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities, or legislative bodies, the best interests of the child shall be a primary consideration." – United Nations Convention on the Rights of the Child, Article 3(1)[33].
- "States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child." United Nations Convention on the Rights of the Child, Article 19(1)[34].
- "States parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children." United Nations Convention on the Rights of the Child, Article 24(3)[35].
- "States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, State Parties shall in particular take all appropriate national measures to prevent: (a) the inducement or coercion of a child to engage in any unlawful sexual activity." United Nations Convention on the Rights of the Child, Article 34(a)[36].
- "States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child." United Nations Convention on the Rights of the Child, Article 12(1)."For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law." United Nations Convention on the Rights of the Child, Article 12(2).

The victim

40. The majority of victims of forced marriage are women and children between the ages of 15 and under and 30[37]. It is important to recognise that every case of forced marriage is different and cases can be complex with many influencing factors, impacting upon the vulnerability of the individual requiring protection.

41. Isolation is one of the biggest issues facing those trapped in, or under threat of, a forced marriage. They may feel they have no one to speak to about their situation. These feelings of isolation are very similar to those experienced by victims of other forms of domestic or child abuse. In many cases, an individual will not disclose fear of forced marriage. Therefore, someone who fears they may

[33] UN Convention on the Rights of the Child (UNCRC)
[34] UN Convention on the Rights of the Child (UNCRC)
[35] UN Convention on the Rights of the Child (UNCRC)
[36] UN Convention on the Rights of the Child (UNCRC)
[37] Forced Marriage Unit statistics 2023

be forced to marry often comes to the attention of health professionals, police, social care services or education professionals for various behaviours consistent with distress.

42. Cases of forced marriage often involve multiple perpetrators who plan and collude together, whether it is multiple members of a victim's family or their wider community. This reinforces the isolation that victims experience and the restricted options they face when trying to access help and support.

43. Victims may also be unable to seek help because they are imprisoned in their homes or abroad; their activities and contact with others are closely monitored; and/or their safety could be compromised by trying to access support and protection.

44. Those at risk may be reluctant to take legal action to protect themselves for fear of criminalising those involved, potential repercussions of which include threats to their physical safety, child abduction, alienation of family and community, and stigmatisation for involving their family and community in investigations or criminal and legal proceedings. These issues may also be present for those who succeed in securing civil protection, and they may actually find themselves further at risk for having done so.

45. Young people forced to marry, or those who fear they may be forced to marry, are frequently withdrawn from school, restricting their educational and personal development. They may feel that they are unable to go against the wishes of their parents and consequently may suffer emotionally, often leading to depression and self-harm. These factors can contribute to impaired social development, limited career and educational opportunities, financial dependence, and lifestyle restrictions.

46. Some victims may be taken abroad and left there for extended periods, which isolates them from help and support – this limits their choices and can make them feel like going through with the forced marriage is their only option. Any indication of an individual being taken abroad for the purposes of marriage should be taken seriously, relevant agencies informed and support put in place to prevent the victim from being taken out of the country.

47. A mental or physical disability or illness adds to a person's vulnerability and may make it more difficult for them to report abuse or to extricate themselves from an abusive situation. Their care needs may make them dependent on their carer.

Potential warning signs or indicators

48. Individuals facing forced marriage may appear anxious, depressed and emotionally withdrawn with low self-esteem. They may come to the attention of professionals for a variety of reasons, some of which are described in the diagram below. Whilst the factors set out in the diagram may be, collectively or individually, an indication that someone is facing forced marriage, it should not be assumed that it is forced marriage simply on the basis that someone presents with one or more of these warning signs. These warning signs may indicate other

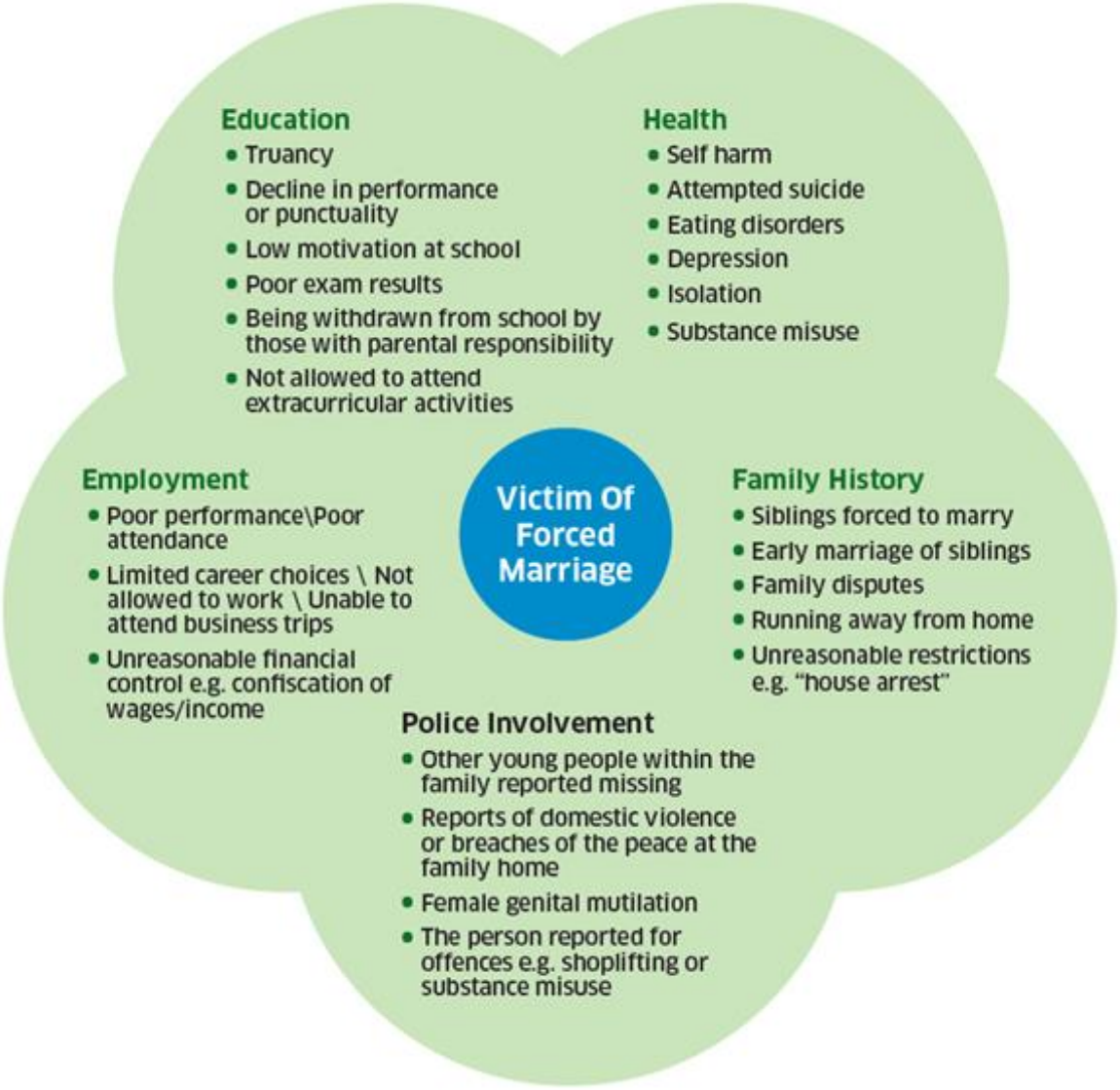
types of abuse that will also require a multi-agency response. These indicators are not meant to be exhaustive.

49. There have been occasions when women have presented with less common warning signs. For example, with hair having been cut or shaved as punishment for disobeying or "dishonouring" her family; or girls being taking to the doctor to be examined to see if they are virgins. Some women have presented with symptoms associated with poisoning.

50. In certain communities, women undergo female genital mutilation (FGM) before being able to marry – usually this is performed during childhood but there have been reports of young women undergoing FGM just before a forced marriage. FGM is illegal in Scotland[38] as well as in the rest of the UK, and it is also a criminal offence for a UK resident to commit FGM, or arrange for it to be committed, outside the UK.

[38] Prohibition of Female Genital Mutilation (Scotland) Act 2005

Warning Signs



The image above shows a list of potential warning signs or indicators. This list is not exhaustive and signs are inter-linked – do not simply focus on the list which seems most relevant to your area of work. Warning signs include, not being allowed to work or poor attendance at work, decline in performance at school, running away from home or having siblings who have been forced to marry, depression and isolation. In terms of police involvement it may include, FGM and other young people in the family reported missing.

Possible consequences of forced marriage

51. Women forced to marry may find it difficult to initiate any action to bring the marriage to an end. They may be subjected to repeated rape (sometimes until they become pregnant), sexual degradation, and ongoing domestic abuse within the marriage. In some cases, they suffer violence and abuse from the extended family. Victims frequently end up trapped in a relationship marked by physical and sexual abuse. Some victims may be unable to leave their house unescorted, which means they are effectively living under house arrest. This has a detrimental impact on them and any children they may have.

52. Witnessing persistent violence and domestic abuse can traumatise children and undermine their emotional security and capacity to meet the demands of everyday life. They may also suffer with depression, trauma related symptoms, and low self-esteem in adulthood. Children's academic abilities may also be affected.

53. Many victims of forced marriage have been withdrawn from school early. This interrupted education limits their career choices; and even if they manage to find work, they may be prevented from taking the job, or their earnings may be taken from them. This can lead to economic dependence, which makes the possibility of leaving the situation even more difficult.

54. Some victims may think that running away is their only option. However, for many young people, especially women from minority ethnic communities, leaving their family can be especially hard. They may have no experience of life outside the family and, as a result, may not know how or where to access personal and financial support. This includes information on the law and their rights, particularly in their first language if it is not English. They may also be suspicious or fearful of engaging with organisations such as the police.

55. Most victims who contact police seeking safety and protection see this as a temporary solution as they hope that, despite the treatment that they have been subjected to, their loved ones will accept their decision and eventually agree to reconciliation. This often means that the services that can be offered, such as relocation, are not seen as viable options unless the victim has reached a point of desperation. The consequences for victims of forced marriage cannot be underestimated and effective management of the risk that exists for them must be the highest priority for all service providers.

56. For many, finding accommodation for themselves and their children is very difficult – especially for those whose leave to remain in the UK is subject to no recourse to public funds (NRPF). NRPF restricts access to certain public funds including housing benefit and access to local authority housing or homelessness services. In recognition of the negative impact of being subject to NRPF, including for women who have been victims of gender based violence, the Scottish Government and COSLA published *Ending Destitution Together* in

March 2021.[39] This strategy aims to improve support for people with NRPF living in Scotland, including meeting essential needs like accommodation, food and healthcare, as well as access to specialist advice and advocacy.

