

HOME AFFAIRS COMMITTEE - INQUIRY INTO DOMESTIC VIOLENCE.

SUBMISSION ON BEHALF OF THE FAMILY JUSTICE COUNCIL DIVERSITY SUB-COMMITTEE

INTRODUCTION

The Family Justice Council (FJC) is an advisory non-statutory Non-Departmental Public Body sponsored by the Ministry of Justice. It is responsible for advising Government on the operation of the family justice system and for making proposals for reform and improvement. The FJC is chaired by Sir Mark Potter, the President of the Family Division. It is an interdisciplinary body with representatives of all the key professions that work in the family justice system including doctors, social workers, cafcass officers, family judges, family lawyers, police and officials from relevant Government departments and agencies.

This response focuses specifically on forced marriage and 'honour based' violence.

The Domestic Violence Working Group of the FJC has made submissions in respect of the wider, overarching issues and this document is to be read in conjunction with those submissions.

EXECUTIVE SUMMARY

The FJC submits that:

- resources should be earmarked to track and monitor the use of the Forced Marriage (Civil Protection) Act 2007
- a long term strategy where Government works in partnership with relevant NGO and community groups is needed to combat forced marriage and honour based violence
- there is a need for properly funded training on forced marriage and honour based violence for a range of key professional groups and agencies including the police, social workers, lawyers, the judiciary and medical practitioners.

SUBMISSIONS

Whilst the focus of these particular submissions is fairly narrow, the FJC Diversity Sub-Committee wishes to emphasise its view that domestic abuse continues to be an issue for ALL communities. There should be no complacency nor feeling that because the spotlight may currently be on one, or more, specific communities, that this means that DV issues in other communities have somehow been dealt with, or, are of lower priority. It follows that, whatever work or policy initiatives arise out of this inquiry, they should be fully resourced without detracting from existing projects and without drawing resources away from existing work. In short, progress on the issues of forced marriage and "honour" violence should be *as well as* not *instead of* progress on other work.

It also bears saying that whilst the term 'honour based violence' identifies a particular phenomenon, it should not be forgotten that what it describes is the motivation behind the violence and that, whatever the background or reason, the result is still domestic violence.

We feel that considerable strides have been made in terms of bringing the issues of forced marriage (FM) and honour based violence (HBV) into the public eye and to the attention of Parliament. In our view, this is largely due to the many women's and community organisations that have campaigned over many years, largely in the face of official indifference to raise awareness of these issues.

The recent Forced Marriage Act (Civil Protection) Act 2007, with which members of this Sub-Committee have been closely involved, is a major step in the right direction and we welcome its addition to the statute books. It is too early to assess its impact and it is crucial that its use and progress are closely monitored. The bringing into force of this Act should be viewed as the beginning, not the end, of the process. It is vitally important that the Act is fully and properly used and, to that end, we recommend that comprehensive training should be made available to the judiciary, and to legal and other professionals to enable them to identify cases and deal with situations where forced marriage may be an issue, *especially* those where it is not presented as such.

We are not able to comment further on the impact of the Act at this stage as it has only recently come into force. We feel it would be helpful if the Committee were to recommend that funding and resources should be made available for the specific purpose of tracking its use.

We consider that a preliminary evaluation could be made after it has been in force for a year, but that a clear picture of its true impact is unlikely to emerge in less than three years.

With respect to the concept of HBV, again, we believe that the recent work around the Forced Marriage Act and associated issues, coupled with the long years of campaigning work have had a considerable impact on public awareness of the existence of HBV. This awareness is, however, largely embryonic and needs to be consolidated and built upon by ensuring that HBV remains at the forefront of government and NGO strategic thinking. We are concerned that the issue is currently at risk of being seen as fashionable and that once its current popularity passes, interest and resources may wane. We want to emphasise that in order for real progress to be made in assisting the victims of this type of violence, a sustained and *long term* approach is essential.

We are also concerned that much of the information about HBV seems to concentrate on incidents involving the death of the victim. It needs to be understood that for every one of these incidents, there are a multitude of less high profile incidents, where the HBV takes a less dramatic form, and where

the victim is subjected to 'punishment' for 'bringing dishonour on the family' by being subjected to long term low level physical abuse and bullying. Such abuse is often carried out by multiple perpetrators and may, therefore, be harder to pinpoint and may also make the victim feel that the task of escape is impossible. We need to be alive to the fact that victims of this type of abuse may find it extremely hard to take steps to extricate themselves from their plight, particularly as, in so doing, they may feel that they really *are* bringing shame on the family by revealing the abuse that they have suffered.

In short, then, the main thrust of these brief submissions is that we consider that there is a wealth of valuable work currently being undertaken in both the areas of FM and HBV. This is an extremely positive development. The challenge will be to take that work in the long term to ensure that real and lasting changes are made and sustained.