

Forced Marriage

In July 2008 representatives from Mencap, Voice UK, Ann Craft Trust and Respond met to discuss ways forward to support people with Learning Disabilities who may be forced into marriage. Kathryn Stone, Chief Executive Officer of Voice UK gave an overview.

Scale

Most of the information we have about forced marriages of people with learning disabilities comes from (a) professionals who have had contact with those involved, (b) cases which have been reported in the media or (c) cases which have reached court.

However, hard research is almost non-existent. We have a vicious circle – a hidden problem doesn't attract the attention and funding needed to do research, but the problem will stay hidden if research is not done.

Why are people with learning disabilities forced into marriage?

People with learning disabilities may be forced into marriage for the same reasons that anyone is forced into marriage. However, there are reasons which are more specific to these cases.

- 1) Parents may be primary carers for people with learning disabilities. As they get older and less able to provide support, they may view marriage as a means ensuring continuing care for their son or daughter with learning disabilities.
- 2) Marriage can be seen as a means of improving the chances of getting a visa to the UK. A person with learning disabilities may be seen as easier to deceive or coerce into such a marriage and into then acting as a visa sponsor.
- 3) Families may believe that marriage will "cure" learning disabilities and / or allow a person with learning disabilities to lead a "normal" life.

The Issues

Marriage as a means of providing care: How do we deal with forced marriage being seen as a legitimate means of providing care? Do agencies engage with families and provide them with care as an alternative to marriage? Do agencies provide support and education to families and people with learning disabilities so that marriages that provide care are arranged rather than forced?

Capacity: Some people with learning disabilities lack the capacity to agree to marriage. The Mental Capacity Act is clear that no one can agree to marriage on someone else's behalf. How can we ensure the rights of people without capacity are respected?

Sexual assault and rape: People with learning disabilities are often not given sex education and so have little understanding of sex. If they marry someone who does not understand this and expects sex, they may be raped.

Immigration: People with learning disabilities who have been forced into marriage might be a sponsor for their spouse's visa. Do immigration authorities know how to identify and handle these sorts of cases? Is appropriate consideration given to people's learning disabilities or are assumptions made?

Help for victims: People with learning disabilities who have been victims of forced marriage will need support to access help and safety. This is particularly true if they are dependent on their families for day-to-day care and support. How can agencies ensure victims get help? How can the new Forced Marriage (Civil Protection) Act be made accessible to people with learning disabilities and what is its' role?

The rights of the spouse without learning disabilities: Families may hide someone's learning disabilities from a potential spouse because of the stigma attached to learning disabilities. The spouse may also have little understanding of learning disabilities and not realise that when they get married they are to become someone's carer. There are three issues. Firstly, both partners are effectively forced into marriage. Secondly, the reaction of the spouse without learning disabilities – they may leave or engage in domestic abuse. Thirdly, spouses without learning disabilities may be abused by their in-laws.

Abandonment: A person with learning disabilities who is forced into marriage may be abandoned by their spouse. How can this be prevented and how can a person who is abandoned be supported?

The right to marry: People with learning disabilities who have capacity have been denied the right to marry in the past and may still be today. We must be careful to ensure that steps to prevent forced marriage do not make it harder for people with learning disabilities, who have capacity, to get married of their own free will.

Communities: What is the role of local communities? If factors in local communities lead to these forced marriages, how can these factors be addressed?

Please email your thoughts on this to:
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