57. The Children (Scotland) Act 1995 section 22 requires a local authority to safeguard and promote the welfare of children in its area who are in need by providing a range and level of services appropriate to the children's needs. Section 22 also promotes children remaining within their families where that is consistent with the child's welfare. Additionally, local authorities have a number of other options open to them to ensure that they protect and support children at risk of or who have been subject to forced marriage. These are detailed later in the document.

58. The isolation felt when a victim has to live away from home with little support increases the likelihood that they will return to their abusive situation. In addition, leaving their family, accusing them of a crime, or simply approaching statutory agencies for help may be seen as bringing shame on their honour, and consequently their family's honour as well. This may lead to social ostracism and harassment from the family and the wider community. For many, this is not something they are prepared to risk.

59. Victims who do choose to leave often live in fear of their own families, who will sometimes go to considerable lengths to find them and ensure they return. Families may solicit the help of others, or involve the police by reporting the victim missing or falsely accusing the person of a crime (e.g. theft). Some families have traced individuals through medical and dental records, bounty hunters, private investigators, local taxi drivers, members of the community, shop keepers, National Insurance numbers, benefits records, and school or college records. In severe cases families have murdered the victim after tracking them down (so-called "honour-killing"). The potential for such a reaction from families should never be ignored or downplayed and concerns or fears of victims on this issue should be listened to.

Difficulties faced when a forced marriage takes place overseas

60. In some cases, victims may be taken abroad to get married; for many, it may be their first experience of travelling overseas. If they are being held against their will, there are various difficulties they may encounter if they want to return to the UK. For instance, they may find it impossible to communicate by telephone, letter and email; they may not have access to their passport and money; they may not be allowed to leave their house unescorted; and they may be unable to speak the local language. Victims may also find themselves in remote areas where even getting to the nearest road can be hazardous. They also may not receive the assistance they would expect from the local police, neighbours, family or friends. Some victims may find themselves subjected to violence or threats of violence.

[39] Ending destitution together: Strategy

61. If a person is a British national, and also holds the nationality of another country, they would be considered a dual national. This may mean that the authorities in the country of their other nationality may view them as being solely, or primarily, nationals of that country and treat them accordingly. These authorities may not recognise that the British Embassy or High Commission have a mandate to support a victim or they may not permit any assistance to be given. If the Foreign, Commonwealth and Development Office considers that there is a special humanitarian reason to do so, it will consider offering assistance to dual nationals in the country of their other nationality. Forced marriage is one of those circumstances where such a decision may be made.

62. The Forced Marriage Unit (FMU) is a joint Foreign, Commonwealth and Development Office (FCDO) and Home Office Unit established in 2005, which leads on the UK government's forced marriage policy, outreach and casework. It operates both inside the UK (where support is provided to any individual) and overseas (where consular assistance is provided to British nationals, including dual nationals). The FMU operates a public helpline to provide advice and support to victims of forced marriage, as well as professionals dealing with cases. The assistance provided ranges from safety advice, through to helping a forced marriage victim prevent their unwanted spouse moving to the UK ('reluctant sponsor' cases), and assisting in repatriation of victims held against their will overseas.

Scottish legal position on marriage

63. Opposite-sex and same-sex couples[40] can get married in Scotland if:
- they are both at least 16 years old,
- they are both single, widowed, divorced or have dissolved a previous civil partnership,
- they are capable of understanding the nature of a marriage ceremony and of consenting to marriage.

It is not possible to marry in Scotland if you are:
- already married or in a civil partnership (except if you are changing your civil partnership to a marriage),
- under 16 years old,
- close relatives,
- incapable of understanding the nature of a marriage ceremony and of consenting to marriage.

Legal deterrents to protect those at risk of forced marriage or who have already been forced into marriage

64. The Forced Marriage etc. (Protection and Jurisdiction) (Scotland) Act 2011[41] provides civil remedies for those at risk of forced marriage, and those who have

[40] Marriage (Scotland) Act 1977 (as amended by the Marriage and Civil Partnership (Scotland) Act 2014)

already been forced into marriage. It introduced a civil Forced Marriage Protection Order (FMPO) to protect people who are threatened with, or who are already in, a forced marriage. It is a criminal offence to breach a FMPO. This Act also created a duty for Scottish Ministers to provide statutory guidance on forced marriage.

65. Forcing a person into marriage became a criminal office in Scotland on 30 September 2014 under section 122 of the Anti-Social Behaviour, Crime and Policing Act 2014.[42]

Forced Marriage Protection Orders (FMPOs)

66. Part 1 of the Forced Marriage etc. (Protection and Jurisdiction) (Scotland) Act 2011[43] empowers the civil courts in Scotland to make a forced marriage protection order (FMPO). This can be used to protect both adults and children at risk of being forced into marriage, and can offer protection for those who already have been forced into marriage.

67. The provisions in this Part are designed to enable the courts to tailor the terms of a FMPO to protect and meet specific needs of victims, or potential victims, of forced marriage. For example, it might state that the protected person[44] must be taken to a place of safety designated in the order; or that the protected person be brought to a court at such a time and place as the court specifies; that any violent, threatening or intimidating conduct be stopped; that the protected person not be taken abroad; or that documents such as passports or birth certificates be handed over to the courts.

Relevant third parties

68. Section 3 of the Forced Marriage etc. (Protection and Jurisdiction) (Scotland) Act 2011 enables any person, with leave of the court, to apply for a FMPO. However, certain specific categories, such as the victim, and what are referred to in the Act as “relevant third parties” (namely a local authority, the Lord Advocate, the chief constable of the Police Service of Scotland, and any other person specified by order made by the Scottish Ministers) may apply without leave of the court. The chief constable of the Police Service of Scotland was added as a relevant third party who can apply for a FMPO in 2017[45] after consultation with stakeholders showed strong support for this addition.

69. Section 3(5) and (6) of the Act provide that applications to a sheriff for a FMPO are to be made by summary application to the sheriff in whose sheriffdom the protected person is ordinarily resident or, if the protected person is not ordinarily

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[41] Forced Marriage etc. (Protection and Jurisdiction) (Scotland) Act 2011
[42] Anti-social Behaviour, Crime and Policing Act 2014
[43] Forced Marriage etc. (Protection and Jurisdiction) (Scotland) Act 2011
[44] Definition in Appendix B
[45] Added by the Forced Marriage etc. (Protection and Jurisdiction) (Scotland) Act 2011 (Relevant Third Party) Order 2017, which came into force on 19 March 2018.

resident in Scotland, to the sheriff of the sheriffdom of Lothian and Borders at Edinburgh.

70. Local authorities and police will decide how best to deliver their role as a relevant third party applying for an FMPO under this provision as they do for orders under other legislation (e.g. antisocial behaviour orders).

Breach of a forced marriage protection order

71. Breach of an FMPO is a criminal offence and is punishable by imprisonment for up to 2 years and/or a fine. The police may arrest, without warrant, any person who they reasonably believe is committing or has committed a breach of a FMPO.

72. As with any other civil order, the applicant or the protected person would usually be the person who would either go to court or report the breach to the police. However, any person (e.g. a friend or relative of the protected person), even if not directly affected by the order could report a breach of a FMPO to the police for investigation.

73. Advice is available in relation to forced marriage protection orders from organisations whose details can be found in Appendix C.

Other Relevant Criminal offences

74. Other behaviours surrounding forced marriage may also amount to criminal behaviour capable of prosecution in Scotland. There are provisions in domestic law to protect children and deal with criminal behaviour such as child abduction[46], and cruelty to persons under 16 (including ill-treatment, neglect and abandonment)[47]. Physical violence towards children (as with violence towards an adult) can be prosecuted under the common law of assault[48].

75. Sexual intercourse without consent is rape, regardless of whether this occurs within a marriage or not. This is set out in the Sexual Offences (Scotland) Act 2009[49]. It is a criminal offence for an adult to engage in sexual activity with a child under the age of 16. It is not a defence to these offences that the accused was married to the child.

76. The immigration legislation and rules can provide protection for children and young people. The age of entry into the UK for spouses, fiancé(e)s, civil partners, unmarried or same sex partners is 18 years old; assisting in unlawful entry is a

[46] "abduction" is a common law offence. In addition, section 6 of the Child Abduction Act 1984 provides for an offence which is committed if the parent takes or sends the child out of the UK without the appropriate consent in certain circumstances.
[47] Section 12 of the Children and Young Persons (Scotland) Act 1937
[48] Section 1 of the Children (Equal Protection from Assault) (Scotland) Act 2019 abolishes the defence of reasonable chastisement.
[49] Sexual Offences (Scotland) Act 2009

criminal offence. Additionally, the UK Border Agency and the Forced Marriage Unit can advise on issues relevant to immigration, nationality and forced marriage and details can be found in guidance[50].

77. Where someone has been a victim of domestic abuse, there is relevant domestic abuse legislation including the Domestic Abuse (Scotland) Act 2018[51]. This Act creates an offence of engaging in a course of abusive behaviour towards a partner or ex-partner.

78. The Domestic Abuse (Scotland) Act 2018[52] also created a requirement for a court to consider imposing a non-harassment order on an offender convicted of a domestic abuse offence to protect their victim from further abuse.

Civil remedies

79. In addition, the following civil remedies may offer some protection or assistance to an adult who is being, or has been, forced into marriage:
    - An interdict. It is possible to attach a power of arrest to an interdict under the Protection from Abuse (Scotland) Act 2001.[53]
    - A non-harassment order under the Protection from Harassment Act 1997.[54]
    - A declarator of nullity of marriage or civil partnership; and
    - Divorce or dissolution.

Protecting adults at risk of harm

80. There are a range of protective measures under legislation including the Adult Support and Protection (Scotland) Act 2007 (which applies to people 16 years old and older),[55] the Adults with Incapacity (Scotland) Act 2000[56] (which also applies to those aged 16 years and older) and the Mental Health (Care and Treatment) (Scotland) Act 2003,[57] which can protect adults at risk. In certain circumstances, the police can intervene to protect adults at risk.

Protecting children at risk of harm

81. Child protection processes should be considered for any child up to the age of 18. If a child or young person under the age of 18 is thought to be at risk of forced marriage, an immediate child protection referral to police and/ or social work should be considered.[58]

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[50] Responding to forced marriage Guidance
[51] Domestic Abuse (Scotland) Act 2018
[52] Domestic Abuse (Scotland) Act 2018. The relevant provision is section 234AZA of the Criminal Procedure (Scotland) Act 1995 (the 2018 Act amended the 1995 Act to add in this new section).
[53] Protection from Abuse (Scotland) Act 2001
[54] Protection from Harassment Act 1997
[55] Adult Support and Protection (Scotland) Act 2007
[56] Adults with Incapacity (Scotland) Act 2000
[57] Mental Health (Care and Treatment) (Scotland) Act 2003
[58] National Guidance for Child Protection in Scotland 2021 - updated 2023

82. When necessary, statutory powers to protect children from forced marriage can be employed. For example, the Children's Hearing (Scotland) Act 2011[59] details the provisions available to protect children from harm, including forced marriage, through the Children's Hearings System. Under that Act, any person or agency can refer a child to the Principal Reporter but local authorities and the police must refer a child when they consider that a child is in need of protection and that it might be necessary for a compulsory supervision order to be made in relation to the child[60]. The Act also outlines emergency child protection measures such as child protection orders which can be sought when there is an immediate risk of harm, this may include when there is reasonable grounds to believe a child is being forced to marry even if there is intention to remove the child from the UK to be married. Further detail relating to child protection and forced marriage can be found in the National Guidance for Child Protection 2021 section on honour based abuse and forced marriage[61].

Protecting children's rights

83. The Scottish Government is committed to ensuring that children's rights are respected, protected and fulfilled. The United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 (the UNCRC Act)[62] was passed by the Scottish Parliament on 16 March 2021 and came into force on 16 July 2024. The UNCRC (Incorporation) (Scotland) Act 2024 incorporates the UNCRC into the law in Scotland (so far as it is within the limits of legislative competence).

Chapter 4

Roles and Responsibilities of Chief Executives, Directors and senior managers to whom this guidance is for

84. All Chief Executives, Directors and senior managers exercising public functions should ensure that their staff are aware of their responsibilities and duties when working with victims of forced marriage. All professionals working within statutory agencies should be conscious of the fact they may have limited opportunity to engage with a potential victim, and take the appropriate action to intervene, which should involve engaging with specialist support services who may already be working with the person at risk.

[59] Children's Hearings (Scotland) Act 2011
[60] Section 60 and 61 of the Children's Hearing (Scotland) Act 2011
[61] National Guidance for Child Protection in Scotland 2021 – updated 2023
[62] United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024

85. Forced marriage is a form of abuse, a breach of the person at risk's human rights, and should be treated as such. Organisations should have structures, policies and procedures in place to protect children, adults at risk and victims of domestic abuse. Forced marriage cases should be approached using these alongside relevant multi-agency guidance[63] and policies.

86. Existing strategic bodies have a responsibility to develop and implement multi-agency policies and procedures for forced marriage. This includes strategic partnerships, such as multi-agency Violence Against Women Partnerships, community safety partnerships, and local Child Protection and Adult Protection Committees who should work together to ensure a consistent and joined up and effective response.

87. Public authorities and others carrying out public functions should also be aware of their statutory obligations under the Equality Act 2010[64] to have due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct which is unlawful under that Act, and advance equality of opportunity and foster good relations between people who share a protected characteristic (in terms of the Act) and people who do not share it.

Senior management commitment

88. Chief Executives, Directors and senior managers of all organisations listed in Appendix A should ensure their organisation has:

- A person with lead responsibility for the issue of forced marriage. This is likely to be a person who already holds responsibility for public protection including responsibility for protecting children, adults at risk, or victims of domestic abuse and other forms of gender based violence. The contact details for this person should be publicised both within the organisation and with appropriate external partners;

- Additionally, another named person or person with lead responsibility as above, should have responsibility for overseeing the organisational response to forced marriage, ensuring that cases of forced marriage are handled, monitored, and recorded in line with the organisation's recording procedures. If this person is different to the lead person responsible for the issue of forced marriage, their contact details should also be publicised both within the organisation and with appropriate external partners;

- Policies and procedures in place to protect those at risk of forced marriage, both within the organisation and with regard to any external service delivery/provision. Those delivering external service provision must have clear roles and responsibilities, in line with adult and child protection guidance and work collaboratively with specialist support organisations to ensure good practice and to ensure safe and appropriate action is taken;

[63] Multi-agency practice guidelines: preventing and responding to forced marriage - update 2014
[64] Equality Act 2010

- Measures to ensure staff have undertaken appropriate training and continuous professional development (CPD) refresh of their knowledge and understanding of the issues;

- Policies and procedures in line with existing legislation and The National Guidance for Child Protection in Scotland[65], Adult Support and Protection (Scotland) Act 2007: Code of Practice[66] and Violence against Women Partnership Guidance;[67]

- Recognition of forced marriage as a potential risk across the lifespan should be included in local processes for adult support and protection and child protection. Local procedures should include referral pathways when forced marriage is identified or suspected, in addition to directing staff to follow existent procedures relating to adult support and protection and/or child protection;

- Child and Adult Protection Committees should ensure these procedures are kept up to date and staff receive relevant training to support their use; and

- Policies and procedures that are updated regularly to reflect any structural, departmental and legal changes.

Roles and responsibilities

89. Chief Executives, Directors and senior managers should ensure that:

- Staff have an awareness and understanding of the nature and impact of forced marriage and how this fits into their organisation's strategy and is relevant to their work;

- Staff understand their role in protecting people under threat of, or already trapped in, a forced marriage;

- Staff have awareness and access to this guidance and the multi-agency forced marriage guidance to support them to understand their statutory responsibilities when protecting individuals threatened with, or already trapped in, a forced marriage;

- Staff know who in their organisation has overall responsibility for forced marriage, and therefore who they should refer any cases to. They should also know when to refer cases to, or consult with, other agencies; and the

[65] National Guidance for Child Protection in Scotland 2021 - updated 2023
[66] Adult Support and Protection (Scotland) Act 2007: Code of Practice for local authorities and practitioners exercising functions under Part 1 of the ASP Act
[67] Violence Against Women Partnership Guidance, Scottish Government and COSLA 2016

named external contacts/teams they should contact in these circumstances; and

- Frontline staff dealing with cases of forced marriage have access to, and are strongly recommended to consult, all practice guidelines that have been issued by the Scottish Government.

Clear lines of accountability

90. Chief Executives, Directors and senior managers should ensure that:

- There is a person with lead responsibility within the organisation who is accountable for promoting awareness of forced marriage; and a person with lead responsibility for ensuring policies and procedures are in line with forced marriage guidance. This is likely to be the person with overall responsibility for promoting awareness of, and updating policies and procedures concerning the protection of children/adults at risk, or victims of domestic abuse;

- The designated person has knowledge and understanding of domestic abuse, adult protection or child protection, with experience, expertise and knowledge;

- There are clear routes for the nominated lead or staff to be able to access specialist information, such as from a specialist service (Appendix C), that they can use to approach and discuss difficult cases; and

- There are clear lines of accountability from the frontline staff to senior management.

Victim-centred approach

91. Chief Executives, Directors, Lead Officers for both adult and children's services, and Senior Managers should ensure that:

- Victims are listened to and able to communicate their needs and wishes. This may include the provision of interpretation and translation services;

- Victims are given accurate information about their rights and choices;

- Victims' wishes are considered about the level of intervention they require. Staff must make it absolutely clear to the victim when and why the organisation is going to intervene and what that intervention will look like;

- Staff are aware that relatives, friends, community leaders and neighbours should not be used as interpreters or advocates as they could be amongst the perpetrators of the forced marriage – despite any reassurances from this known person. If it is appropriate to use an advocate, then an independent advocate should be sourced;

- The victim must always be told what information is being shared, with whom it is being shared, who will have access to it, and why it is being shared. Staff should also ask/tell the victim if any other organisations are aware of their circumstances, even if you are not planning to share information with them; and

- Support for the person at risk must be a consideration, and referral to a specialist support agency is advised. Where a person at risk of forced marriage is already working with a support organisation, they should engage with that organisation to understand their assessment of the risk the person faces and if any action has been taken by them, the perpetrator or other agencies to date.

Trauma informed practice

92. Trauma informed practice is an approach to care provision that considers the impact of trauma exposure on an individual's biological, psychological and social development.

93. Delivering services in a trauma informed way means understanding that individuals may have a history of traumatic experiences which may impact their ability to feel safe and develop trusting relationships with services and professionals.

94. Taking a trauma informed approach to supporting children and adults affected by forced marriage enables all those who perform any of the functions under this guidance to better understand the range of adaptations and survival strategies that people may make to cope with the impacts of trauma.

95. Practitioners should be alert to the need to view behaviours that compromise health, wellbeing and safety as adaptations that may have played a useful role in the individual's life in helping them to survive, and cope with, their experiences of trauma.

96. In 2017 Transforming Psychological Trauma: A Knowledge and Skills Framework for the Scottish Workforce[68] details the specific range of knowledge and skills required across the workforce, depending on their and their organisation's role and remit in relation to people who have experienced trauma. Those with direct and frequent contact with people who may be affected by trauma should be equipped to 'trauma skilled' level of practice. Those professionals with regular and intense contact with people affected by trauma and who have a specific remit to respond by providing support, advocacy or specific psychological interventions, should have adequate training and experience to practice at 'trauma enhanced' level.

[68] National Trauma Training Programme - Transforming Psychological Trauma: A Knowledge & Skills Framework (2017)

Effective inter-agency working, information sharing and confidentiality.

97. The data protection regime in the UK consists of two pieces of legislation: the UK General Data Protection Regulation[69] (UK GDPR), which replaced the EU GDPR following the UK's exit from the European Union in 2020; and the Data Protection Act 2018[70], which provides additional conditions and exemptions to the UK GDPR. It also governs processing for law enforcement purposes, in Part 3[71].

98. The UK GDPR sets out 7 principles by which all personal data should be held. These are:
    - Lawfulness, fairness and transparency;
    - Purpose limitation;
    - Data minimisation;
    - Accuracy;
    - Storage limitation;
    - Integrity and confidentiality (security); and
    - Accountability.

99. When considering how they approach data sharing, agencies should consult the Information Commissioner's Office Data Sharing Code of Practice[72], which is a statutory code of practice and gives information and support to assist organisations in sharing data lawfully. The GIRFEC information sharing guidance may also be useful to refer to for information and support[73].

100. As the code notes[74], organisations should approach data protection legislation as a framework to enable fair and proportionate sharing rather than a blocker, particularly in situations where more harm could come to individuals where data is not shared.

101. Agencies should also familiarise themselves with exemptions in the Data Protection Act 2018, which can be applied on a case-by-case basis and can allow for data to be re-used or shared in certain ways in order to protect individuals. A guide to the data protection exemptions can be found on the ICO website alongside examples of the exemptions being applied[75].

102. Chief Executives, Directors and senior managers should ensure that:

    - There are policies and procedures for organisations to work effectively together to protect people facing forced marriage. These procedures are set out in local child and adult protection guidance;

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[69] Guide to the UK General Data Protection Regulation (UK GDPR)
[70] Data Protection Act 2018
[71] Guide to Law Enforcement Processing | ICO
[72] Data Sharing Code of Practice
[73] GIRFEC information sharing guidance
[74] Executive summary | ICO
[75] A guide to the data protection exemptions | ICO

- The policies and procedures include arrangements for sharing information and making referrals, including, where appropriate, with the police, social work, health, and the UK Government's Forced Marriage Unit in line with data protection legislation;

- Staff understand the importance of sharing relevant and proportionate information and engaging with specialist support organisations and other agencies at the earliest opportunity; and

- Staff understand the difference between breaking confidence (involving the family, community members, etc. without the victim's consent), and sharing information with other professionals to protect the individual from significant harm. Local Child Protection, Adult Protection Committees[76], and Multi-Agency Violence Against Women Partnerships are likely to take a lead role in developing policies and procedures for inter-agency working and information sharing to protect adults and children from harm. It is important to recognise that, while the use and sharing of personal data must be done lawfully, data protection legislation should not be seen as a barrier to protecting at-risk individuals[77].

- Further information on data sharing can be found in Chapter 3 of the Adult Support and Protection (Scotland) Act 2007: Code of Practice[78], in Chapter 1, paragraphs 128-153 of the National Guidance for Child Protection 2021[79] and GIRFEC practice guide 4[80].

Confidentiality

103. Issues may arise because an individual facing forced marriage may be concerned that if confidentiality is breached, and their family is alerted to the fact that they have sought help, they could be in serious danger. However, those facing forced marriage are often already at serious risk of domestic abuse, honour based abuse, rape, abduction etc. Therefore, in order to protect the individual, consideration should always be given to sharing information with other agencies, such as the police.

104. Confidentiality, privacy, and information sharing are extremely important for anyone threatened with, or already in, a forced marriage. Professionals must be clear about when confidentiality can be offered, and when information given in confidence should be shared.

105. Chief Executives, Directors and senior managers should ensure that:

[76] Adult Support and Protection (Scotland) Act 2007: Code of Practice
[77] ICO Data Sharing: Code of Practice
[78] Adult Support and Protection (Scotland) Act 2007: Code of Practice
[79] National Guidance for Child Protection in Scotland 2021
[80] Getting it right for every child (GIRFEC) Practice Guidance 4. Information sharing

- Staff understand that the victim's confidence and privacy should be respected at all times. Staff should not approach family, friends, or members of the community without considering the risk of harm and the victim's wishes. Furthermore, individuals in these categories should never be used as interpreters for the victim.

- All records belonging to the victim should be kept secure to prevent unauthorised access by those within the broader community who may potentially pass on confidential information to a victim's family.

- Records should only be available to those directly dealing with the case.

- Staff should also be aware that they, other colleagues within the organisation, or others within the victim's support network may be approached and/or pressurised by a member of the victim's family, a family friend, or a member of the community to give out information. While a third party can request the personal data of a victim on that person's behalf, under the UK GDPR right of access, any organisation presented with a request from a third party has the ability to withhold any information until they are satisfied that the third party is acting on the genuine wishes of the individual. The responsibility for providing this proof sits with the third party.[81]

- Staff should always ensure the victim knows who has been told about the circumstances of their case, and also made aware of any potential risks should a professional breach confidentiality.

Staff training and awareness raising

106. Chief Executives, Directors and senior managers should ensure that:
    - Suitable training and awareness raising is incorporated into existing training within agencies to ensure frontline staff and managers are aware of the issues, and know how to respond quickly and appropriately to individuals threatened with, or already in, a forced marriage.

    - Training input should, where possible, be facilitated by a professional who has experience in dealing with forced marriage cases.

    - Staff receive updates on issues surrounding forced marriage and honour based abuse within their existing training on domestic abuse and child/adult protection.

    - Existing work on social cohesion, equality and community outreach programmes should be used to raise general awareness of forced marriage, and the help and support available, within the local community.

Monitoring and evaluation

[81] How do we recognise a subject access request (SAR)?

107. Chief Officer Groups should consider how they include referral rates and responses to forced marriage in their local data collection on public protection measures, which may sit with adult protection committees or child protection committees.

108. This should include data collection of the number of cases supported, the source of referrals, details about the individual involved (such as their age, ethnicity, gender etc.), together with information about the outcome of the case. This data should be used to inform and improve the response to cases of forced marriage within organisations, as well as giving a clearer indication of the prevalence of forced marriage. Organisations should use and, if required, adapt their existing data collection systems to capture information on cases of forced marriage.

Record keeping

109. Chief Executives, Directors and senior managers should ensure that:

- Staff keep clear, concise records of all actions taken, who took them, and the reasons why particular actions were, or were not taken. There should be a recorded agreement of which agency is to undertake each proposed action together with the outcome of each action in line with local agency recording processes and Guidance.

- If no further action is to be taken, this should be clearly documented together with the reasons.

Risk assessment

110. Chief Executives, Directors and senior managers should ensure that:

- Staff within the organisation understand the risks facing victims of forced marriage, their siblings and other family members – including the possibility of honour based abuse, threats to kill, murder, rape, abduction and being abducted overseas.

- Their organisational risk assessments are evaluated to ensure that they are appropriate for handling cases of forced marriage and they recognise the potential risk of harm to victims and practitioners. They should also take into account the inherent differences in practice and procedures required from child or adult protection risk assessments.

- If child protection or adult support protection procedures are not being followed, a forced marriage risk assessment should be undertaken. If risk assessment is being undertaken under adult support and protection or child protection frameworks, the forced marriage risk assessment should be included within this.

- Staff alleviate these risks by undertaking ongoing risk assessments on a case-by-case basis, feeding into multi-agency risk assessment structures to manage any risks identified appropriately. The inherent differences in practice and procedures required from child or adult protection risk assessments should also be taken into account.

- Information from support agencies around family/community and/ or risks is obtained and acted upon.

The danger of family counselling, mediation, arbitration and reconciliation

111. Due to the nature of forced marriage and honour based abuse, some of the underlying principles and themes within existing guidance may inadvertently place young people and adults at greater risk of harm. This includes the principle that the best place for them is with their family and the practice of attempting to resolve cases through family counselling, mediation, arbitration and reconciliation.

112. Chief Executives, Directors and senior managers should ensure that:

- Staff have adequate training to understand the risk and danger of family counselling, mediation, arbitration and reconciliation in forced marriage cases or where the possibility of forced marriage is a concern. Staff should be aware that any attempt to invoke any sort of mediation with the victim's family will put them at risk of further emotional and physical abuse.

- Staff understand that in cases of forced marriage, it is important that agencies do not initiate, encourage or facilitate family counselling, mediation, arbitration or reconciliation.

- Staff are aware that, on occasions when an individual insists on meeting with their parents, such a meeting should only take place in a safe location, supervised by a trained/specialist professional, with an authorised accredited interpreter present as parents could attempt to coercively control the individual in their own language. It is important that the interpreter is not from the same community (as communities across the country can be small and well-connected) and to be aware that having accreditation as an interpreter does not ensure the person will have any experience or training that enables them to practice or demonstrate a commitment to equalities, human rights and social justice.

- Staff are aware that allowing a victim to have unsupervised contact with their family can be extremely risky. Families may use the opportunity to subject the victim to extreme physical or mental duress or take them overseas regardless of any protective measures that are in place.

- Staff must also be aware that perpetrators can use emails, phone conversations, and/or texts as a form of mediation with the individual. These modes of communication can be just as threatening. Staff should

consider the impact of these forms of communication on the individual and think about how they might support and keep the individual safe if such contact takes place.

Protecting disabled children and adults

113. There have been reports of children and adults with mental health needs, learning and physical disabilities, or additional support needs being forced to marry[82]. When there are concerns about forced marriage or honour based abuse in relation to a disabled child, child protection procedures apply. Similarly, if an adult is thought to meet the criteria for being an "adult at risk" under Adult Support and Protection legislation, adult support and protection procedures apply. An "adult at risk" means an individual aged 16+ who is at risk of harm, who is unable to safeguard their own well-being, property, rights or other interests, and who is affected by disability, mental disorder, illness or physical or mental infirmity that makes them more vulnerable to being harmed than adults who are not so affected. The decision on whether employment of child or adult protection procedures are most appropriate to protect a 16 or 17 year old is a matter for professional judgment, following consideration of all the relevant circumstances.

114. In those cases where an assessment of capacity has been undertaken and a person is assessed as lacking capacity for welfare and/or financial decisions, considerations should be given to support and intervention available via the Adults With Incapacity (Scotland) Act 2000. Likewise, where an individual has a mental disorder, the Mental Health (Care & Treatment Act) (Scotland) 2003 may offer some protective function. More detail on the application of the legislation is noted below.

115. People with additional support needs could be at risk of forced marriage because they may be reliant on their families for care. Forced marriage may occur as a result of their families trying to secure long-term care for their child. Disabled people, including those with learning disabilities, may have communication difficulties and issues in relation to capacity and therefore may not be able to easily reach out for help if they are at risk of being forced into marriage.

116. In the case of children, the law states that children do not have the capacity to marry under the age of 16 in Scotland, regardless of any disability.

117. Some adults do not have the capacity to consent to marriage[83]. The Adults with Incapacity (Scotland) Act 2000[84] can be used to protect adults who lack capacity to consent to marriage while supporting individuals' involvement in making decisions about their lives as far as possible. People with learning disabilities must be free to marry if they have the capacity to consent, but where

[82] Forced Marriage and learning disabilities guidelines
[83] Chapter 1: Introduction - Adults with incapacity: guide to assessing capacity
[84] Adults with Incapacity (Scotland) Act 2000

capacity to consent is lacking, or consent is not freely given, then this represents a forced marriage.

118. Some adults may be unable to consent to sexual conduct and section 17 of the Sexual Offences (Scotland) Act 2009 describes the circumstances in which a mentally disordered person in incapable of consenting to the conduct in Part 1 of the Act. The Act also contains an offence of sexual abuse of trust of a mentally disordered person. In the 2009 Act[85], "mental disorder" has the same meaning as section 328 of the Mental Health (Care and Treatment) (Scotland) Act 2003[86].

119. The Adult Support and Protection (Scotland) Act 2007[87] places a duty on local authorities to inquire about the well-being of a person it knows or believes to be an adult at risk of harm, and where it knows or believes it might need to intervene in order to protect their well-being. This would include an adult with a physical or learning disability who has been forced to marry, and allows the local authority to take a range of measures to provide appropriate support and protection. In particular, applications can be made to the sheriff for an assessment order, a removal order or a banning order under that Act.

120. Section 10 of the Adults with Incapacity (Scotland) Act 2000 places a duty on local authorities to investigate any circumstances made known to them in which the personal welfare of an adult seems to be at risk[88]. Under that 2000 Act a local authority may seek a guardianship order[89], or an intervention order[90].

121. Section 33 of the Mental Health (Care and Treatment) (Scotland) Act 2003[91] places a duty on local authorities to investigate where it believes that a person aged 16 or over has a mental disorder and may be, or may have been, subject to ill-treatment, neglect or some other deficiency in care or treatment. A local authority may apply to court for a warrant for entry to premises, and a mental health officer appointed by the local authority may seek a removal order in respect of that person, from a sheriff, under sections 35 and 293 of the Mental Health (Care and Treatment) (Scotland) Act 2003 respectively[92].

122. Many of the measures for protecting disabled people at risk of forced marriage are the same as those for non-disabled children and adults. However, disabled people may have particular needs, and face challenges, which may be substantially different from those encountered by other people facing forced marriage. In the context of police interviews, the use of Appropriate Adults guidance[93] is recommended to assist with communication.

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85 Sexual Offences (Scotland) Act 2009
86 Mental Health (Care and Treatment) (Scotland) Act 2003
87 Adult Support and Protection (Scotland) Act 2007
88 Adults with Incapacity (Scotland) Act 2000
89 Adults with Incapacity (Scotland) Act 2000
90 Adults with Incapacity (Scotland) Act 2000
91 Mental Health (Care and Treatment) (Scotland) Act 2003
92 Mental Health (Care and Treatment) (Scotland) Act 2003
93 Appropriate Adults: guidance for local authorities

123. Chief Executives, Directors and senior managers should ensure that disabled children, including children with a learning disability, children with additional support needs, and adults at risk of harm receive whatever additional assistance and support they require. Good practice in relation to this assistance and support includes:

- Listening to the adult or child at risk of harm due to disability or other factors and making sure they know how to raise concerns;
- Meeting the care, support and protection needs of all disabled children or adults at risk of harm due to disability or other factors;
- Ensuring that the adult or child at risk of harm due to disability or other factors is involved in any discussions related to support or intervention in their situation. Efforts should be made to ensure that the individual is informed and given agency to be involved in any decision making process. This may require access to supported decision making structures;
- Ensuring the adult or child at risk of harm due to disability or other factors, has access to adults outside the family to whom they can turn to for help;
- Ensuring any communication is accessible to the adult or child at risk of harm due to disability or other factors is paramount. Providing speech and language therapists,[94] providing alternative and augmentative communication aids, and providing British Sign Language translators or other appropriate support needs to facilitate communication;
- Providing training and raising awareness about forced marriage amongst staff that care for the adult or child at risk of harm due to disability or other factors; and
- Providing an independent advocate to those who would benefit from support to have their views expressed so their needs and wishes are understood and communicated[95].

124. Practitioners should also be aware that an adult or child at risk of harm due to disability or other factors may already have a care plan, or digital passport, in place. Intervention in cases of forced marriage should take this into account and consider how existing support networks may be utilised to protect the person at risk.

125. Proactive strategies should be used to ensure that disabled people, including those with learning disabilities, are informed and aware of their rights in relation

[94] Adults with incapacity: guide to assessing capacity

[95] For more information on independent advocacy in Scotland, visit the Scottish Independent Advocacy Alliance's website - Home - Scottish Independent Advocacy Alliance. See also the duty in Section 259 of the Mental Health (Care and Treatment) (Scotland) Act 2003 requiring local authorities and health boards to ensure persons with a mental disorder have access to independent advocacy.

to sexual health and relationships as this could assist them with identifying and seeking help with inappropriate relationships and situations including forced marriage.

126. For more information and good practice guidance on supporting people with learning disabilities, practitioners can access Scotland's learning disability strategy 'The Keys to Life: Improving Quality of Life for People with Learning Disabilities'[96].

[96] The keys to life: Improving quality of life for people with learning disabilities

Chapter 5

Specific issues to be considered by agencies working with, or providing services to, children and young people

Child protection and forced marriage – guidance for practitioners

127. Forced marriage is both a child protection and, in some cases, an adult protection matter. Whilst adult protection processes apply from when an individual turns 16, 16/17 year olds at risk may benefit from being considered within child protection rather than adult protection processes. The decision on whether employing child or adult protection procedures is most appropriate to protect a 16 or 17 year old is a matter of professional judgement, following consideration of all of the relevant circumstances.

128. Forced marriage legislation should be used in conjunction with child and adult protection legislation. Child protection processes should be considered up to the age of 18. Forced marriage may be a risk alongside other forms of honour based abuse. Honour based abuse includes practices used to control behaviour within families, communities, or other social groups, to protect perceived cultural and religious beliefs, and/or 'honour.' However, practitioners should be aware that forced marriage is not restricted to any particular ethnic or religious community. Forced marriage and honour based abuse may also occur alongside other forms of abuse, neglect, exploitation and violence.

129. All agencies have a part to play in ensuring children's safety and must be aware of their obligations to act. Child protection is part of a continuum of collaborative duties upon agencies working with children. The Getting it right for every child (GIRFEC)[97] approach promotes and supports planning for such services to be provided in the way which best safeguards, supports and promotes the wellbeing of children. It also ensures that any action to meet needs is taken at the earliest appropriate time to prevent acute needs arising. The GIRFEC approach is founded on the UN Convention on the Rights of the Child and has statutory basis in the Children and Young People (Scotland) Act 2014[98]. The child's physical and emotional safety is central to holistic consideration for each child's wellbeing needs within the GIRFEC approach.

130. Child protection refers to the processes involved in consideration, assessment and planning of required actions, together with the actions themselves, where there are concerns that a child may be at risk of harm. The National Guidance for Child Protection in Scotland[99] provides overall direction for agencies and

[97] Getting it right for every child (GIRFEC)
[98] Children and Young People (Scotland) Act 2014
[99] National Guidance for Child Protection in Scotland 2021 - updated 2023

professional disciplines where there are concerns that a child may be at risk of harm.

131. Any person or agency can report a concern about a child or young person. Child protection procedures are initiated when education, police, social work or health professionals determine that a child may have been abused, or may be at risk of significant harm. Child protection procedures should therefore be triggered where there are concerns about forced marriage occurring or having occurred; police or social work should be contacted. Where concerns about harm to a child are immediate, police and social work should be contacted without delay.

132. The long term harmful impact of forced marriage is likely to be significant, whether or not other forms of abuse, neglect, exploitation and violence are present. Individuals may become estranged from their families and wider communities, lose out on educational opportunities, or become victims of domestic abuse. Rates of suicide and self-harm within forced marriages are high[100].

133. Part 2A and 2B of the National Guidance for Child Protection in Scotland[101] outlines collaborative inter-agency and single agency roles and responsibilities for child protection, including the provision of guidance, training and support for staff.

134. Part 3 of the National Guidance for Child Protection in Scotland[102] defines inter-agency steps in child protection processes from the point where a concern is raised. This includes interim safety plans, emergency measures and other compulsory measures when these are necessary. A co-ordinated approach is essential to ensure concerns are understood in context and the response to each situation is child-centred, prompt and synchronised. A co-ordinated inter-agency referral discussion involving police, health and social work, with an essential contribution from education should determine next steps.

135. Adult Support and Protection (Scotland) Act 2007[103] can be applied to over-16s when the criteria are met. The Adults with Incapacity (Scotland) Act 2000[104] similarly safeguards those aged 16 and over who do not have capacity in relation to making decisions about their welfare and/or finances.

136. Child Protection involves:
- Immediate action, if necessary, to prevent significant harm to a child;
- Strategic inter-agency discussion to plan protective steps;
- Inter-agency investigation about the occurrence or probability of abuse or neglect, or of a criminal offence against a child. Investigation extends to

[100] Forced marriage: implications for mental health and intellectual disability services | Advances in Psychiatric Treatment
[101] National Guidance for Child Protection in Scotland 2021 - updated 2023
[102] National Guidance for Child Protection in Scotland 2021 - updated 2023
[103] Adult Support and Protection (Scotland) Act 2007
[104] Adults with Incapacity (Scotland) Act 2000

other children affected by the same apparent risks as the child who is the subject of a referral;
- Assessment and action to address the interaction of behaviour, relationships and conditions that may, in combination, cause or accelerate risks;
- Focus within assessment, planning and action upon listening to each child's voice and recognising their experience, needs and feelings; and
- Recognition and support for the strengths, relationships and skills within the child and the child's world in order to prepare a plan that reduces risk and builds resilience.

137. Child protection training should include awareness of the relevance of potential causes of concern voiced by a child or a person in the child's network; or by education, health, or Police Scotland (as summarised in Part 4 of the National Guidance for Child Protection in Scotland). LGBTQ+ and disabled children may be at additional risk of forced marriage. Other siblings in the household may also be threatened with, or already in, a forced marriage. It will rarely be sufficient to protect a child or young person by removing the alleged perpetrator from the household (as in most situations, the extended family and wider community are also involved). Local Guidance and protocols should indicate sources of specialist advice.

138. The Forced Marriage Unit (FMU) offers advice to anyone living in the UK, whatever their nationality. Additionally, Scotland's Domestic Abuse and Forced Marriage Helpline – 0800 027 1234 (24 hour service) provides confidential information and support to anyone affected by forced marriage or domestic abuse.

139. Scotland's children's hearing system takes an integrated and holistic approach to care and justice for children. The child's best interests are the paramount consideration in Children's Hearings, which are independent tribunals operating under the Children's Hearings (Scotland) Act 2011.[105] A child can be referred to the Principal Reporter at any time and by any person when that person considers the child may be in need of compulsory measures. Reasons for a referral to a hearing include that the child has been, is being or is likely to be forced into a marriage, or likely to become a member of the same household as such a child[106]. Further information on Children's Hearings can be found on the Scottish Government's website and in 'Advocacy in the children's hearing system – national practice model: guidance' (published 2020).[107]

[105] Children's Hearings (Scotland) Act 2011
[106] As construed in accordance with section 1 Forced Marriage etc. (Protection and Jurisdiction) (Scotland) Act 2011
[107] Advocacy in the children's hearings system - national practice model: guidance. See also: Children's Hearings Scotland Website

The danger of involving family and the community

140. One of the underpinning principles of GIRFEC is to work in partnership with parents and family. However, in cases of forced marriage such involvement may increase the risk of significant harm to the child or young person. Risk assessments should consider these specific dynamics. Efforts should be made to ensure that families are not alerted before there has been opportunity for risk assessment, inter-agency referral discussion and safety planning. Otherwise, this may result in members of the family removing the child or young person from the country, or placing them in further danger.

141. The point at which the family becomes aware of intervention (i.e. when immediate protection measures are instigated) is a point of increased risk for the victim and any siblings. The emphasis should be on swift but comprehensive planning of intervention in order to not inadvertently alert the family/community to the fact that concerns have been identified and protective steps are being taken. There should also be emphasis on the fact that, similar to domestic abuse, separation from perpetrators does not guarantee safety.

142. Practitioners should also be aware that any attempt to invoke any sort of mediation with the victim's family will put them at risk of further emotional and physical abuse.

143. If the child requires to be cared for away from their home, social workers will always consider a kinship placement as a first alternative, and in cases of forced marriage additional considerations such as the suitability not only of the placement to meet the child's needs but of the risk of continued contact with parents and of the kinship carers ability to protect the child from any threat of removal. Other factors such as a kinship care playing a role in the coercion is also a consideration.

144. If the child is being placed with alternative carers such as kinship or foster care, the care planning process taking into account the possible risks to a child or carers, should ensure that the placement is not geographically located within the same local area, and that their location is not disclosed to anyone who may alert the family to the child's whereabouts. Practitioners should be aware that members of the carer's wider network (including other children) may present a risk in this respect, and steps should be taken to ensure confidentiality is preserved. It should also be noted that carers from the same local area as the child's family may be put at risk of harm from the family or wider community for caring for the child or young person. Carers should be made aware of specific cultural and religious beliefs of the child who is in their care. It is crucial that practitioners use robust risk assessment processes to take all of this into account and ensure that any approach taken is in the best interest of the child.

145. In most instances, it is unlikely to be appropriate to form a plan through Family Group Decision Making / Family Group conferencing as, even with advocacy and support, this may put pressure on a child to comply with adult plans and may not lead to a safe outcome for the child. However, it is likely to be crucial to the

child's physical and emotional wellbeing to take time to listen and identify proven sources of safety and support within the family network.

146. When emergency or compulsory measures are necessary, under rule 15 and Part 19 of the Children's Hearings (Scotland) Act 2011 (Rules of Procedure in Children's Hearings) Rules 2013[108] ("the 2013 Rules")and section 178 of the Children's Hearings (Scotland) Act 2011,[109] a children's hearing need not disclose to a person any information about the child to whom the hearing relates or about the child's case if disclosure of that information to that person would be likely to cause significant harm to the child.

147. The Children's Hearings (Scotland) Act 2011 includes provisions to allow a sheriff to include an information non-disclosure direction under section 40 of the Act when making a child protection order. Under sections 76 and 77 of the Act there is also a power to exclude relevant persons and/or their representatives from a children's hearing if it is deemed that their presence at the hearing is preventing the hearing from obtaining the views of the child, or is causing, or is likely to cause, significant distress to the child. There are also provisions in the 2013 Rules[110] which allow a children's hearing to determine that a person with a right to attend a hearing should do so only by electronic means if satisfied that the person's physical presence is likely to prevent the hearing from obtaining the views of the child, or another relevant person, or cause significant distress to such persons.

Getting it right for every child – Special Considerations Regarding Forced Marriage

148. Getting it right for every child (GIRFEC) is a national programme that aims to improve outcomes for all children and young people in Scotland. It seeks to do this by providing a framework for all services and agencies working with children and families to deliver a co-ordinated approach which is appropriate, proportionate and timely.

149. It is important that in applying the GIRFEC framework, practitioners reflect on the characteristics of the issues concerning children and young people facing forced marriage and their families as often they are not brought to the attention of police or social work for other reasons. For instance, they often come from families where the parents' capacity to provide safety, emotional warmth and stability is excellent. The children are often high achievers at school, their health is good, they are well integrated into the local community, and have good relationships with the wider family – they may not exhibit the warning signs described in Chapter 3.

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[108] The Children's Hearings (Scotland) Act 2011 (Rules of Procedure in Children's Hearings) Rules 2013

[109] Children's Hearings (Scotland) Act 2011

[110] See rule 20C of the The Children's Hearings (Scotland) Act 2011 (Rules of Procedure in Children's Hearings) Rules 2013

150. Therefore, professionals working with children and young people facing forced marriage require additional training in assessing families to identify families where forced marriage may be a risk.

Sharing information to protect children and young from harm or prevent a crime from being committed.

151. Part one of the National Guidance for Child Protection in Scotland[111] includes summary notes on information sharing as relevant to child protection and safeguarding of children and young people from harm.

152. Chief Executives, Directors and senior managers should ensure that:

- Child protection processes are considered for cases of forced marriage where the individual is under 18 years, and if so, an Interagency Referral Discussion (IRD) held;
- Staff have appropriate training in order to understand the importance of sharing information with other agencies at the earliest opportunity to protect children and young people from significant harm, or to prevent a crime being committed;
- Staff share information promptly when a child or young person is at risk of forced marriage;
- Staff provide information to the Forced Marriage Unit, especially if there is a risk of the victim being taken out of the country; and
- Staff understand the difference between breaking confidence (involving the child or young person's family without consent), and sharing information with, or without, consent with other appropriate professionals, to prevent the child or young person being at risk of significant harm. Working with specialist support agencies is vital in this regard, as is information from these organisations around family/community and/or service-generated risks.

Immediate protection

153. Ideally, professionals should discuss cases of forced marriage with, and seek advice from, a designated professional, such as a specialist support organisation, or another statutory agency. However, there may be occasions when immediate emergency action is necessary to protect a child or young person from being abducted and/or forced to marry. For example, police protection or legal measures for the emergency protection of children contained within the Children (Scotland) Act 1995[112] and Children's Hearing (Scotland) Act 2011.[113] In this

[111] National Guidance for Child Protection in Scotland 2021 - updated 2023
[112] Children (Scotland) Act 1995
[113] Children's Hearings (Scotland) Act 2011

case, a strategy discussion should take place as soon as possible after the immediate protection to plan the next steps. Local protocols and procedures relating to child and adult protection, and domestic abuse, should be referred to in order to determine who should be involved in these discussions.

154. It should be noted that the point at which the family become aware of intervention (i.e. when immediate protection measures are instigated) is a point of increased risk for the victim and any siblings. The emphasis should be on swift but comprehensive planning of intervention in order to not inadvertently alert the family/community to the fact that concerns have been identified and protective steps are being taken. There should also be emphasis on the fact that, similar to domestic abuse, separation from perpetrators does not guarantee safety.

155. Chief Executives, Directors and senior managers should ensure that staff have appropriate training in order to:

- Recognise the importance and relevance of immediate protection and action;

- Recognise the risk to other siblings in the household who might also be threatened with, or already in, a forced marriage;

- Understand that in almost no circumstances will it be sufficient to protect a child or young person by removing the alleged perpetrator from the household (as in the significant majority of cases, the extended family and wider community are also involved);

- Recognise that placing the child or young person with a family member, or member of the same community, may place them at risk of significant harm from other family members or individuals acting on the family's behalf; and

- Understand that if a Forced Marriage Protection Order is in place and is breached that the police should be informed as soon as possible.

Chapter 6

Specific issues to be considered by agencies working with, or providing services to, adults and adults at risk

Existing multi-agency guidance and provisions concerning adults

156. There are existing multi-agency policies and procedures to protect adults at risk of harm. These have been developed at a local level by Adult Protection Committees whose membership includes: local authority staff, NHS, Police and other agencies. Governance arrangements are in place with Chief Officer Groups for Public Protection. There is also legislation which exists to help and support adults at risk:
    - The Mental Health (Care and Treatment) (Scotland) Act 2003[114]
    - The Adults with Incapacity (Scotland) Act 2000[115]
    - The Adult Support and Protection (Scotland) Act 2007[116]

157. The Adult Support and Protection (Scotland) Act 2007 (the 2007 Act)[117] sets out the roles and responsibilities of all agencies involved in protecting adults at risk, and is the main point of reference for Adult Protection Committees. Each local Adult Protection Committee is responsible for developing its own processes using both the Guidance for Adult Protection Committees[118] and the Adult Protection Code of Practice (updated 2022)[119].

158. The code and guidance should be used in conjunction with other relevant codes of practice as appropriate, such as:
    - the code of practice for the Mental Health (Care and Treatment) (Scotland) Act 2003;[120]
    - the code of practice for the Adults with Incapacity (Scotland) Act 2000;[121] and
    - the code of practice for Social Service Workers and Employers of Social Service Workers.[122]

159. Section 3(1) of the 2007 Act defines “adults at risk” as individuals aged 16 or over who:

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[114] Mental Health (Care and Treatment) (Scotland) Act 2003
[115] Adults with Incapacity (Scotland) Act 2000
[116] Adult Support and Protection (Scotland) Act 2007
[117] Adult Support and Protection (Scotland) Act 2007
[118] Guidance for Adult Protection Committees
[119] Adult Support and Protection (Scotland) Act 2007: Code of Practice
[120] Mental Health (care and treatment) (Scotland) Act 2003: Code of Practice Volume 1
[121] Adults with incapacity: code of practice for local authorities
[122] Codes of Practice for Social Service Workers and Employers - Scottish Social Services Council

- are unable to safeguard their own well-being, property, rights or other interests; and
- are at risk of harm; and
- because they are affected by disability, mental disorder, illness or physical or mental infirmity, are more vulnerable to being harmed than adults who are not so affected.

160. The presence of a particular condition does not automatically mean an adult is an "adult at risk." Someone could have a disability and be able to safeguard their well-being. It is important to stress that all three elements of this definition must be met. It is the whole of an adult's particular circumstances, which, when combined, make them more vulnerable to harm than others. Furthermore, the first element of the above three-point criteria relates to whether the adult is unable to safeguard their own well-being, property, rights and other interests. 'Unable' is not further defined in the 2007 Act or guidance, but is defined in the Oxford English Dictionary as 'lacking the skills, means or opportunity to do something.' A distinction should therefore be drawn between an adult who lacks these skills and is unable to safeguard themselves, and one who is deemed to have the skill, means or opportunity to keep themselves safe, but chooses not to do so. An adult may be considered unwilling rather than unable to safeguard themselves and so may not be considered an "adult at risk".

161. This distinction requires careful consideration. All adults who have capacity have the right to make their own choices about their lives and these choices should be respected if they are made freely. However, for many people the effects of trauma and/or adverse childhood experiences may impact upon both their ability to make and action decisions, and the type of choices they appear to make. In this context, it is reasonable to envisage situations in which these experiences, and the cumulative impact of them through life, may very well have rendered some people effectively unable, through reliable decision making or action, to safeguard themselves. Similar considerations apply to coercive control or undue pressure. In such situations the control exercised over a vulnerable person may also effectively render them unable to take or action decisions that would protect them from harm.

162. It should be made clear that while pressure and coercion from family and community brought upon the victim may interfere and impede with their decision making, this does not necessarily make them an "adult at risk". The provision of support, space and discussion to consider options and choices and the ability to be protected by the intervention of public authorities and support organisations will enable victims to better understand the issues facing them and the protections that can be put in place.

163. If the victim of a forced marriage is assessed as incapable of protecting their personal or financial welfare, grounds for protection under the Adults with Incapacity (Scotland) Act 2000[123] may be relevant – i.e. welfare powers granted to another individual under an existing power of attorney may be exercised once

[123] Adults with Incapacity (Scotland) Act 2000

capacity is lost, or a guardianship order or an intervention order might be sought. The local authority might be required to act as guardian[124]. Courts can authorise local authorities to supervise welfare attorneys and welfare interveners, and the Mental Welfare Commission for Scotland,[125] and the Office of the Public Guardian Scotland[126] have a role in ensuring individuals' rights are protected, and also in investigating any concerns[127].

164. The Mental Health (Care and Treatment) (Scotland) Act 2003[128] gives a person with a mental disorder a legal right to independent advocacy, and the Adult Support and Protection (Scotland) Act 2007[129] places a duty on Council Officers to consider the importance of providing independent advocacy services where a local authority considers it needs to intervene in order to protect an adult at risk of harm. The meaning of independent advocacy services in the 2007 Act is that given in section 259 of the Mental Health (Care and Treatment) (Scotland) Act 2003 (the 2003 Act). The 2003 Act Code of Practice volume 1[130]states that:

- Independent advocacy providers cannot be involved in the welfare, care or provision of other services to the individual for whom they are providing advocacy.
- Independent advocacy should be provided by an organisation whose sole role is independent advocacy or whose other tasks either complement, or do not conflict with, the provision of independent advocacy.

165. Advocacy safeguards people who are vulnerable and discriminated against, or those whom services find difficult to serve. The legal right of access to independent advocacy in the mental health legislation only extends to persons with a mental disorder. However, the position is different under the Adult Support and Protection (Scotland) Act 2007. The duty placed on a local authority to have regard to the importance of the provision of appropriate services, including independent advocacy services, applies where a local authority decides to use its powers under that Act[131]. The principles in section 2 of the Adult Support and Protection (Scotland) Act 2007[132] also need to be considered. It may well be that independent advocacy, in a particular case, will assist in ascertaining an adult's wishes and feelings, or enable an adult to participate as fully as possible. For further information about advocacy, please refer to the Scottish Independent Advocacy Alliance.[133]

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[124] Adults with incapacity: code of practice for local authorities refer to section 59(1) and (2)
[125] Welcome | Mental Welfare Commission for Scotland
[126] Office of the Public Guardian (Scotland)
[127] As per a guide to investigations
[128] Mental Health (Care and Treatment) (Scotland) Act 2003
[129] See section 6(2) of the Adult Support and Protection (Scotland) Act 2007
[130] The 2003 Act Code of Practice Volume 1
[131] Chapter 4 of the Adult Support and Protection Code of Practice recommends that an adult should be asked if they know about and would like advocacy support. If they decline, or if the offer is not deemed appropriate, the reason for this should be recorded and the decision should be revisited at further reviews.
[132] Adult Support and Protection (Scotland) Act 2007
[133] Home - Scottish Independent Advocacy Alliance

166. Public Health Scotland maintain a Gender Based Violence resource which gives guidance to support the identification and management of gender based violence across NHS Scotland[134].

167. The Scottish Government's Equally Safe Strategy[135] to eradicate violence against women sets out a plan to create a strong and flourishing Scotland where all individuals are equally safe and respected, and where women and girls live free from all forms of violence and abuse, and the attitudes that help perpetrate it. This includes objectives related to forced marriage and other forms of honour based abuse.

168. Multi-Agency Violence Against Women Partnerships (VAWPs) have a responsibility for the implementation of the Equally Safe Strategy in local areas, bringing services together that have an interest in, or responsibility for, work to address men's violence against women. The intention is that action to tackle violence against women is integral to the core activities of local agencies and structures. The purpose of the Violence Against Women Partnership Guidance[136] is to support all VAWPs to work consistently with the government's strategic direction and to develop effective local strategies and activities to tackle violence against women in all its forms.

169. Although we know that men, and male children and young people, can be victims of forced marriage, it should be dealt with within the context of violence against women and domestic abuse; and in the case of adults at risk, adult protection. Agencies should adhere to the good practice set out in policies and procedures concerned with domestic abuse and adults at risk as the most effective way to tackle forced marriage. Practitioners should also ensure that they are aware of the need to protect any children they may come into contact with in the course of their support of adults at risk of forced marriage.

Protecting adults at risk by sharing information when a crime may have been, or may be, committed

170. Forcing a person into marriage became a criminal offence in Scotland on 30 September 2014 under section 122 of the Anti-Social Behaviour, Crime and Policing Act 2014. In addition to this criminal offence and potentially criminal penalties for the breach of any FMPO in place, perpetrators, usually the parents or family members – could be prosecuted for offences including assault, plagium,[137] threats to kill, abduction and murder. Sexual intercourse without consent is rape, regardless of whether this occurs within a marriage.

171. The Adult Support and Protection (Scotland) Act 2007[138] states that a council must make inquiries about a person's well-being, property, or financial affairs if it knows or believes that:

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[134] Gender based violence - Health topics - Public Health Scotland
[135] Equally Safe: Scotland's strategy to eradicate violence against women
[136] Violence Against Women Partnership Guidance
[137] This means theft of a child
[138] Adult Support and Protection (Scotland) Act 2007

- (A) the person is an adult at risk, and
- (B) that it might need to intervene (by performing functions under that Act or otherwise) in order to protect the person's well-being, property or financial affairs.

172. Section 5(3) of that Act places a duty on certain public bodies or office holders who know or believe that a person is an adult at risk of harm and that action needs to be taken to protect them from harm, to make a referral by reporting the facts and circumstances of the case to the council for the area in which the person is considered to be located. Public bodies should ensure that their staff are aware of their duty to refer and co-operate, and encourage vigilance in relation to adults who may be at risk of harm[139].

173. However, if the person is not an adult at risk in terms of the definition under the Adult Support and Protection (Scotland) Act 2007[140], practitioners may refer to the Mental Health (Care and Treatment) (Scotland) Act 2003[141] and interventions or guardianship orders through the Adults with Incapacity (Scotland) Act 2000[142] to protect the person. An Adult Support and Protection referral should be made if one believes that the criteria are met for referral, even if lacking some information. It is not the referrer's responsibility to confirm that the adult meets the three-point criteria described in paragraph 160 it is enough that there is a belief that the adult meets the criteria to warrant an Adult Support and Protection referral. Any information that can be provided at the referral stage will assist the local authority in undertaking adult protection inquiries.

174. Chief Executives, Directors and senior managers should ensure that staff receive the appropriate training in order to:

- Recognise the importance of sharing information with other agencies at the earliest opportunity.

- Understand the difference between breaking confidence (involving an adult at risk's family without consent) and sharing information with other professionals to prevent the person being at risk of significant harm.

- Understand the importance of involving specialist support agencies and taking on board advice regarding family/community dynamics and risks.

[139] Please see page 27 onwards for further information: Adult Support and Protection (Scotland) Act 2007: Code of Practice
[140] Adult Support and Protection (Scotland) Act 2007
[141] Mental Health (Care and Treatment) (Scotland) Act 2003
[142] Adults with Incapacity (Scotland) Act 2000

Appendix A – Persons & Bodies this guidance is given to

Adult Protection Committees
British Medical Association Scotland
Care Inspectorate Scotland
Chief Constable
Chief Social Work Officer
Child Health Commissioners
Children's Hearings Scotland
Child Protection Committee Lead Officers
Colleges Scotland
Community Health Partnerships
Convention of Scottish Local Authorities
Crown Office and Procurator Fiscal Service
Directors of Education in Scotland
Local Authority Adult Protection Lead Officers
Local Authority Chief Executives
Local Authority Violence Against Women
NHS Board Mental Health Leads
NHS Board Directors of Public Health
NHS Board Lead Clinicians
NHS Chief Executives
NHS Sexual Health Strategy Leads
National Records of Scotland (NRS)
Office of the Public Guardian in Scotland
Public Health Scotland
Royal College for Paediatrics and Child Health (RCPCH) Scotland
Royal College of General Practitioners (RCGP) Scotland
Royal College of Midwifery
Royal College of Nursing
Royal College of Speech and Language Therapists Schools
Scottish Children's Reporter Administration (SCRA)
Scottish Police Superintendents
Social Work Scotland
Universities Scotland
Violence Against Women Multi-Agency Partnerships

This list is not exhaustive and any other person, body or office exercising public functions in or as regards Scotland which may relate to or have an effect in relation to forced marriage must have regard to the guidance in the exercise of their functions, as appropriate.

Appendix B - Definitions

The list below includes both legal and non-legal definitions and is designed to be a reference point for some of the terms within this guidance.

Adult
A person aged 16 or over, or a person aged 18 or over, depending on the legal context (see also below the definition of child, children and young people).

Adult at risk
The Adult Support and Protection (Scotland) Act 2007[143] defines adults at risk as individuals aged 16 or over who:

- Are unable to safeguard their own well-being, property, rights or other interests; and
- Are at risk of harm; and
- Because they are affected by disability, mental disorder, illness or physical or mental infirmity, are more vulnerable to being harmed than adults who are not so affected.

'Risk of harm' for these purposes is if:

- Another person's conduct is causing (or is likely to cause) the adult to be harmed, or
- The adult is engaging (or is likely to engage) in conduct which causes (or is likely to cause) self-harm.

Arranged marriage

An arranged marriage is one in which the families of both spouses are primarily responsible for choosing a marriage partner for their child or relative, but the final decision as to whether or not to accept the arrangement lies with the potential spouses: both spouses give their full and free consent. The tradition of arranged marriage has operated successfully within many communities for generations.

Child, children and young people

The protection of children and young people includes unborn babies, and children and young people under the age of 18 years. UNCRC rights apply to anyone under the age of 18. The UNCRC (Incorporation)(Scotland) Act 2024, which seeks to incorporate the UNCRC into Scots law, defines child as "every human below the age of eighteen years". The Act incorporates the UNCRC within domestic law as far as possible within the legislative competence of the Scottish Parliament.

It is essential that Child Protection Committees and Adult Protection Committees work together to best protect children and young people at key transition periods,

[143] The Adult Support and Protection (Scotland) Act 2007 section 3

for example, transition from children's to adult's services. The independent legal status of a child commences at birth. In any action to safeguard and protect an unborn child, the needs and rights of the mother must be taken into account. The needs, rights and mutual significance of siblings will be considered in any process that has a focus on a single child.

While child protection procedures may be considered for any person up to the age of 18, the legal boundaries of childhood and adulthood can be differently defined in different legal contexts. For more detail, see the National Child Protection Guidance (updated 2021), in particular paragraphs 1.7 to 1.22[144].

Domestic abuse

The Domestic Abuse (Scotland) Act 2018[145] provides that a person is considered to have committed an offence of domestic abuse under that Act if:

a) The person ("A") engages in a course of behavior which is abusive of A's partner or ex-partner ("B"), and
b) Both of the further conditions below are met.

The further conditions are:

a) That a reasonable person would consider the course of behaviour to be likely to cause B to suffer physical or psychological harm,
b) That either
    i. A intends by the course of behaviour to cause B to suffer physical or psychological harm, or
    ii. A is reckless as to whether the course of behaviour causes B to suffer physical or psychological harm.

In the further conditions, the references to psychological harm include fear, alarm and distress. For more on this statutory definition, please see[146].

Forced marriage

The Forced Marriage etc. (Protection and Jurisdiction) (Scotland) Act 2011[147] defines a forced marriage as a marriage conducted without the full and free consent of both parties, and where "force" is a factor (it is important to note that in the case of children and young people under 16, and some adults, consent cannot be given). Force can be coercion by physical, verbal or psychological means, threatening conduct, harassment or other means. It is also force to knowingly take advantage of a person's incapacity to consent to marriage, or to understand the nature of the marriage.

Section 122 of the Anti-social Behaviour, Crime and Policing Act 2014[148] defines an offence of forced marriage under the law in Scotland if a person uses violence,

[144] National Guidance for Child Protection in Scotland 2021 - updated 2023
[145] Domestic Abuse (Scotland) Act 2018
[146] Domestic Abuse (Scotland) Act 2018
[147] Forced Marriage etc. (Protection and Jurisdiction) (Scotland) Act 2011
[148] Anti-social Behaviour, Crime and Policing Act 2014

threats or any other form of coercion for the purpose of causing another person to enter into a marriage, and believes, or ought reasonably to believe, that the conduct may cause the other person to enter into the marriage without full and free consent. Furthermore, in relation to a victim who is incapable of consenting to marriage by reason of mental disorder, the offence is capable of being committed by any conduct carried out for the purpose of causing the victim to enter into a marriage (whether or not the conduct amounts to violence, threats or any other form of coercion).

For the more on the legal definition, see the Forced Marriage etc. (Protection and Jurisdiction) (Scotland) Act 2011[149] and the Anti-social Behaviour, Crime and Policing Act 2014 [150].

Gender based violence
The Equally Safe Strategy[151] sets out a shared understanding of violence against women and girls which is based on the United Nations Declaration on the Elimination of Violence Against Women (1993. This says 'Gender based violence is a function of gender inequality, and an abuse of male power and privilege. It takes the form of actions that result in physical, sexual and psychological harm or suffering to women and children, or affront to their human dignity, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life. It is men who predominately carry out such violence, and women who are predominately the victims of such violence. By referring to violence as "gender based" this definition highlights the need to understand violence within the context of women's and girl's subordinate status in society. Therefore, such violence cannot be understood in isolation from the norms, social structure and gender roles within the community, which greatly influence women's vulnerability to violence.'

Honour based abuse
The terms 'honour based abuse,' 'honour crime,' and 'izzat' embrace a collection of practices used to control behaviour within families, communities or other social groups, to protect perceived cultural and religious beliefs and/or 'honour.' Such abuse can occur, for example, when perpetrators perceive that a relative has shamed, or may potentially shame, the family and/or community by breaking their honour code. This abuse can take many forms, including threatening behaviour, emotional blackmail, assault, rape, abduction, forced marriage, confinement and 'honour killing.'

Perpetrator
The term perpetrator is used to refer to the people who are forcing someone to marry. This may include the spouse or prospective spouse, close and extended family members and members of the wider community.

Protected Person
The Forced Marriage etc. (Protection and Jurisdiction) (Scotland) Act 2011

[149] Forced Marriage etc. (Protection and Jurisdiction) (Scotland) Act 2011
[150] Anti-social Behaviour, Crime and Policing Act 2014
[151] Equally Safe: Scotland's strategy to eradicate violence against women

defines a “protected person” by virtue of section 1(1) of that Act[152], which provides that:
“The court may make an order for the purposes of protecting a person (a “protected person”)
(a) from being forced into a marriage or from any attempt to force the person into a marriage, or
(b) who has been forced into a marriage.”

Relevant third party (RTP)
Under the Forced Marriage etc. (Protection and Jurisdiction) (Scotland) Act 2011[153] a relevant third party (RTP) can apply for a Forced Marriage Protection Order without the permission of the court (see page 18 of this guidance). RTPs are specified as a local authority, the Lord Advocate, the chief constable of the Police Service of Scotland, and others specified by order made by the Scottish Ministers. Any other third party can apply for a FMPO but they need the court’s permission to do so.

Violence against women and girls
The Scottish Government defines forced marriage as a form of violence against women. The Equally Safe Strategy[154] definition of violence against women and girls includes the actual and threat of:

- physical, sexual, psychological, emotional, and financial abuse occurring in the family, within the general community, and in institutions in both physical and digital spaces and places.
- domestic abuse/coercive controlling behaviours, stalking, rape, incest, sexual harassment, bullying, and intimidation
- commercial sexual exploitation (CSE), including prostitution, lap dancing, stripping, pornography
- human trafficking, including for the purposes of domestic servitude, sexual exploitation and child criminal exploitation, which may include gangs and organised criminal networks
- child abuse occurring within family settings, including domestic abuse, and sexual abuse by male family members including siblings
- child sexual abuse and exploitation including the production and sharing of indecent images of children
- honour-based abuse, including forced marriages, female genital mutilation (FGM), dowry abuse and ‘honour based’ coercive control and killings

Victim
The term ‘victim’ is used throughout this document for the sake of simplicity to refer to people who are, or have been, or are at risk of being forced into marriage against their will. This term is not used to connote weakness or inferiority.

[152] Forced Marriage etc. (Protection and Jurisdiction) (Scotland) Act 2011
[153] Forced Marriage etc. (Protection and Jurisdiction) (Scotland) Act 2011
[154] Equally Safe: Scotland's strategy to eradicate violence against women

Appendix C – Specialist Organisations Contact Details

AMINA – Muslim Women's Resource Centre

Phone: 0808 801 0301
Website: AMINA - Muslim Women's Resource Centre - Amina Muslim Women Resource Centre (mwrc.org.uk)

Amina MWRC (Muslim Women's Resource Centre) runs a number of different programmes designed to support, empower, and improve the lives of Muslim and BME women living in Scotland. This includes a helpline and web chat service.

Amina have qualified independent domestic abuse advocate caseworkers who can provide support for women with complex needs in distress or crisis. They are an advocacy service trained and qualified to carry out risk assessments, safety plan and provide multi-agency support where needed. The caseworkers provide one to one support, assistance and information in different languages to women who are; experiencing or at risk of domestic abuse, women experiencing poor or worsening mental health and women with insecure immigration status and no recourse to public funds.

Hemat Gryffe Women's Aid

Phone: 0141 353 0859
Email: womensaid@hematgryffe.org.uk

Hemat Gryffe provide safe temporary refuge accommodation to women, children and young people and crisis support to women, children and young people. This includes for victims of forced marriage, honour based abuse and help and advice for those who have no recourse to public funds.

Multi- Cultural Family Base - Bright Choices

Phone: 0131 467 7052
Email: anne.spiers@mcfb.org.uk for more information about the project.

The Bright Choices Project is for women, men, children and families who are experiencing difficult relationships. These difficulties can stem from disagreements about how people are supposed to dress, behave, who to marry, how to treat children, about finishing education and who they are allowed to be friends with. They also support women who are survivors of FGM.

The Bright Choices service is here to help you stay safe by offering free and confidential support.

Scotland's Domestic Abuse and Forced Marriage Helpline

Phone: 0800 027 1234
Email: helpline@sdafmh.org.uk
Web chat: www.sdafmh.org.uk

Scotland's Domestic Abuse and Forced Marriage Helpline is here 24/7 to support anyone who has experienced forced marriage or thinks that they might be at risk. Friends, family, colleagues, professionals, or anyone concerned about someone else, can also contact the helpline.

The helpline team are trained specialists and have an understanding of forced marriage. The team will always listen without judgement and can provide relevant information and support and direct to other services that may be able to help.

We welcome calls from anyone and we support people of all ages, genders, abilities, sexual orientations, nationalities and backgrounds. If English is not your first language, we can speak to you through a confidential telephone interpretating service.

Scottish Women's Right Centre

Phone: 08088 010 789
Website: Scottish Women's Rights Centre (scottishwomensrightscentre.org.uk)

Scottish Women's Right Centre support women aged 16 and over who have been affected by violence and abuse in Scotland. All their services are free and confidential and include; helpline, advice surgeries, legal representation, advocacy support and services for migrant women.

Shakti Women's Aid

Phone: 0131 475 2399
Email: info@shaktiedinburgh.co.uk
Website: Shakti Women's Aid

Shakti Women's Aid help BME women, children, and young people experiencing, or who have experienced, domestic abuse from a partner, ex-partner, and/or other members of the household. Shakti are based in Edinburgh but also have outreach staff in Dundee, Stirling and Fife.

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